



SPARK AND CANNON

TRANSCRIPT OF PROCEEDINGS

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THE HONOURABLE TIMOTHY FRANCIS CARMODY SC, Commissioner

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

IN THE MATTER OF THE COMMISSIONS INQUIRY ACT 1950

COMMISSIONS OF INQUIRY ORDER (No. 1) 2012

QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY

BRISBANE

..DATE 05/12/2012

Continued from 04/12/2012

..DAY 5

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.

MR COPLEY: Good morning, Mr Commissioner.

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COMMISSIONER: Good morning.

MR COPLEY: Mr Commissioner, I hand up a copy for your own records as well as a copy that I intend to tender of the Queensland Government Gazette for 26 May 1990. The gazette notices there record that his Excellency the governor acting by and with the advice of the executive council approved the resignation tendered by his Honour Judge Royce Noel Miller of his appointment as a judge of District Courts as from midnight on 25 May 1990 and that his commission as a judge be cancelled accordingly. It goes on to record that his Excellency the governor acting by and with the advice of the executive council and in pursuance of the provisions of the Director of Prosecutions Act approved that Royce Noel Miller QC be appointed director of prosecutions on and from 26 May 1990 for a period of five years. So it clarifies an issue that arose with Ms Flynn yesterday in re-examination, at least.

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COMMISSIONER: Yes, I understand. That will be exhibit 214.

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ADMITTED AND MARKED: "EXHIBIT 214"

MR COPLEY: I hand up to you a copy for your records and a copy to tender of a memorandum addressed to Ruth, signed by someone called Ian, concerning the John Oxley Youth Centre inquiry. The document is undated, but reading the terms of it, it was a document that seemed to be written at a time when the future of Mr Heiner's inquiry was still up in the air, and it is assumed for present purposes that the Ruth referred to is Ruth Matchett and that the person Ian is Ian Pearce, an officer of the Department of Family Services. Mr Bosscher asked me yesterday if I would tender that document and after checking that I hadn't already tendered it in the material I agreed to do so. So I do tender it and suggest that because it's - that if we proceed on the assumption for the moment that it is a document written by Ian Pearce, to keep it handy to a document he indisputably wrote so that we can check it with him, I'd ask that you make it exhibit 131A.

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COMMISSIONER: The note to Ruth will be exhibit 131A.

ADMITTED AND MARKED: "EXHIBIT 131A"

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MR COPLEY: Thank you. I call Gordon Cooper.

COOPER, GORDON affirmed:

COMMISSIONER: Yes, Mr Copley?

MR COPLEY: Could Mr Cooper be shown a copy of his statement which is exhibit number 11? Mr Cooper, would you

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COOPER, G. XN

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look through that document, please, once you've perhaps got your glasses on to ascertain whether or not that is the statement that you provided on 5 October 2012?---Yes, that appears to be the statement that I gave at the time. 1

Thank you, and between 1987 and 1994 you were employed as a teacher at the John Oxley Youth Centre?---That's correct.

So were you for part or all of that time an employee of the Department of Education?---No.

No?---It was the Department of Family Services, I think, at that time. 10

Okay, even though you were employed as a teacher?---As a teacher, yes.

Were you a person who had accreditation as a teacher?---Yes.

Like an ordinary state school teacher?---Yes. I'd worked originally in that kind of work at Sir Leslie Wilson Youth Centre under the education department, then transferred there to family services at Sir Leslie Wilson and then moved to John Oxley when Sir Leslie Wilson closed down. 20

In late 1989 and early 1990 you were aware that there was an inquiry or an investigation being conducted at the John Oxley Youth Centre?---Not until it was under way and only then by incidental comments that I heard in the staff room, et cetera.

You state at paragraph 13 of your statement that you - you state, "I was never asked to be interviewed by this man"? ---That's right. 30

"Nor did I ever provide any statement or submission to the inquiry"?---That's correct.

Is that the truth?---Yes.

On a matter that is said by some to be relevant, you were involved in an excursion to a place called the Lower Portals at Mount Barney, weren't you?---Yes, that's correct.

That excursion occurred on the 24th day of May 1988?--- Well, yes, I couldn't remember the exact date, but that was mentioned to me by the police officer. 40

All right. Well, perhaps if I give you a document to see if you wrote this document and if this document assists in refreshing your memory as to the date of the excursion. Perhaps if you go to page 2 to see if you recognise the signature and the name?---Yes, that's correct, but I would say at this stage I wouldn't have been able to recall the

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COOPER, G. XN

date, but it appears - - -

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No, but does that document bear your name and signature on page 2?---Yes, it does.

That document is headed Outline Report on the Excursion from John Oxley Youth Centre to the Lower Portals area of Mount Barney National Park?---Yes.

In the paragraph below some obliterations would you read out the first line, please, "We left"?---"We left John Oxley Youth Centre at about 8.25 on Tuesday, 24 May."

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COOPER, G. XN

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Okay?---Travelling in tandem with no stops until we reached the carpark for the Lower Portals area at about 10 am. 1

All right. Well, it doesn't perhaps there clarify the date, but we'll work it out from other evidence. So that was a report that you provided to Mr Coyne about an incident to do with the absconding of some male detainees during that - - -?---That's correct.

- - - trip to the Lower Portals, isn't it?---Yes.

Now, the trip to the Lower Portals didn't occur out of the blue, did it?---No, it was reasonably well planned. 10

And was it a trip that had to be planned because you were taking inmates of the centre out of the centre into the community?---Yes.

Okay. And so were you required to develop a proposal to submit to the manager, Mr Coyne justifying or explaining why you wanted to have this trip?---That's correct.

Okay. I'll get you to have a look at this document, please. I'm going to ask you to read it out to us because there's a lot of handwriting on it. But first of all I want you have a look at the signature that appears about the middle of the page on the right-hand side. Is that your signature?---Yes. 20

Do you recognise the handwriting above that of the document?---Yes, I do. That's my own.

That's your handwriting?---Yes.

Okay. Well, could you just read everything on that document out to us, please?---Right. "Program name and brief description: environmental bushwalk." 30

Just stop there. Could you just go from the very top of the page, please. What does the very first line at the very top say?---Sorry, "Pre-planning form."

Okay. So where it says "pre-planning form", was this a document that you were required to fill out if you wanted to take children outside the centre?---Yes.

So it wasn't specific to this particular trip out - - -? ---No, that's - - - 40

- - - it was a form that you had to fill out from time to time?---That's right, yes.

Okay. All right. So the first line you read out after that was "program name" and "brief description"?---Yes.

Could you read from there?---"Environmental bushwalk to the

Lower Portals area of Mount Barney National Park. The name of staff members and the final decision is by the review panel. Bob" - would you like me to explain the full name of these people? 1

If you name the full name of the person, tell us?---Yes. Bob O'Henley, who was a teacher there - - -

Okay, so - but all that is written is "Bob"?---Right. Gordon, which is myself.

Yes?---Sarah, who was Sarah Monahan, was an art teacher there. Geoff, Geoff Manitski was a psychologist. And Karen, who was another teacher, Karen Merciales. 10

Okay. What does the next line say?---"Date planned for the program and duration: Tuesday, 24 May from 8 am" - I think it says 8 am - "to 4 pm.

Okay. Sorry, I cut you off before. There's some crossing out after the names you just read out. Can you determine what's written under the crossing out?---Sorry, "Plus a youth worker." 20

Okay. All right. And then there's - what's the next heading?---" Date planned for program" and "duration time".

Yes, you've read that, but the one after that?---The heading "Aims of the Program".

Yes?---"Socialisation within a natural environment," I think it says.

Okay. The next heading?---"Proposed children: final decision by review panel." 30

And are any of the children's names left there that are visible?---The only one left is Annette.

Okay. The next heading?---"Criteria for selection: school attendance." These were all children who actually participated in school program.

So does that mean you were only willing to take children that were participating in the program with you?---Yes, that's right. Because they were - we were sort of supervising it as teachers. 40

Okay. All right. The next heading, please?---"Materials required and where obtainable," and I just put it, "Bus and station wagon and lunch."

Okay?---Indicating that the food was choice of someone else.

Right. And your signature, you've said, is over on the

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COOPER, G. XN

right-hand side?---Yes.

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And what's the word written under the word "signature" there? Can you make out that word?---Sorry, no, I can't.

Okay. Then there's a big long unbroken line and then a heading saying Approval?---Yes.

Do you recognise the writing beside that?---Does it say "review"? I don't know, it's not very clear, and then "19/5".

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So that might mean 19 May?---Yes, I would assume so.

And then it says "funding"?---"Funding?", obviously to no funds were required. "Materials obtained and available," there's no comment there, and then I don't know who the signature is, "principal youth worker, programs."

Okay. Mr Commissioner, I tender that document.

COMMISSIONER: Just the next number?

MR COPLEY: Yes, I think so. No, I'm just tendering and one in your left hand - sorry, right hand.

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COMMISSIONER: That will be exhibit 215, and it's described as "preplanning form"?

MR COPLEY: Yes.

ADMITTED AND MARKED: "EXHIBIT 215"

MR COPLEY: And I provide a copy for you, Mr Commissioner, and a copy for Mr Hanger, and I've given a copy to Mr Harris and a copy to Mr Bosscher.

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Now, after you came back from the trip to the Lower Portals on 24 May you were required to prepare a report, weren't you?---Yes.

And that was the document that I showed you before? ---That's right.

And what did that report concern?---Some boys had absconded as we were approaching the end of the trip back to the car - to walk back to the car.

40

Yes?---And that's what the report was aimed at.

And who asked you to write that report?---Peter Coyne, who was the manager at that time.

Okay. Did you discover, or were you told something about Annette Harding after you got back to the John Oxley Centre that evening?---Not that evening.

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COOPER, G. XN

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Not that evening?---I think it was a couple of days later - - - 1

Yes?--- - - - when I was informed of that incident.

Okay. Who informed you of it?---I can't honestly remember, but I would be surprised if it wasn't Peter Coyne.

And leaving aside for the moment who it was that informed you, do you recall what they told you?---Just that Annette had been sexually interfered with by one of the other inmates, the people on the outing, and at the time I was informed that a pregnancy test had been carried out. 10

Okay?---The result of which, I have no idea.

No. And was that the first - when that person told you that, was that the first you were aware of anything incident?---Of that incident, yes.

Okay. And did Queensland police officers ever come and speak with you about the incident concerning Annette Harding?---Yes. 20

Do you recall what year or years the police approached you? ---I don't, but just - the home we live in now, we've been in for just over 12 years and I've been approached four times by police over that incident and another one at (indistinct)

Okay. Since you've moved into that home?---Since I've been in that house. The last one, which Officer Peira was the fourth one.

Okay. And Officer Peira you understood was a person attached to this commission of inquiry?---Yes, that's right. 30

Yes. Prior to moving to the house 12 years ago let you now living, had the police ever approached you prior to that, do you remember?---No, I don't think so.

Okay, thank you. Casting your mind back to 1989, 1990, around the time that there was the investigation that you became aware was going on at John Oxley?---Yes.

You state at paragraph 15 of your statement that you did not make any statement or submission to that inquiry? ---That's correct. 40

By that do you mean to include that you didn't make any written statement or any written submission to the inquiry? ---I didn't make any statement at all, written or verbal.

Okay, thank you. No further questions.

COMMISSIONER: Thank you. Mr Bosscher.

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MR BOSSCHER: No questions, thank you, Commissioner.

COMMISSIONER: Mr Harris?

MR HARRIS: Thank you, commissioner.

Mr Cooper, I've just got a few questions to ask you with respect to the matter. Reading your statement of witness to this inquiry, you were present - in paragraph 17 you say that you did the outline for the excursion to the Lower Portals. That was the Annette Harding incident, wasn't it?---Sorry?

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You said at paragraph 17 of your statement to the inquiry that you furnished a report, which Mr Copley gave you, and it says - the report is entitled Outline Report on Excursion From John Oxley Youth Centre to the Lower Portals, so you were at the Mount Barney incident?---Yes.

The Mount Barney thing. Did you ever make a statement to the police with respect to that incident; any statement to the police shortly after thereafter?---Not shortly after.

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COMMISSIONER: Just a second.

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MR COPLEY: I think Mr Harris should clarify which incident he's referring to, whether it's the one he's called the Annette Harding incident or is he alluding to the absconding by boys or does he mean both?

MR HARRIS: Did you make a statement to the police with respect to the absconding incident by the four boys?---As we left the area with the - there being children in the car, myself and one of the other people took them back to the John Oxley Youth Centre. We stopped. A police car was approaching the area and we spoke to the police officers there. Other than that, I didn't make a statement to any police about the incident.

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Now, after you were told of the Annette Harding incident, did you make a statement to the police then?---No.

All right. I just want to take you to paragraph 12 of your statement and there you say that you attended to the Wivenhoe Dam and this was what I would - you said you later learned of sexual allegations by one of the female detainees?---Yes.

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Did you know that female detainee?---I couldn't recall the name at all.

Was any statement made with respect to those sexual allegation claims to the police?---I didn't say anything at the time. I mentioned it - that I was present at the incident, at the outing to the dam, but I had never made a statement to police other than that.

With respect to those three incidents, we know you've done the report with respect to the absconding?---Yeah.

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Did you do a report on those other two incidents, the one with - the Wivenhoe Dam incident and the incident at the Lower Portals. Did you do a report to the department on either one of those?---No.

No reports?---I don't recall, no.

Okay. Were you ever asked to do a report?---No. I would have done one had I been asked.

Shortly after the Lower Portals incident, did you attend to a meeting called by Mr Coyne in the eating area of the John Oxley Youth Centre?---I think so. This was - yeah, in what we used to call the staff room, yes.

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Can you recall how long after the incident that that meeting took place in the eating area?---I'm sorry, I can't. It would be fairly shortly afterwards, but as far as time - - -

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COOPER, G. XXN

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Would you say the next morning?---Yes, possibly. 1

Okay. Do you recall what Mr Coyne told you at that meeting?---Only that there were allegations of sexual interference with Annette and another boy who was on the outing.

Mr Coyne never asked you to do a report specifically on what you knew of that sexual assault?---No, not of that part of the - on the absconding, yes, but not of the other part of the incident. 10

All right. Just one moment. In the report that you made to Mr Coyne about the absconding, you make no mention of Annette's demeanour. Can I take by this there was nothing different about her demeanour?---No. I didn't notice anything different. She seemed to - - -

Did Mr Minitzki ever raise with you at the Lower Portals that Annette had been assaulted?---No, not at the Lower Portals. No.

No further questions, your Honour. 20

COMMISSIONER: Thank you. Mr Hanger?

MR HANGER: I've no questions.

COMMISSIONER: Mr Copley?

MR COPLEY: If Mr Coyne had asked you to prepare a report about what you knew about what happened to Annette Harding at the Lower Portals, what would you have been able to have stated in the report?---Other than - I think it's in the report here - that the group of people that got away from - when I say "got away from us" they moved up the creek and over a hill. Myself and Geoff Minitzki went to find them and we saw them all and Annette was stood kissing one of the boys. Other than that, I wouldn't have been able to add any more. 30

Okay?---I didn't see that as being extreme.

But did you actually see the kissing?---Yes.

I see. Okay. No further questions. May the witness be excused? 40

COMMISSIONER: Yes.

Mr Cooper, thank you for coming. You're released from your obligations of your summons?---Okay.

Good. Thanks.

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COOPER, G. XXN
COOPER, G. REXN

WITNESS WITHDREW

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COMMISSIONER: Yes?

MR COPLEY: Mr Commissioner, turning then to the exhibit, Mr Cooper's statement, it, in my submission, can be published except for the name in paragraph 12 that is four lines down, paragraph 12, the second name, which is probably a nickname, that appears on that line. My contention is that should be obliterated as it has been in connection with other statements.

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COMMISSIONER: Yes, all right. Consistently with other statements, I'll order that Mr Cooper's statement, which is exhibit 11, be published in full except for the removal of the nickname on the fifth line starting with "the" in paragraph 12.

MR COPLEY: I call June Yvonne West and exhibit 54 is relevant to this witness.

COMMISSIONER: Thank you.

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COPLEY SC, MR

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WEST, JUNE YVONNE sworn:

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MR COPLEY: Could Ms West be provided with exhibit 54, please?

COMMISSIONER: Yes.

MR COPLEY: Ms West, would you like to look at that document and just look at the foot of each page and then look on the last page to see whether or not it's a document that you signed on 30 October 2012?---You asked me to read through? No?

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Well, you don't need to read every word of it. You can if you want to?---No.

But I wanted to make sure that that was your statement, that the signature on it was your signature?---Yes. Yes, it is.

It is?---It is.

All right, thank you?---I'm sorry.

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That's okay?---I have a hearing problem.

Okay, so shall I speak up loudly?---Well, no, I think it will be all right.

Okay, thank you?---Do I keep this?

Yes, hang onto it for the moment, but don't take it away with you?---All right.

Because it's ours now. Mrs West - is it Mrs or Ms?---It's Mrs.

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Mrs?---Yes.

Mrs West, you worked at the John Oxley Youth Detention Centre from around about 1987 until 1992. Is that so?---I did, that's true.

So you were there when Mr Coyne was the manager?---Yes, Peter.

Yes, and as far as you were concerned, he was a marvellous man?---I firmly believe he was.

40

Yes, fair enough, but there was a man appointed to come and conduct an investigation there during Mr Coyne's time, wasn't there?---Yes, there was.

You spoke with that gentleman?---I did.

Do you remember his name?---No, I don't.

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WEST, J.Y. XN

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Where did you speak with him?---In one of the - in an office. 1

Yes, and how was it that you came to be speaking with him?
---Well, I would have been asked to go to that interview.

You didn't volunteer to go?---No.

Do you remember who asked you to go?---No. It would have been a superior.

Could it have been Peter Coyne?---I don't think so. 10

Anne Jutney?---It could - look, I don't remember.

Okay?---I was just a youth worker. We had senior youth workers and a principal youth worker, so it could have been anyone.

All right, and when you went to speak with this gentleman was it only you and him in the room or were there other - - -?

---No, I think there was a woman there. 20

Okay?---I think.

Was your conversation recorded in any way?---I think so. I believe it was.

Do you recall how they recorded it?---I thought a tape.

Okay?---I thought, yes.

Do you remember whether it was morning or afternoon or night-time?---No, I don't; no. 30

You don't, okay. Now, in your statement you state that you recall that the conversation with the man was brief because you had no complaints to make?---No, none whatsoever.

Did he ask you questions?---He must have, yes.

All right. You state at paragraph 8 that you were never aware of any sexual abuses or allegations of abuse at John Oxley - - -?---Never.

- - - at the time of the inquiry, nor did you ever speak with this man about any allegations of sexual abuse?---I didn't - - - 40

Is that the truth?---It is the truth, yes.

Thank you. Now, I want you to have a look at this document, and I provide a copy of it for you, Mr Commissioner.

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WEST, J.Y. XN

COMMISSIONER: Thank you.

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MR COPLEY: The writing has become a bit faint because it seems to have been photocopied a couple of times over the decades, but do you recognise the handwriting on the paper? ---That's my handwriting.

Is it?---It is.

Well, starting with the date which is on the right-hand side there, can you read out everything that you wrote on that piece of paper?---I think so.

10

Would you please read - - -?---It is a bit blurred, as you say. "On Friday, 27th of - - -"

Hold on a sec. I want you to read out exactly everything that you wrote on there. So did you write the date?---Yes.

Would you read that out to me, please, as it is written? ---27/5/88.

Okay, what about the writing that's up there above that line? Can you see that?---30/5/88.

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Is that what it says?---Yeah.

Okay, good, thanks. I just want you to read everything out on there.

COMMISSIONER: Verbatim.

MR COPLEY: Now, you've done that, you've read out "30/5/88"?---Yes.

See, we don't want to waste time in a couple of months' time having an argument here about what this says. That's why I want you to tell me what it says, exactly. So if you will just humour me and now read it out for me, please?--- Well, I've dated it 30/5/88.

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Right?---"On Friday, 27/5/88 I accompanied Annette Harding to the Mater Children's Hospital for a medical examination with Dr Marie Crawford" - sorry - "from the social work section," and I've signed it.

Okay, you've signed it Yvonne West, have you?---June West.

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June West?---Youth worker.

Youth worker. Thank you. I tender that document and perhaps it could just be numbered as the next exhibit.

COMMISSIONER: It will be exhibit 216, thanks.

ADMITTED AND MARKED: "EXHIBIT 216"

5/12/12

WEST, J.Y. XN

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MR COPLEY: Mrs West, do you remember why it was that you had to write that document out?---I would have been requested to do that from a superior. 1

Do you now have a recollection of accompanying that person to the Mater - - -?---I'm sorry, I don't have any recollection at all.

Okay?---I don't know that - I used to take children out and I'd drive, but on this occasion I can't even remember driving or having someone else drive us. 10

Right?---I can't remember, I'm sorry.

So you can't remember whether you were the only person, for example - - -?---No.

- - - to accompany that person to the hospital?---No, I can't.

No further questions.

COMMISSIONER: Thank you. Mr Bosscher? 20

MR BOSSCHER: No questions, thank you, commissioner.

COMMISSIONER: Thank you. Mr Harris?

MR HARRIS: Thank you, commissioner.

Ms West, just a quick question. In the note that you wrote there you say, "On Friday, 27/5/88, I accompanied Annette Harding to the Mater Children's Hospital for a medical examination with Dr Marie Crawford." Was that the doctor that was there?---I don't know. 30

You don't know?---No, I don't.

You don't know from - and of course you go on to say, "From the social work section," so I'm just trying to work out if Dr Crawford was from the social work section or from the Mater Hospital?---I think it would be from the hospital.

Okay. No further questions.

COMMISSIONER: Thank you. Mr Hanger? 40

MR HANGER: No questions.

COMMISSIONER: Thank you. Mr Copley?

MR COPLEY: May Mrs West be excused?

COMMISSIONER: Yes. Mrs West, you're released from the obligation of your summons. Thank you for attending and

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WEST, J.Y. XN
WEST, J.Y. XXN

giving your evidence?---Thank you.

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WITNESS WITHDREW

MR COPLEY: There is nothing contained in Mrs West's statement that should be or requires to be obliterated and in my submission it can be published in its entirety.

COMMISSIONER: I direct that exhibit 54 be published in full.

MR COPLEY: I call Teresa Ellen Parker, and exhibit 43 is relevant to her.

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5/12/12

COPLEY SC, MR

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PARKER, TERESA ELLEN affirmed:

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ASSOCIATE: For recording purposes please state your full name and your occupation?---Teresa Ellen Parker, currently unemployed.

MR COPLEY: Could Ms Parker see exhibit 43, please.

COMMISSIONER: Yes.

MR COPLEY: Ms Parker, could you just look at the signatures on that document to ascertain whether or not that is in fact the statement that you provided to the police on 8 November 2012?---Yes, that is correct.

10

Okay, thank you. You were not ever employed at the John Oxley Youth Centre, were you?---No.

But you used to visit there from time to time?---Yes, as a departmental employee.

Okay. And in what capacity would you visit there?---To visit young people that were currently on our books at the youth unit.

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Sorry, that were?---Currently on our book at the youth unit, or other offices that I might have been employed in.

All right. How frequently would - back in 1989 or 1990 were you visiting John Oxley?---Yes, but not very frequently at all because we were working mostly with young people on the streets.

Right, okay. I'll just get you to have a look at this document, please, and it might assist you in determining whether or not you visited there at least on one day in that period?---Yes. Yes, that was a one-day outing. I believe another worker was probably with me that day. One of those two young people in particular was one of my children at the time.

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Okay. What date does that document disclose that you attended the centre?---2 November 1989.

All right. Did you write that document yourself?---No, not this document, no.

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Okay. But was it a document that they then generally kept detailing what people were doing there?---I've no idea.

All right?---Because of this isn't a form that I contributed to.

No, it's not, but it does record your name on it?---Yes.

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PARKER, T.E. XN

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Yes. And do you recall taking children on outings from the centre?---Yes. 1

Okay?---Yes.

And without reading out the names of the children that you were allegedly taking out on that day, do you recognise their names and remember them?---One in particular, the other name is familiar to me.

Okay. And do you recall taking that one in particular out on an outing?---Yes. 10

Okay, thank you. All right. Now, I'll have that document back, thanks. You have stated in your statement at paragraph 11 that you have a vague recollection of an inquiry going on at the John Oxley Youth Centre?---Yes.

But you state you did not get involved in the inquiry, that you did not give evidence to this inquiry and did not provide anything in writing to the inquiry?---Yes. I don't have any strong memories of it at all, only that there was something happening. 20

But is it true that you did not give evidence to it or provide any written - - -?---That's correct.

- - - material to it?---That's correct.

Okay. You go on to state that you did not know of any incidents of sexual abuse at John Oxley and you have never given any evidence relating to sexual abuse their to any inquiry or court?---That's correct.

Is that true?---That's correct. 30

Thank you. I have no further questions.

COMMISSIONER: Thank you. Mr Bosscher.

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

MR HARRIS: I have no questions, Commissioner.

COMMISSIONER: Mr Hanger. Mr Copley.

MR COPLEY: No re-examination. Maybe witness be excused? 40

COMMISSIONER: Yes. Thank you very much for coming, Ms West [sic], you're released from the obligations of your summons.

WITNESS WITHDREW

MR COPLEY: There's no reason why the entirety of that

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PARKER, T.E. XN

statement can't be published.

1

COMMISSIONER: I direct that exhibit 43 be published.

MR COPLEY: I call Gayle Lesley Legget.

LEGGET, GAYLE LESLEY sworn:

ASSOCIATE: For recording purposes please state your full name and your occupation?--My name is Gayle Leslie Legget and I'm retired.

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COMMISSIONER: Good morning, Ms Legget. Yes, Mr Copley.

MR COPLEY: Thank you. Mr Commissioner, could the witness be shown exhibit 31.

Mrs Legget, would you just look through that document to ascertain that that is a statement that you have signed and provided to the police on 2 November 2012?---Yes, that is correct.

Thank you. You began work at John Oxley, you say, on 1 July 1990?---That's right.

20

What the records, if there are any from that place back in those days, record that you worked there but under a different name?---Yes. I was working there in my previous married name, which was Gayle Lesley Aitken.

Okay, thank you. Now, at paragraph 7 of your statement you state that when you worked there you became aware that an inquiry called the Heiner inquiry had gone on at the centre?---That's right.

And you state that you had had nothing to do with that inquiry as it had completed its course before you even started work there?---That's correct.

30

But in paragraph 7 you go on to talk about some factions - you call them factions - that were at the centre when you were there?---Yes.

Okay. You say there were two factions. Can you describe the two factions to the commission?---Well, it was very obvious to me - and I have to clarify that I worked in an administrative role, not as a youth worker - that there were people who really liked Peter Coyne, the previous manager, and there were those that did not like Peter Coyne, and it was apparent to me that management had quite a difficult role trying to get over that sort of factional groupings and just trying to get the workforce working together.

40

At the time you began working there was Mr Coyne employed at the centre?---No. Tim Evans was the manager of the

5/12/12

LEGGET, G.L. XN

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centre when I began working there. 1

All right. And did you perceive that that was an issue that he had to wrestle with, namely staff division - - -? ---Yes.

- - - between people that liked the previous manager and those that were unhappy with the previous manager?---Yes.

Okay. I have no further questions.

COMMISSIONER: Thank you. Mr Bosscher. 10

MR BOSSCHER: No questions, thank you, Commissioner.

COMMISSIONER: Mr Harris.

MR HARRIS: No question.

COMMISSIONER: Mr Hanger.

MR HANGER: No questions.

COMMISSIONER: Mr Copley. 20

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

COMMISSIONER: Yes. Ms Legget, thank you for coming, you're formally released from the obligations of your summons, with the commission's thanks?---Thank you.

WITNESS WITHDREW

MR COPLEY: There's no reason in my submission by the entirety of that witness's statement can't be published. 30

COMMISSIONER: Exhibit 31 published in full.

40

MR COPLEY: I called Grace Hazel Chong.

1

CHONG, GRACE HAZEL sworn:

ASSOCIATE: For recording purposes please state your full name and your occupation?---My name is Grace Hazel Chong and I'm a retired indigenous mental health worker.

MR COPLEY: Could the witness please be shown exhibit 9. Ms Chong, could you just look through that document to see whether or not it bears your signature on each page and at the end?---Yes.

10

Okay. And that is a statement that you provided on 7 November 2012?---Yes.

Thank you. Now, in your statement you state that at some time around 1990 you began employment at the John Oxley youth Centre?---Yes, that's right.

Do you recall what month of 1990 that you began work?---I think it was at the beginning of the month, around about say maybe April.

20

Okay, is that - - -?---This year, I'm sorry.

So as late as April?---Yes, yes.

Okay. When you started work there, who was the manager? ---The manager was Ian McIntyre.

All right. Prior to starting work there in April of 1990 had you ever been to the John Oxley Youth Centre?---No, I hadn't.

Not for a visit?---No.

30

Not to deliver something?---No.

Not at all?---Not at all.

Okay. No further questions.

COMMISSIONER: Thank you. Mr Bosscher.

MR BOSSCHER: Nothing, thank you, Commissioner.

COMMISSIONER: Mr Harris.

40

MR HARRIS: Nothing, Commissioner.

COMMISSIONER: Nothing from you, Mr Hanger?

MR HANGER: No.

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

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CHONG, G.H. XN

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excused? 1

COMMISSIONER: Yes. Ms Chong, thank you for coming and giving your evidence. You're formally released from the obligation of your summons. Thank you?---Thank you.

WITNESS WITHDREW

MR COPLEY: Exhibit 9, in my submission, can be published in its entirety.

COMMISSIONER: I order that exhibit 9 be published. 10

MR HANGER: There's some reservations there. Page 5 of 9, the second bottom paragraph and the bottom paragraph - no, I'm sorry. I'm looking at the wrong document there. My mistake.

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MR COPLEY: I call Jill Wesche.

1

WESCHE, JILL sworn:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Jill Wesche, retired.

Please be seated?---Thank you.

MR COPLEY: Could Ms Wesche be shown exhibit 53?

COMMISSIONER: Certainly.

10

MR COPLEY: Ms Wesche, would you like to just look at that document to see whether or not it bears your signature at the foot of each page and on the last page?---Yes.

That's the statement you gave to the police on 21 September 2012?---Yes.

Now in your statement you state that you transferred from the Cleveland Youth Centre in Townsville - - - ?---Yes.

You say Cleveland Youth Centre, it's the John Oxley Youth Centre at Wacol in about 1985?---Yes. There was a bit of a gap when I came down from Townsville. It could have been a couple of years before I went to work there because we just relocated.

20

Yes, yes. The evidence that has been tendered here would tend to suggest that that institution didn't exist in 1985?---Which one?

John Oxley?---No, I came down from Townsville in 85 and I started at John Oxley about 88. I think it was about a year old when I started.

30

Okay. All right. So if we were to read the first sentence in paragraph 4 of your statement it says - - - ?---In about 85. See, I couldn't - I don't know my starting year. That's what I would have said, about 85.

Okay. But on reflection, you think it might have been about 1988?---Yeah. We came down from Townsville in 84 and it could have been two, three years. I think John Oxley was about a year old when I started there.

Okay then. Thank you. You were employed in the capacity as a youth worker?---Yes.

40

You state that you were working there when an inquiry was conducted?---Yes.

You refer to it in paragraph 7 of your statement as the Heiner inquiry, "Conducted by a magistrate called Heiner"? ---That's what I understood.

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WESCHE, J. XN

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Did you know his name at the time the inquiry was going on? 1
---No.

Did you know he was a magistrate or former magistrate at that time?---No.

Did you ever see this man who was doing the inquiry at the John Oxley Youth Centre?---Not that I can recall.

You stated that you did not meet and were not interviewed by Mr Heiner?---That's correct. 10

You state that you did not provide to Mr Heiner, to the department or to any union a statement about any concerns that you might have had?---That's correct.

You said that you didn't know much about the inquiry?
---Correct.

But you said that at the time some other staff, mainly former employees of Sir Leslie Wilson Youth Centre, were not getting on with the manager Peter Coyne?---That's what I felt, yes. 20

Okay. Could you elaborate on that and perhaps give us some examples or some evidence as to what you saw or heard that causes you to have that feeling?---I just felt that they were a group that came over from Wilson and they very much liked the previous manager and they just weren't being very kind to the new manager. It was like a gang up and it's very hard when you get a group like that and I just felt maybe that he wasn't getting a fair go. That was all.

Okay. That's Peter Coyne?---Yes.

You detail an incident at paragraph 15 of your statement from your days at the Cleveland Youth Centre and without going into the name or names of the people involved, I just want to ask you did you report what you were told to anybody?---No. I may have told a senior the next morning when she came on that I had been over to that wing and the lass was very upset, but the lass didn't say much to me. 30

Okay. So you may not have told the more senior officer what the girl had said, just that she was upset?---Oh, yeah. She was very upset.

Are you agreeing with that proposition that you may not have told the more senior officer what she had actually said, just reported the fact that she was upset?---Yes. Yep. 40

No further questions.

COMMISSIONER: Thank you. Mr Bosscher?

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WESCHE, J. XN

05122012 06/JJT(BRIS) (Carmody CMR)

MR BOSSCHER: No questions, thank you, commissioner. 1

COMMISSIONER: Thank you. Mr Harris?

MR HARRIS: No questions, thanks, commissioner.

COMMISSIONER: Mr Hanger?

MR HANGER: No questions.

MR COPLEY: No re-examination. May the witness be excused? 10

COMMISSIONER: Yes, thank you very much for coming, Ms Wesche?---Thank you.

You're formally excused from the obligations of your summons?---Thanks.

WITNESS WITHDREW

MR COPLEY: Concerning exhibit 53 - - -

COMMISSIONER: Yes? 20

MR COPLEY: - - - and consistently with the practice that has been adopted in the last day or two, I submit that the nicknames that appear in paragraphs 12 and 13 should be obscured before the exhibit is published and before you ask for submissions from others, the nicknames and proper names of the persons referred to in paragraph 15 should be obscured from publication.

COMMISSIONER: Yes, all right. I will direct that Ms Wesche's statement, which is exhibit 53, be published in full except for the removal or the prior removal of the nicknames in paragraph 12 and the proper names and nicknames in paragraph 15. I thought it was 12 and 15. 30

MR COPLEY: I said 12, 13 and 15.

COMMISSIONER: 12, 13 and 15? Yes. Okay. The nicknames in 12 and 13 and both proper names and nicknames in paragraph 15. 40

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MR COPLEY: I call Dennis Gary Everett.

1

EVERETT, DENNIS GARY sworn:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---My full name is Dennis Gary Everett. I'm a program delivery officer with the Department of Corrective Services.

MR COPLEY: Could Mr Everett be shown exhibit 16?

Would you like to look at that document that has just been handed to you to see whether or not you have signed each page of that document and also signed the last page of it? ---Yes.

10

That's a statement that you have provided to the police on 3 October 2012?---Yes.

You worked at the John Oxley Youth Centre between February 1989 and 10 June 1990?---Yes.

You stated that there were factions within the John Oxley Youth Centre between staff and management?---I was told by other youth workers there were factions when I first started to work there and one particular person, his name was Gerry - I have since found out his name was Brian Cartilage - suggested that I say right out of the factions, so that's how I knew about the factions.

20

What was your understanding of who the factions were aligned in favour of or against?---I knew it was to do between youth workers - well, I understood it to be between youth workers - some youth workers and the management, Peter Coyne and his management team.

30

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EVERETT, D.G. XN

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Okay?---As I understood it.

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All right. Did you get involved in those factions at all?
---No.

At paragraph 9 of your statement you state that there was an invitation circulated to staff members to make verbal or written submissions or statements to a person you call Judge Heiner outlining concerns about the management at John Oxley and you also state that any information provided to the inquiry was to remain confidential?---Yes.

10

Where did you derive the understanding from that any statement given to Judge Heiner, as you called him, would remain confidential?---Well, I learnt about the - I guess it was an inquiry. I learnt about the inquiry I think from other staff, from memory. I can't remember who told me, but that was mentioned to me a few times, that the information - any information I had that I gave to the inquiry would be kept confidential. Probably from other staff members or - - -

Did you meet with this man who you understood to be Judge Heiner?---My recollection at the time was that - I deliberated for quite a while before I decided to see Judge Heiner. I can't remember going to court to see him, but I - - -

20

Do you remember where you saw him?---No. I think - I'm not sure. I think it was in Brisbane somewhere, but I'm not sure. I just can't remember.

Right, and when you saw him did you give him any documents?
---Yes, my main concern was the fact that I had a glowing reference from Peter Coyne which indicated that I was quite - a very good worker and I wasn't getting work, and there was sort of - I felt like I was being treated unfairly or discriminated against, so after some time I decided, yes, well - I deliberated whether I would go to see Judge Heiner or not, but I thought - well, I thought it was unfair, so I decided that I would go, and I took this letter of reference with me to submit to the inquiry.

30

Do you recall what you said to Judge Heiner?---No, I can only think that I would have talked about how I felt that I was being treated unfairly in regard to being allocated shifts.

40

Were you a casual worker, were you, at the time?---I was casual and temporary. I know that I sent a copy of a reference to - after I signed this statement I found a copy of a reference which indicated that I was working some part-time and some casual work over the period I was there.

Okay. I'll just get you to have a look at this document, please?---Until I saw that I wasn't clear about how often I

5/12/12

EVERETT, D.G. XN

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was working permanent or casual.

1

Does that document assist about when you were casual as opposed to permanent?---Yes.

What does it tell us about when you were casual?---I was a casual youth worker from 18 February 89 to 20 February 89, a temporary youth worker from 21 February to 29 October 89, a casual youth worker from 30 October to 4 March 1990 and a temporary youth worker from 5 March 1990 to 10 June 1990.

Okay?---That's when I left the centre.

10

So at the time you saw - well, do you recall when you saw Mr Heiner?---No, I don't.

All right, I'll have that document back, thank you. You stated at paragraph 10 that at no time during your conversation with him did you make any mention of any other management issues or sexual abuse allegations or concerns in relation to John Oxley Youth Centre?---I can't remember mentioning anything else, because that was my main concern, the fact that - the issue I talked about a minute ago.

20

You go on to state that after you spoke with Mr Heiner you received a telephone call from Peter Coyne?---Yes, it wasn't long after I went to see Judge Heiner. It was a matter of days, I think. I was on shift at John Oxley Youth Detention Centre on the night shift from 11 pm to 7 am that I - it must have been about 5.30 in the morning I received a phone call in the accommodation wing from Peter Coyne and the message he conveyed to me was that I'd ruined his life and his family's life. Something like that, it was.

Did you understand from the conversation what it was that you had done that made him say that?---Well, I presumed it was related to me going to see Judge Heiner, but I just couldn't understand how he got that information.

30

Why did you - - -?---At that stage I didn't know that he had access to that information.

Okay, but why did you make the assumption that it was connected with you going to see Mr Heiner?---Well, I couldn't think of any other reason why he would ring me at that time of the morning and I couldn't think it would relate to anything else. That was my presumption.

40

No further questions.

COMMISSIONER: Mr Bosscher?

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MR BOSSCHER: Thank you. Were you surprised that Mr Coyne knew you had been to see Judge Heiner?---Sorry, what was that? Was I surprised that?

That Mr Coyne knew you'd been to see Judge Heiner?---Well, I wasn't sure that he knew. I guess I was more shocked about the call rather than thinking about - no, I guess I was. I was surprised that if that was the reason for it he was - that he knew about that, yes.

10

You had been told, I think, from your statement, by Judge Heiner that anything you conveyed to him would remain confidential?---Yes, I'm pretty sure that was conveyed to me when I went to see Judge - - -

You deliberated or pondered for a little while before you made the decision to go and see Judge Heiner?---I did. I left it for quite a - for a while.

Once you'd made that decision what was the process then for organising an appointment to go and see Judge Heiner, do you recall?---No, I can't remember. I can't remember even seeing him, but I know that I handed a copy of that letter to - or I handed the letter to him.

20

In your statement you indicate that you believed you saw him at an office somewhere in Brisbane. That's right?---Yes, but I'm still - I'm still very vague about that, yes.

Do you have a recollection of where else you could have seen him?---It may have been at the detention centre. I just don't know.

But your best recollection is, given your statement, that it was somewhere in the - in an office in Brisbane?---Yes. That's not very clear, though.

30

Thank you, commissioner.

COMMISSIONER: Thank you. Yes, Mr Harris?

MR HARRIS: No questions, commissioner.

COMMISSIONER: Mr Hanger?

MR HANGER: No questions.

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COMMISSIONER: Mr Copley?

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

COMMISSIONER: Yes, Mr Everett, you're formally released from the obligations of your summons. Thank you for your

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EVERETT, D.G. XXN

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evidence and your attendance.

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WITNESS WITHDREW

MR COPLEY: I draw your attention, Mr Commissioner, to paragraph 14 of the statement of Mr Everett.

COMMISSIONER: Yes.

MR COPLEY: I point out that in three places in that statement there's the name given of a child detainee and submit that the statement could be published after that name, where it occurs three times there, has been obliterated.

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COMMISSIONER: Yes. I direct that exhibit 16 be published except for the names mentioned in paragraph 14.

MR COPLEY: I call Kenneth Wallace Kleidon, and exhibit 27 is relevant to this witness.

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5/12/12

COPLEY SC, MR

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KLEIDON, KENNETH WALLACE sworn:

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ASSOCIATE: For recording purposes please state your full name and your occupation?---Kenneth Wallace Kleidon, and I'm retired.

MR COPLEY: Could Mr Kleidon be shown exhibit 27, please. Would you just look at that document to see whether or not your signature appears at the foot of each page and at the end of it?---Yes, it is.

Okay, thank you. That's the statement that you gave to the police on 8 October 2012?---Yes.

10

Thank you. Now, you worked at the Sir Lesley Wilson Youth Centre?---For some months, yes.

Yes. And at the John Oxley Young Centre, did you work there?---For some months at John Oxley. What was the first one, did you say?

Sir Lesley Wilson?---I worked there for years, for years.

Right, yes?---Sorry.

20

But did you go over to John Oxley for a little while? ---Yes, I was at John Oxley for some months.

Yes. And then you went back to Sir Lesley Wilson?---Then back to Wilson.

Right. Now, in your statement you state that you were aware that there was an inquiry conducted into the John Oxley Youth Centre?---Yes.

And you were asked to provide a statement or a submission to it?---Not to the inquiry.

30

Not to the inquiry, no?---But I was asked to put a submission in.

Who did you give the submission to?---Wayne Mills from the AWU.

Okay. And who asked you to provide the submission?---I think it was my manager at the time at Wilson, Jan Doyle.

Okay?---And I only think that.

40

Right. Did you in fact give a submission to Mr Mills? ---Yes.

Was it a written submission?---It was written.

Was it typed or handwritten?---Handwritten.

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KLEIDON, K.W. XN

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Okay. Was it one page, two pages, or do you remember? 1
---About two pages, I'd say.

Okay. Do you recall what the submission dealt with?---Yes.
Us AWU blokes were a bit hot under the collar, which we
didn't agree with new policies that were coming out.

Yes?---Or people being appointed into positions.

Right?---But we claimed it was crazy, what they were doing.

Okay?---And we did not agree with the policies. 10

Right. So did the submission that you wrote direct
attention to any particular office or individual?---No.

Okay. Was it directed towards any particular government
organisation or institution?---To the Department of Family
Services.

Right. So it was critical of the department, was it?
---Yes.

Was it critical of any particular person in the department? 20
---Their current manager that I found down at John Oxley.
That was only my personal experience with him.

Yes?---I found him totally intolerable.

All right. And his name was?---Peter Coyne.

All right. How long did you work at John Oxley?---I think
I was there for about five or six months.

And was he the manager when you were there?---He was the
manager when I was there and when I left there. 30

And you had dealings with him, did you, on a personal -
that is to say face to face - basis in that five or six
months?---I locked horns with him on numerous occasions,
yes.

Okay. You state in your statement that you, "Did not make
mention in my submission anything involving sexual abuse at
John Oxley Youth Centre." Is that true?---No, I was -
because I was a union rep - - -

No, I'm just asking you - - - ?---Sorry - - - 40

Just listen - - - ?---No, I didn't make anything about
sexual stuff.

Okay. All right. Now, did you ever actually go and speak
with a man called Noel Heiner?---No.

Or a lady called Barbara Flynn?---No.

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KLEIDON, K.W. XN

Okay. Did you ever go out to the John Oxley Youth Centre to be spoken to about the statement or the submission you gave to Wayne Mills?---No.

1

Did you ever go out to the John Oxley Youth Centre to talk about Peter Coyne with anyone?---No.

Did you ever get asked to come into the city here to see someone to discuss Peter Coyne?---No.

No further questions, thank you.

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COMMISSIONER: Thank you. Mr Bosscher.

MR BOSSCHER: No questions, thank you, Commissioner.

MR HARRIS: No question, Commissioner.

MR HANGER: No question.

COMMISSIONER: Mr Copley.

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

20

COMMISSIONER: Yes. Mr Kleidon, you're excused from further attendance and relieved from the obligations of the summons. Thank you for attending and giving evidence.

WITNESS WITHDREW

MR COPLEY: There's no reason why the statement Mr Kleidon provided can't be published in its entirety.

COMMISSIONER: I direct the publication of exhibit 27.

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MR COPLEY: Would now be a convenient time for a morning break?

COMMISSIONER: Yes.

MR COPLEY: Thank you.

THE COMMISSION ADJOURNED AT 11.23 AM

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05122012 08/ADH (BRIS) (Carmody CMR)

THE COMMISSION RESUMED AT 11.31 AM

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COMMISSIONER: Mr Copley.

MR COPLEY: Mr Commissioner, there are two more witnesses that I had intended to call today but neither of them are available before this afternoon, but they will be here at 2.30, both ready to be called at that time. So can we adjourn, please, until 2.30?

COMMISSIONER: Any other business? All right, I'll adjourn the public hearing until 2.30 this afternoon.

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THE COMMISSION ADJOURNED AT 11.32 AM UNTIL 2.30 PM

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COPLEY SC, MR

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THE COMMISSION RESUMED AT 2.32 PM

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COMMISSIONER: Mr Copley?

MR COPLEY: Mr Commissioner, I just want to put something on the record concerning exhibit 26, which was the statement, or is the statement, of Erich Kaltner. That man is a resident of Germany now and is in Germany at the present time and if you have regard to his statement you will see that he was transferred to the John Oxley Centre but left there around 1988 and he goes on to say at paragraph 6 that he did not give any information to anyone at any inquiry regarding his experiences of the John Oxley Centre. Mr Hanger, Mr Harris and Mr Bosscher have all advised me in writing that they have no questions to ask of Mr Kaltner, so in those circumstances he won't be called to give evidence in these proceedings. If he had have been, of course, we would have done him by telephone, not use taxpayers' money to bring him from Germany, but even that expense has now been spared, so that's good.

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COMMISSIONER: Excellent, thank you.

20

MR COPLEY: I call Arena Percival and exhibit 45 is relevant to this witness.

COMMISSIONER: Thank you.

PERCIVAL, ARENA sworn:

MR COPLEY: Could Ms Percival be shown exhibit 45?

COMMISSIONER: Yes, certainly.

MR COPLEY: Ms Percival, could you just look through that document to confirm that your signature appears at the foot of each page and at the end of it?---Yes.

30

That's a statement that you gave to the police on 12 September 2012?---11 September, yes.

12th? Does it say the 12th?---Yes. It's dated the 12th, yes.

Yes, it says on the front in the printing, "Date taken, 11 September"?---Yes, and I signed it the next day.

40

That's right?---Yes.

With the notation of 12 September on it. Now, you work now as a psychologist?---Yes.

But for a period of time between March and August of 1989 you worked at the John Oxley Youth Centre?---Yes, I did.

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PERCIVAL, A. XN

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At that time Peter Coyne was the manager of the centre?
---Yes. 1

You left the centre, you state, in August of 1989?---I think it was around that time, yes.

Okay, well, after leaving the centre did you ever return for the purposes of giving information or evidence or answering questions from anyone?---No.

You state at paragraph 10 of your statement that you don't know anyone by the name of Heiner?---No. 10

Do you also state at paragraph 11 that it wasn't until late 1999 or early 2000 that you became aware of allegations concerning the alleged mistreatment - well, you don't say "alleged", but that's - I should read it exactly. You say, "In late 1999 or early 2000 I became aware of allegations relating to mistreatment of children at the John Oxley facility around the time of my employment"?---Yes.

"I learnt of these allegations through newspapers and news articles. I remember feeling shocked at learning of these allegations as I had never witnessed any proof or substance to the allegations whilst employed there." Is your assertion that you never witnessed anything of that nature the truth?---Yes. 20

Thank you. No further questions.

COMMISSIONER: Thanks, Mr Copley. Mr Bosscher?

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

COMMISSIONER: Thank you. Mr Harris? 30

MR HARRIS: I have no questions, commissioner.

MR HANGER: No questions.

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

COMMISSIONER: Yes. Thank you very much for coming, Ms Percival. You're excused and relieved of the obligations of your summons?---Thank you. 40

WITNESS WITHDREW

MR COPLEY: Mr Commissioner, if regard is had to exhibit 45, my submission is that it can be published, however it would be necessary, in my submission, to remove the Christian name that twice appears in paragraph 6 of the document as it concerns a juvenile person, or a then juvenile person.

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PERCIVAL, A. XN

COMMISSIONER: What about the other identifying things in the last sentence, the age and the other factor there? I'm inclined to think that I might exclude that whole last sentence. 1

MR COPLEY: Perhaps if the last word on the second-last line was taken out then that would be sufficient to make it difficult, if not impossible, to identify the child.

COMMISSIONER: So that the name where it appears on the fourth line and the sixth line - - - 10

MR COPLEY: Yes, but I thought you were referring to the adjectives.

COMMISSIONER: I was, in the next line.

MR COPLEY: Yes, and I said if you took out the adjective on the second-last line, the last word on the second-last line, if that was obliterated that might be sufficient to - - -

COMMISSIONER: Yes. 20

MR COPLEY: But it's a matter - - -

COMMISSIONER: Yes. I think I'll take the age out too.

MR COPLEY: Okay.

COMMISSIONER: So I'll - no-one wants to be heard? I'll direct that exhibit 45 be published, except that the last sentence of paragraph 6 be deleted and the name starting with "S" at the beginning of the fourth line be deleted before publication as well. 30

MR COPLEY: Thank you. I call Daniel Francis Lannen.

LANNEN, DANIEL FRANCIS sworn:

COMMISSIONER: Thanks, Mr Lannen.

MR COPLEY: Could Mr Lannen be shown exhibit 30, please?

COMMISSIONER: Sure.

MR COPLEY: Mr Lannen, if you would look through that document to ascertain whether or not it is a statement that you provided to the police and signed on 26 October 2012? ---Yes. 40

It is?---Yes.

Thank you. You can hold onto that for the moment. Now, when you were employed at the John Oxley Youth Centre you met with someone connected with an inquiry. Is that

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LANNEN, D.F. XN

right?---Correct. 1

That meeting occurred at the John Oxley Youth Centre?
---Correct.

You say in your statement that the person you met with was
Barbara Flynn?---Yes.

Was she with anybody else?---Yes.

Who was that?---Just like an assistant. 10

An assistant. Male or female?---Female, I believe.

Was there a man present for the meeting?---No, I don't
recall it; no.

When you say you don't recall it - - -?---I don't remember
a man being there, sorry.

All right. So there could have been. Is that what you're
conceding by saying you don't remember it, or are you
positively asserting there wasn't?---I'm asserting there
wasn't a man there. 20

Aside from time upon - aside from this occasion when you
met Barbara Flynn, was that the only occasion you met with
Barbara Flynn?---Yes.

Was there ever an occasion when you met with a man called
Heiner?---No.

Now, you say in your statement that the meeting with
Barbara Flynn occurred in a conference room at the John
Oxley Youth Centre?---Yes. 30

Did it occur in the morning or the afternoon or can't you
say?---I don't recall.

40

And what form did the meeting take?---I just went in there and sat opposite her and the other lady and just asked questions. 1

And who asked the questions?---Barbara Flynn.

Okay. Was the meeting recorded in any way?---Again, it's a little bit vague, but I've got a feeling that her assistant was making notes as it went on, but there was no - I can't remember a tape recorder being there, no.

You don't remember a tape recorder?---No. 10

Okay. And do you remember now what the discussion was about?

---Again, it's a long time ago, it's a bit vague. Generally it was about what's happening in John Oxley.

Yes?---Yes.

But can you be more specific than that?---No, I can't.

Okay. Well, in your statement you say, "I think I told Barbara about the abuse of kids, including handcuffing, use of drugs, and victimisation of staff"?---Right. 20

So they're your words in your statement, aren't they? ---Yes.

I'm not making those up?---No, no.

By phrasing it that you think you told her about those things, are you attempting to convey that you're not really sure what you told her?---I'm not certain what I told her, no. 30

Right, you're not certain?---No.

You then go on at paragraph 32 to say, "I don't recall telling Barbara anything about sexual abuse"?---Right.

"However, I believe I would of" - perhaps meaning I would have - "spoken about this as it was a concern to me"? ---Sure.

So you seem to draw a distinction between what you thought you told Barbara Flynn - - -?---Right. 40

- - - and what you believe you told Barbara Flynn? ---Right.

Why do you draw that distinction in the statement?---I can't answer that, I'm sorry.

Of course it's obviously difficult to ask you questions about something you don't recall, but you say you don't

recall telling Barbara Flynn about sexual abuse, but you believe you would have spoken of it?---I don't recall specifically telling her about specific incidences, okay, but I do believe that I would have discussed that with her because it was a concern of mine at the time.

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Right, okay?---Yes. But I don't recall the specifics of it.

All right. Now, this investigation at John Oxley would not, at the time you were called or went down to see Barbara Flynn, have come as a surprise to you, would it? ---No.

10

Because you were one of the principal agitators for there to be some sort of an investigation or review of things going on at John Oxley, weren't you?---Yes.

You had written, prior to speaking with Barbara Flynn, two documents concerning goings on at John Oxley, hadn't you? ---Yes.

Okay. I'll just get you to look at some documents now so that we can be sure that what I put to you is correct? ---Okay.

20

Could you have a look at exhibit 62, please. Have you seen - is your signature on that document?---Yes.

Okay. Did you type it out?---I think my wife did.

Your wife did. Okay, but you signed it?---Yes.

And according to the front of it, it was addressed to the director general of the Department of Family Services, "Dear Mr Pettigrew"?---Yes.

30

Did you ever send that to Mr Pettigrew?---I believe I would have, yes.

Yes. Because it says over at the side that it was received? ---Right.

A Family Services stamp on it, doesn't it?---Okay. I didn't see that, yes.

Yes. So that we all might appreciate what's contained in it, Mr Commissioner, I propose the witness to read out the body of the letter.

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COMMISSIONER: Yes.

MR COPLEY: Would you be kind enough to read everything out after the words, "Dear Mr Pettigrew"?---Sure. You'll just have to excuse - I've recently given up smoking and

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I'm having a problem with my throat, so - - - 1

Okay, well, take your time - - - ?---I'm happy to read it out - - -

Have a drink of water when you need to?---Mm'hm.

Just take your time and go slowly?---Yes.

Do you have trouble making yourself heard?---No, I've just got a frog in my throat constantly, that's all. 10

Okay. Well, must take your time and have a drink of water, because there's a bit you're going to have to read out this afternoon?---Is there? Okay.

Yes?---Okay. "I'm writing to you personally - - - "

Do you need your glasses?---"- - - "because of my previous verbal contact with you and with the serious problems that I'm now facing as a youth worker at John Oxley Youth Centre. I've been asked to respond to a letter dated 17 August 89 from the manager, personnel services, which I am required to show cause why my probation period should not be extended by six months. My salary increments show" - I can't read that from the stamp. 20

The last word is "withheld", isn't it?---Yes, "withheld", it looks like.

Right?---"To provide you with the necessary background I have attached copies of all previous correspondence."

Stop there for a sec. What sort of correspondence were you referring to there, do you remember?---No, I don't. 30

Okay?---They may have been letters to show why I, you know, shouldn't have my probation extended, maybe.

Okay?---Or letters of - I received so many letters of my show cause why I shouldn't be suspended or why I did this or why I did that.

Okay?---You know, I lost track.

Right. Seeing as I've interrupted you, we might clear something else up?---Yes. 40

You're still a public servant, are you?---Correct.

Okay. At least back in those days, in 1989, there was something called probation for public servants, wasn't there?---Yes.

And that wasn't a sentence that was imposed upon you by a court, was it?---No.

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It was some sort of an administrative arrangement - - -? 1
---Correct.

- - - you were subject to?---Yes.

And how did that work? What did probation involve and why were you on probation?---I think - gee, if I can remember - I think the normal process was once you started in your position you were there for 12 months.

Yes?---And if you didn't do anything silly or ridiculous or break any rules or regulations, you then became permanent. 10

I see?---So that during that period there was an opportunity to dismiss you or continue your employment.

And so for you would it have been desirable for you to have your probation ended - - - ?---Correct.

- - - so that you had certainty of employment?---Correct.

Okay. All right. Well, now, if you could continue to read from the next paragraph where you left off?---Is that, "In my previous response?" 20

It is?

---In my previous response I pointed out that I had never been formally advised, either verbally or in writing, that any facet of my services was less than satisfactory during the period of my probation. However, it is apparent that the manager of John Oxley Youth Centre has retained reports on my services which he withheld from me. This is particularly evident in relation to the latest alleged incident which I've been asked to respond to, report dated 14 November 88. 30

I further believe that my services have been more than satisfactory during the whole of the period of my probation and up to the date for the increase in salary, 28 June 89. In support I wish to offer as examples of my satisfactory service my exemplary six-month probation report and salary increase report and written commendations of my service as mentioned in my previous responses to my probation report.

However, it is apparent that I am being victimised, as evidenced by the recent paper warfare that I've been subjected to over the past month. I've been accused of being dishonest, using unnecessary force on resident children, among other things. As mentioned in my separate responses on all these matters, I find these allegations totally objectionable and I resent the implication most strongly. 40

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Pausing there, who had accused you of being dishonest and using unnecessary force on resident children?

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---Peter Coyne.

Okay. Please continue?---"I trust that you will give" - again, the stamp, I can't - "of these issues which I have raised your full" - something -

because of the untenable stress caused to myself and my family because of the broad implications for the success of John Oxley Youth Centre. The problem which I now face are presently being experienced by several other competent and caring staff members and I believe that the totality of actions against myself and other staff is having a serious effect on the resident children. This action is of serious concern to me and I hope you also. I find myself being forced to consider a career elsewhere, but because of my commitment to the program at John Oxley Youth Centre I do not wish to do this.

10

Okay, thank you. All right, I'll just get you to put that one down for the moment. Now, were you a member of a union at this time?---Yes.

20

Which union were you a member of?---Queensland Public Service Union.

Okay. Could that also have been known as the Queensland State Service Union at that time?---I think it could have been.

Okay.

30

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Now, I'm going to get you to have a look at a document that you did not write but it refers to you?---Okay. 1

I want you to read it just to yourself for the moment and then I'll ask you some questions, okay?---Okay.

So could the witness see exhibit 69, please?

Now, first of all, do you recognise the signature or the initial that's at the bottom there above the PS note? See it on the right-hand side?---Yes; no. 10

You don't?---No.

Did you know anybody in the Public Service Union at that time?---I had meetings with sort of the local rep.

Yes?---That's pretty much it.

Who was that? Was it a male or female?---I think his name was Brian actually, yes.

All right?---Yes. 20

That note says that you had contacted the author who was not Brian obviously - - -?---Right.

- - - to say that Alan Pettigrew was going to make a special trip to John Oxley that Thursday, 27 September at about 2.30 to start asking his own questions about Peter Coyne?---Okay.

Do you have a recollection now, first of all, of Alan Pettigrew advising you of that?---No; no.

Do you have a recollection of passing that information on to anyone?---No. 30

Did Alan Pettigrew answer the letter that you read out to me before?---I don't remember.

All right?---No, sorry.

We will have that one back now. Now, the next document that I want to show you is exhibit 72B. Just have a look through those three pages. Does that bear your signature?---Yes. 40

Did you type that letter yourself?---That was again myself or my wife, yes.

Okay. What were the circumstances in which you typed up or had typed by your wife this document?---I don't know.

All right. Well, is your voice up to reading out those three pages?---Yes, okay, if you want me to; yes.

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Alternatively I can read it out and if I make an error, you can interrupt me?---Sure, yes. 1

Would you prefer to do it that way?---Okay.

So would you watch it carefully - - -?---Sure.

- - - so that if I muck it up, you must interrupt, okay, and correct me?---Will do, yes, sure.

So it's dated 3 October 1989 and it states:

I began working at John Oxley Youth Centre in March 1987. I did not work at Sir Leslie Wilson Youth Centre prior to this. I enjoyed a positive relationship with the then manager Mr Terry McDermott. Mr McDermott promoted a fair, caring and positive attitude to both the residents and staff at JOYC. Mr McDermott's managerial skills resulted in high staff morale, a dedicated team approach, total support of management and, most importantly, a very high standard of service delivery -

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which might be misspelt -

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to the young residents of JOYC. The result of this standard of service delivery -

again misspelt -

was illustrated by the (1) ease in which serious behaviour problems were managed; (2) virtually no damage to property at JOYC; (3) very few assaults on staff by residents and very few assaults on residents by residents. When Mr Coyne was appointed manager, I continued to enjoy a positive relationship with management at JOYC. This was illustrated by the many letters of commendation that I received from the manager and senior staff.

30

Mr Coyne consulted with me on a number of occasions seeking my input as a youth worker on issues such as the installation of a more sophisticated alarm system. I continued my support of management that I had established when Mr McDermott was manager. In July 1989 I had discussions with Mr Coyne regarding my 12-month probation report. This report was done four months late despite several requests by myself to have it done earlier.

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The process of my appraisal began with six hours of discussion. During the many hours of discussion that followed Mr Coyne informed me that I had an attitude problem dealing with senior staff. I replied in writing to Mr Coyne stating I was unaware of this perceived problem. However, I had twice assured him that I was most willing to address this issue and positively participate in any process that he felt appropriate.

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Mr Coyne informed me that my probation was to be extended. He then informed me that he was recommending that my salary increment be withheld. My salary increase was not directly linked to my probation report. This was followed by a letter stating, "Mr Lannen has displayed his dishonest" (dated 14 July 1989). This was followed by a letter regarding a poem written by another youth worker. In this letter (14 July 1989) Mr Coyne stated my actions with inconsistent with my responsibilities as a youth worker of the Queensland public service. I responded positively to this letter. I -

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perhaps the word is "was" -

then given another letter (14 July 1989) in which I was remind -

perhaps "reminded" -

of my obligation under the code of conduct in relation to my professional competence, integrity and honesty. On 18 August 1989 I received a letter from Mr Coyne instructing me to cease using unnecessary physical force on resident children. He referred to an incident that he had witnessed on 9 November 1988, some 10 months prior.

30

On 5 September 1989 Mr Coyne wrote giving an inaccurate account of the discussion he had with me. He also stated his intention to bring to the notice of the chief executive that I was below a standard of honesty and integrity of officers of the Queensland public service. In addition to these letters, many of which contained manufactured allegations, I have been repeated questioned on a number of other issues.

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I have been asked on five occasions if I was the person responsible for telling staff that Mr Coyne kept unofficial files on staff. I made it clear to Mr Coyne I had not done this. During the many hours I have spent in Mr Coyne's office over the past two months he has threatened civil action as well as many punitive attacks on me, the most recent being an attack on my non-verbal communication.

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In addition to the numerous visits to Mr Coyne's office I have had many phone calls to my home from both Mr Coyne as well as senior youth workers, approximately 11 calls in three and a half weeks. The most recent call was at 6.10 pm, 13/9/1989. Mr Coyne phoned my home and my wife answered the phone. Mr Coyne asked if he could speak to me and my wife replied, "He is not here." Mr Coyne responded by saying, "I have heard that you (sic) husband has said some derogatory information about me to the director-general. I wish to speak to him to pursue this matter before I commence legal proceedings. When will he be back?"

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My wife responded, "In about two hours." Mr Coyne responded, "Will he be back in two hours or shall I contact my solicitor to proceed?" My wife responded, "I hope that he will be." Mr Coyne replied, "Well, I will phone back at 8.30 pm," and hung up. 14/9/1989 I spoke to Mr Coyne and requested that in future if he needed to speak to me at home and I was not there, could he, please, leave a message for me to phone him and not discuss issues with my wife?" (The conversation he had with my wife caused her great distress). Mr Coyne replied that I was to put out a memo to all staff informing them that if they need to speak to me at home and I am not there, they could leave a message.

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I later spoke to Mr Coyne and attempted to explain that my concern was with him speaking to my wife, not "all staff". He replied in a very punitive manner, "You agreed to put out the memo. Now do it." I have experienced many other encounters such as these mentioned and can provide details if needed. I feel that this style of management when dealing with staff does nothing to promote a positive working environment with has a direct impact on the quality of service delivery.

30

Signed Daniel F. Lannen. Well, now, I have read that out accurately, haven't I?---Correct.

Having heard it read out to you and being able to read it as I have gone, does that process refresh your memory as to why you wrote this and to whom you gave it?---I honestly don't recall who I gave it to, I'm sorry.

40

Okay?---I wish I did but I don't.

All right. Can I ask you about the first sentence - second sentence, "I did not work at Sir Leslie Wilson Youth Centre prior to this date"?---Sure.

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What was the significance of the fact that you did not work at the Sir Leslie Wilson Youth Centre?---I don't know. I don't know. 1

Could there have been some sort of a division among staff at John Oxley between those who might once have worked at Sir Leslie Wilson and those who only worked at John Oxley? ---I believe in the early days that did exist to a certain degree, yes.

Did it exist at the time you were there?---Well, it would seem that the staff who were supporters of Mr Coyne, which tended to be sort of middle management senior staff, had worked at Sir Leslie Wilson, yes. 10

Okay, so could it have been that division that you were - - -?---I don't think so.

You don't think so?---No, I don't think so. I don't know why I put that there.

Okay?---No, I don't think so.

All right. Now, Mr McDermott was the manager prior to Mr Coyne, was he?---Correct. 20

You said on page 3 that you had experienced many other encounters and could provide details if needed. Do you recall now what that comment was directed at in terms of who you had in mind that you might provide details to? ---No.

Would you agree with me that this document, exhibit 73B that I've just read out, and the one that you read out to me earlier to the director-general Mr Pettigrew, neither of these documents contains any reference to sexual abuse of children by children or by staff, do they?---Correct. 30

Okay, well, that can be returned now. Now, even although you say that you spoke to Barbara Flynn, you didn't, you said, speak to Mr Heiner?---No.

But did you know who he was?---Yes.

At that time who did you understand him to be?---A retired magistrate who was conducting the Heiner inquiry.

Okay, and did you perceive that Barbara Flynn was somehow connected to him?---Yes, sure. 40

When you were interviewed by Barbara Flynn did you present to her any written information?---I don't think so.

Now, I'm going to get you to have a look at what we have marked, written on, as exhibit 105, okay. Is that a typed document?---Thanks.

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Just have a look on the second page first?---The second page? **1**

Yes. Does it bear your signature?---Yes.

Glance at or peruse the contents, if you wish, to answer this question. Did you cause - did you type this or cause it to be typed?---Yes.

Now, it's headed Statement to Mr N. Heiner SM?---Okay.

Re inquiry at John Oxley?---Yes. **10**

It's dated 11/1/1990?---Right.

Now, I'm not suggesting for a moment that this is the original of the statement, but having seen that document now do you recall giving that to Mr Heiner?---I don't recall ever meeting Mr Heiner.

Do you recall giving this document to Barbara Flynn?---No, I don't recall giving it to Barbara Flynn.

Okay, although it was addressed to Mr Heiner, wasn't it? ---Yes, sure. **20**

Yes, but you did give it to someone, didn't you?---I'd say so.

Do you remember who you gave it to?---No.

I'll just get you to have a look at this document, please. I've opened it at the second page first because I want you to look at the second and third pages to see if it is the same document as exhibit 105?---Yes. **30**

It is, isn't it?---Yes.

Now, if you turn it back to the first stapled page do you see some writing there?---Yes.

Can you read that out to us, please?---"This is a copy of the report on the incident I discussed with you on the phone recently. Regards, Danny Lannen."

Okay?---I don't know who Sue is, sorry.

Okay, well, just take it a step at a time?---Right. **40**

Is that your printing?---Yes, it looks like me.

Yes, okay, so it would seem as though even although you don't remember giving that statement to Mr Heiner, you sent it - if that document is correct, because it bears a stamp "Received" - - -?---Yes.

- - - you sent it to someone called Sue?---I did, yes. 1

Could it have been Sue Ball from the Queensland State Service Union?---Sue?

Ball?---Ball?

Yes, B-a-l-l?---I don't recall that name, I'm sorry.

All right. Well - - -?---As you know, this is a lot - over 20 years ago, all this stuff, so, you know, it's - - - 10

Yes, I'm not putting any proposition to you following your inability to remember that is critical of you?---Yes.

I'm simply just trying to find out what you can assist us with?---Sure.

Okay?---Yes.

Well, just so that we all know what is in it, I will read out what is in exhibit 105, which you've agreed is the same as the document I've just handed you?---Yes. 20

Read along with me to make sure that I don't make a mistake, and if I do, interrupt me, please?---Sure.

11/1/1990:

Statement to Mr N. Heiner as to the inquiry at John Oxley Youth Centre. On Wednesday, 10/1/1990 I arrived at John Oxley Youth Centre at 10.45 pm to commence my rostered shift, 11 pm to 7 am. At approximately 11.10 pm I was told by Mr C. Bray, acting principal youth worker, to go to the senior youth worker's office. 30

When I arrived, Mr Bray told me that Mr Coyne wanted to speak to me on the phone. Mr Coyne told me to do a report on a resident child. I agreed to do this. He told me to consider the use of handcuffs and drugs. I felt that Mr Coyne was having a 'dig' at me, as I believe he is aware that I am not in favour of the use of either handcuffs or drugs on resident children at John Oxley Youth Centre. 40

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Mr Coyne then went on to say in a very unsteady voice, "I am aware of your activities to jeopardise my career and I intend to sue you for all your assets. Have you got that?" I responded, "Yes," and he replied, "I will see you later on tonight." Mr Coyne has made these threats to me on four previous occasions. All youth workers on both my 11 pm to 7 am shift, as well as the previous shift, 3 pm to 11 pm, were asked to do a report on the same resident child. I was the only person who was asked to consider the use of handcuffs and drugs.

10

At approximately 7.10 am (11/1/1990) I was in the foyer at the front entrance to John Oxley Youth Centre signing off from my shift when Mr Coyne spoke to me through the sliding glass window of the day control room in a very hostile manner. He said, "I paid for eight hours' work and you can't even do what I told you to do." As he said this, he dropped the report I had done in front of me. Again in a very hostile manner he said, "I told you to address the use of handcuffs and drugs. Now do it." I replied, "I don't understand." Mr Coyne said, "I am not going to tell you what to write." Feeling very intimidated at this stage, I wrote on the bottom of the report I was not in favour of the use of handcuffs or medication on resident children at the John Oxley Youth Centre.

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As I was writing on the report, Mr Coyne said, "I have to go to the inquiry today to answer allegations based on lies that you have told about me." I replied, "I have not told any lies about you and we should not be discussing this here." Mr Coyne said, "You wrote to the director-general and said I was victimising you, didn't you?" I replied, "I am not going to discuss this with you." Mr Coyne said, "Have I victimised you?" I replied, "I am not going to discuss this with you here." Mr Coyne replied, "So you're not willing to discuss this openly." I replied, "That's right. I am not going to discuss this with you here."

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I walked back towards the door to leave and Mr Coyne said loudly, "Come back here." I turned back and he said, "You go to your union with your petty gripes, don't you?"

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I replied, "I am not going to discuss this." I then left. The reasons why I did not enter into a discussion with Mr Coyne was that I felt that both the content and the location was extremely inappropriate. Senior youth worker, Mr Bruce Cassidy, was present during the entire conversation. Because of the frequency and manner of such outbursts and threats by Mr Coyne I am beginning to have concerns for the personal safety of my family and myself. I am also seeking a commitment from the department to provide me with free legal representation. Signed, Yours faithfully, Daniel F. Lannen.

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Did I read that out accurately?---You certainly did.

Thank you. Now, having had it read out to you and being able to reflect upon it as I read it out, are you able to assist with why you did that document up and whether you gave it to anyone other than the person called Sue?---No.

Do you remember the incident that is discussed in the document?---Very well.

20

Okay?---Very clearly.

I tender the copy that I produced of exhibit 105 with the attached covering note and ask that it be made perhaps exhibit 105A.

COMMISSIONER: Mr Lannen's handwritten cover sheet and the two typewritten pages will be exhibit 105A.

ADMITTED AND MARKED: "EXHIBIT 105A"

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MR COPLEY: And I have a copy for you, Mr Commissioner. 1

COMMISSIONER: Thank you. Mr Lannen, that incident that you remember very well, do you remember who you discussed it with?---You mean after the incident?

Yes. The sort of people you would be discussing it with?
---Oh - - -

Who would you want to tell about it?---I don't know, I'm sorry. 10

Why do you think you'd be wanting to tell Sue about it?
---Well, I was probably, you know, having had to write so many letters and defending myself from allegations and - - -

But why would Sue care?---I don't know who Sue was, so
I - - -

That's what I'm trying to help you work out?---Yes, sorry.

Let's just forget who she is for the minute - - - ?---She may have been a union person, you know. 20

Well, what category of people would you have been interested in telling about this incident?---It would have been the union, would have been one category of people, yes.

Is there any other category of persons that you can think of?---No.

MR COPLEY: Mr Lannen, on that copy of exhibit 105A on the note at the front which said, "Dear Sue," and said, "This is a copy of the report on the incident." It says, "I discussed with you on the phone recently." That note would tend to suggest that prior to writing this you had had a discussion on the telephone with someone called Sue about the incident, the subject of that letter, wouldn't it?
---Right, yes. 30

Okay. I'm going to now give to you this document, which is not a document that you wrote?---Mm'hm.

Okay. But I want you first of all - it's handwritten but it seems - it's in running writing and printing but you should be able to read it?---Okay. 40

I want you just to read it through first. Have you had a chance to look at that?---Mm'hm.

Okay. I'm going to put this to you and you can agree with it, disagree with it, or say you don't know, or whatever other answer you want?---Mm'hm.

But I'm going to put to you that that handwritten note is in the handwriting of a lady called Susan or Susie Ball?
---Okay. 1

Do you agree, disagree, or can't you say?---It could be, I don't know.

Okay. You'll agree with me that the date at the top says 15/1/1990?---Yes.

And then your name appears?---Yes. 10

The document then goes on to refer to certain issues, doesn't it?---Yes.

Having read the document, do you now recall having a discussion with a Sue or Susie Ball about the issues set out in that document?---No, I don't.

Okay?---But it would seem to all tie together, wouldn't it?

Sorry?---It would seem that it's tied together, this and the report I wrote. 20

And why do you perceive it to be tied together?---Well, it sort of relates to things I've said in statements, yes.

Right. If we proceed on the assumption that this document that you're holding now - - -?---Yes.

- - - represents a summary of things that you told to Sue Ball - - -?---Mm'hm.

- - - and we couple it with the letter you wrote to Alan Pettigrew - - - ?---Yes. 30

- - - the letter of 3 October 1989, and the statement to Mr Heiner dated 11/1/1990, would you agree with this proposition: that in none of those documents is there made apparent or made manifest any issue about sexual abuse?
---Correct.

I'll have the document back now, thank you. Or perhaps a better way might be to have it marked for identification at this stage.

COMMISSIONER: Yes, I'll mark it A for identification. 40

MR COPLEY: Thank you.

COMMISSIONER: Is A better, or MFI 1?

MR COPLEY: Probably it's better to say MFI 1 because we've got the other regime going with the exhibits.

COMMISSIONER: Yes. It will be marked MFI 1.

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ADMITTED AND MARKED: "MFI 1"

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MR COPLEY: I have no further questions.

COMMISSIONER: Yes. Mr Bosscher.

MR BOSSCHER: Thank you, Commissioner.

Good afternoon, Mr Lannen. I'm going to ask you a few questions if I may. I'll be as brief as I can. Firstly, how long ago did you give up smoking?---Six months.

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Well done. You're a stronger man than I am. I bet you regret it right now?---Yes, I do.

Some months ago some police attended upon you and they took a statement from you. That's correct, isn't it?---Yes.

The purpose of taking the statement was to try and get down the best of your memory as it currently exists in relation to events that occurred at John Oxley around about 1990. You just need to answer for the record because we're being recorded?---Yes.

20

And as I read your statement the time that you had under John Oxley at Mr McDermott was a relatively good time? ---Yes.

And it would be fair to say that the complete opposite situation existed when Mr Coyne took over from that point? ---Yes.

And equally it would be fair to say that you and Mr Coyne did not get on?---Yes.

Do you have a copy of your statement there, sir?---Yes.

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I'm just going to take you through some of the paragraphs, if I may. Firstly I take you to paragraph 12. In that paragraph you record an incident that involved a particular female detainee. I won't name her here - - -?---Sure.

- - - but it's recorded in your statement who that was? ---Yes.

And it involved a sexual assault by five residents or detainees?---Yes.

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Obviously two things about that seem to have concerned you; one was of course that it happened?---Yes.

Thank you. And secondly, as I read your statement, the last sentence of that paragraph seems to suggest that you had some concern that nothing seemed to have been done about that particular incident?---Yes.

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So there were two issues; one is that a sexual assault took place, and (2) nothing was done about it?---Yes.

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Did you get the impression - and only answer this if you can - that it was effectively swept under the carpet, that particular assault or incident?---Yes.

That was a "yes"?---Yes.

Would that be, like, a third level of concern for you about that?---Absolutely.

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So it's (1) that it happened, (2) that that nothing was done and (3) it seemed to have been swept under the carpet?---Yes.

You then go on, sir, in paragraph 14 to talk about another incident involving another detainee?---Yes.

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Again, I won't name any of the names in there, but you recite what your knowledge of that particular incident was?---Yes. 1

Once again, was it the case, to your understanding, that nothing significant was done about that?---Yes.

Did you get the impression again that it was effectively swept under the carpet?---Yes.

So there would be, similar to my earlier question, almost three levels of concern: (1) that it happened, of course? ---Yes. 10

(2) that nothing really seemed to have been done about it? ---Yes.

And (3) it seemed to have been swept under the carpet? ---Yes.

You then at paragraph 18 recite an incident involving an 11-year-old detainee?---Which paragraph, sorry?

Sorry, paragraph 18?---18. 20

You recite in there an incident involving an 11-year-old detainee who was handcuffed standing upright by another worker or a worker at John Oxley?---Yes.

Again, as I read your statement and other material we have been taken to, you had a philosophical issue with the handcuffing of detainees?---Particularly in that standing up with the arms above the head, yes.

Yes, and I would expect - and feel free to correct me if I'm wrong - even more so involving an 11-year-old - - -? ---Yes. 30

- - - being handcuffed with his or hands above their head? ---Mm'hm.

To your knowledge, was anything done about that particular incident?---No.

Did that concern you as well?---Yes.

Did you get the impression at all that that particular incident was swept under the carpet?---I wouldn't say swept under the carpet. It was just accepted. 40

It was an accepted practice?---Yes.

One that you clearly didn't like?---Absolutely. I approached this person who did it at the time.

Now, you then recite in the next paragraph an incident

involving detainees being handcuffed to a pool fence overnight?---Yes. 1

In winter with minimal clothing?---Yes.

Again I take it that that's a practice that you philosophical disagreed with - - -?---Correct.

- - - as being an inappropriate way to deal with children? ---Yes.

Was anything dealt with that - sorry, was that incident dealt with in any way or was that almost again accepted practice? 10

---To my knowledge, it wasn't dealt with at all.

Was there any endeavour, similar to some questions I asked you earlier, to sweep that incident under the carpet? ---Well, just nothing was done about it so, yes.

So we have two levels of concern: (1) that it happened and (2) that nothing was done about it?---Correct.

You then in the next paragraph - so we're up to paragraph 20 now, Mr Lannen. You recall an incident involving another detainee by the name of [REDACTED]. 20

COMMISSIONER: One out of three is not bad.

MR BOSSCHER: Commissioner, I apologise.

Involving another detainee - as soon as it came out, I realised what I had done - being medicated?---Yes.

And you were concerned in relation to the level of medication she was being given?---I was. 30

Was that an accepted practice at the centre at the time? ---It's the first time I'd seen medication being used to - in attempt to control behaviour.

So, firstly, you disagreed with that?---Yes.

And, secondly, you were concerned that nothing was done to prevent that happening again?---I disagreed that it was done. I was concerned about the effect on the young person. 40

Now, in the next paragraph you recount a further incident involving a young female detainee?---Yes.

In fact you recall it to the extent that what must be some 20 years later it still upsets you today talking about it? ---Yes.

That involves this young female detainee who seemed to,

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according to your statement, have an intellectual disability - - -?---Yes. 1

- - - being made to wear a towel effectively for a period of about a week?---Yes.

And you say in your statement that you found that was inappropriate?---Yes.

Would it be fair to say that the word "inappropriate" is a mild way for you to express that?---Yes. 10

You disagreed, as I would read it, vehemently with that practice?---Yes.

You say you went on to complain about some things. Did you complain about that to management?---Absolutely.

And were you ignored?---Yes.

Was any action taken in relation to that?---No.

So, Mr Lannen, just to recap, we have two instances of sexual assault where you have three concerns: (1) is it happened, (2) that it was not dealt with and (3) that it was swept under the carpet and we have at least four separate incidents of what we would now clearly regard as mistreatment of children that you've complained about that were never appropriately addressed?---Yes. 20

And this was, apart from the issue of your probation I have no doubt, part of the running sore that existed between you and Peter Coyne?---Yes.

And you would have taken all of these matters to him and got zero satisfaction about it?---Correct. 30

So far as your personal circumstances were concerned, the fact that you believed that Peter Coyne was victimising you and putting your position of employment in jeopardy, you took that up with your union?---Yes.

Did you take up those other issues that you were concerned about with your union, to your recollection, or were they not union matters?---I don't believe I did take that up with the union.

Is that because they weren't union matters?---Correct, they were in-house. 40

Now, you became aware of what is now known as the Heiner inquiry?---Yes.

And no doubt it was discussed at the centre at the time prior to it occurring?---Yes.

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And Mr Heiner was appointed and arrangements were made for people to provide written information if they chose to?
---Yes.

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But equally, I'm sure you're aware prior to it occurring, you would have the opportunity to discuss matters specifically to the John Oxley Youth Detention Centre with the inquiry?---Yes.

Now, you met with Barbara Flynn, as you say in your statement?---Yes.

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Did you know her before that day?---No.

Do you actually recollect her name today or did somebody assist you with that?---No, I remember Barbara Flynn.

You remembered it was her?---Yes.

My friend asked you some questions earlier to make sure that she was there, in your mind at least, as part of the Heiner inquiry?---I'm sorry.

Mrs Flynn, when you met with her, was part of the Heiner inquiry?---I believe that, yes.

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It was, was it not, a relatively formal setting in that - - -?

---It was in the conference room, to the best of my recollection, and she was at a table and there was a chair opposite and I sat there and spoke to her.

But it wasn't a general chit-chat out of the blue?---No; no; no.

It was definitely part of this inquiry?---I believe so.

30

You would have no other reason to meet with Barbara Flynn, I take it?---No.

You didn't know her previously?---No.

Have you met with her since?---No.

Now, when you met with Barbara Flynn, according to your statement, there was somebody else present, a woman taking notes?---I believe so, yes.

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That's your recollection now?---Yes.

You say, "I think this discussion was my about any concerns I may have had at JOYC"?---Yes.

Now, the concerns that you had at JOYC were obviously the running battle you were having with Peter Coyne in your position of employment?---Yes.

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Other concerns that we've talked about are the sexual abuse that you were aware of and its cover-up?---Yes. 1

As well as other items of mistreatment of children and there being nothing being done about that?---Yes.

So when you had the opportunity to sit down with this inquiry and particularly Mrs Flynn, you say that you think that you told her about the abuse of kids, including handcuffing?---I think I did, but I can't be certain.

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Yes, and the use of drugs, and then you also say, "And victimisation of staff"?---Yes. 1

When you say the use of drugs, I assume you mean their medication?---In reference to the person we were talking about earlier.

Yes?---Yes.

Because they were serious concerns that you had about the conduct being sanctioned or occurring at the John Oxley Youth Detention Centre?---Yes. 10

You then go on to say in your statement, "I don't recall telling Barbara anything about sexual abuse, however I believe I would have spoken about this, as it was of concern to me"?
---Yes.

When my friend was asking some questions earlier, and I may have misheard what you said, but I understood you to say something just a little bit different to that, in that you had a recollection of talking about child sexual abuse but that you couldn't specifically recall what instance of child sexual abuse you told Mrs Flynn about?---Correct, yes. 20

So just to be clear, you definitely told her about child sexual abuse but you can't now remember whether you told her about one or both or either of the incidences I put to you earlier on?---Correct.

COMMISSIONER: Mr Bosscher, can you tell me, who first used the words "child sexual abuse" between you and Mr Lannen? Did he use the words "child sexual abuse" before you did? 30

MR BOSSCHER: The term "sexual abuse" is in his statement.

COMMISSIONER: Is there. Yes, I can see that.

MR BOSSCHER: You're asking me specifically, though, about child sexual abuse.

COMMISSIONER: Yes. Who added the descriptor "child", you or him?

MR BOSSCHER: I can't say for certain, but given it forms part, a very specific part, of the term of reference, I suggest or suspect that it may have been me. Would you like me to correct that? 40

COMMISSIONER: I just want to be careful about - you know, we're familiar with these things, but witnesses can be suggestible.

MR BOSSCHER: Certainly. Those two incidents that I asked you about earlier on involving sexual abuse, they both involved children, didn't they?---Yes. 1

Yes, so when I asked you a moment ago that my recollection was - which you agreed with - that you do recall telling Mrs Flynn about sexual abuse but you don't recall which specific instances you told her about, just to refine that then and - - -

MR COPLEY: I object to that question because it's unfair to the witness. Unless the witness is clairvoyant or was clairvoyant in those days, he cannot have told Ms Flynn in 1990 or 1989 about an incident that did not occur until 1991. Now, I would have thought my learned friend would have been aware of the dates that these incidences occurred, and the one involving Shirley Neil occurred after Mr Heiner had been and gone. Now, if that's in doubt it will proven eventually, but I thought or proceeded on the basis that that was rather common ground between us all. The heart of the matter is a different matter, but that's one incident. The Shirley Neil matter is another matter. 10

COMMISSIONER: That's what I was talking about, Mr Bosscher. As I say, when the witness - you've got a witness who is trying to recollect something that happened a long time ago and you ask him questions in a leading way, does it really suggest something that's not the case? He couldn't have - you're linking those two events in paragraphs 12 and 14 to what is said in paragraph 32 as being the sexual abuse that he can't recall telling Barbara anything about but believed he would have because he was concerned about them, and the two sexual related events that he says he was concerned about are those two recorded in 12 and 14, but it couldn't have been both of them, as Mr Copley says, because one occurred after Mr Heiner had left. 20 30

MR BOSSCHER: I understand that, and I was aware of the date.

COMMISSIONER: Yes.

MR BOSSCHER: What I'm putting to the witness is - and I thought I was clear and I apologise if I wasn't. I was confirming his evidence, firstly, which was clear to me and he's now confirmed it on the record, that he told Barbara Flynn about sexual abuse. 40

COMMISSIONER: Yes.

MR BOSSCHER: He told her about abuse we've now confirmed involving children, sexual abuse involving - - -

COMMISSIONER: Well, he doesn't recall telling he but he believes he would have.

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MR BOSSCHER: Yes, and I was suggesting to him that the type of incidents he would have told Mrs Flynn about were the type referred to in his statement but that he can't now specifically recall which identifiable incidents he told her about, but he can recall that he raised the topic of sexual abuse involving children.

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COMMISSIONER: Okay, but to be perfectly clear, it could have only been one of those that would have been the type of thing that he spoke to her about - well, the one that occurred before.

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MR BOSSCHER: Yes, but I didn't identify specific activity, it was the topic, and I was referring to the two instances he makes reference to, to assist - - -

MR HANGER: Well, I object to that. My learned friend is not stating the evidence correctly. He said, and I made a note of it, that, "You took these concerns about these episodes to Mr Coyne and got no satisfaction." He put to him something that he says now he knew did not occur and the witness agreed with it. "I took this Shirley matter to Mr Coyne and he agreed with it."

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COMMISSIONER: He could have taken them to Mr Coyne, because - was Coyne still there in 91? No, he wasn't. He'd gone.

MR BOSSCHER: And Mr Hanger is correct, he couldn't have taken that instance to Mr Coyne. I don't agree that I put that in those very specific terms in relation to that paragraph. I will stand to be corrected if - - -

COMMISSIONER: Well, I don't remember the specific terms, but I do remember the witness adopting the suggestion that he took the - - -

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MR BOSSCHER: I think I said - - -

COMMISSIONER: - - - complaint about both paragraphs 12 and 14, got no satisfaction - zero, I think was the word.

MR BOSSCHER: Yes. I don't recall now whether I said Mr Coyne specifically, and I'll defer to Mr Hanger and check the transcript, or to management. It was one of the two, but clearly he couldn't have taken - well, he could have taken the incident, the second one, to Mr Coyne, but he wasn't the manager at John Oxley at the time.

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COMMISSIONER: Yes, all right. Okay, so can you recast so that we avoid any confusion in the witness's mind, which is obviously suffering from the lapse of time, and we don't be too suggestive, because otherwise it's not really helpful to me, because if I think it's your evidence rather than his, what am I to do with it?

MR BOSSCHER: Well, that's a fair comment if you form that opinion, however - well, I'll put the questions back to him again. 1

COMMISSIONER: Yes.

MR BOSSCHER: There were a number of incidents of sexual abuse that occurred at John Oxley Youth Detention Centre that you are aware of?---Yes.

Some of them - at least one of them you recount in your statement that occurred at the time that Peter Coyne was the manager?---Yes. 10

And also prior to the Heiner inquiry taking place?---Yes.

COMMISSIONER: Are there any others other than that one that you referred to in your statement that you were concerned about when you were speaking to Barbara Flynn?---No.

So when you were speaking to her there was one of them that you were concerned about that might qualify as sexual abuse. Which one is that? 20

MR BOSSCHER: That was the first one.

MR COPLEY: No, no - - -

COMMISSIONER: I've asked him, not you.

MR BOSSCHER: I apologise. I thought you were asking for clarification?---How do you want me to describe it? Involving several young people, that one, you're talking about? 30

COMMISSIONER: Which one? Which paragraph in your statement is it, sorry, the one you were concerned about that you think - you believed you would have told Ms Flynn?---Okay, yes. I don't know. 12.

Okay. Thanks, Mr Bosscher.

MR BOSSCHER: All right. As I understood your evidence, just to clarify it, you recall telling - and I'm just going to ask you to agree or disagree with this proposition. You recall telling Barbara Flynn about child sexual abuse that occurred at John Oxley Youth Detention Centre but you don't recall specifically which incidents you told her about. 40

COMMISSIONER: Now, before you answer that question I want you to think very carefully about the terms of the question?---Yes.

Bear in mind what you said in your statement?---Yes.

Use your words - - -?---Right. 1

- - - that you want to use. If you want to adopt Mr Bosscher's, fine?---Right.

You think carefully about your answer?---Yes.

Because it's your answer that's interesting to me?---Sure. I don't recall specifically talking to her about sexual abuse, but I believe I would have spoken to her about it.

MR BOSSCHER: And you believe you would have because of the level of concern that you had about that issue? 10
---Correct.

COMMISSIONER: Which was the one you had concern about?
---Paragraph 12, I believe. Yes.

MR BOSSCHER: Thank you. Sir, at paragraph 38 you indicate that some years after the time we were talking about you were approached by the CJC and interviewed by them and that - - -?---Just a minute, please.

Sorry?---Go ahead. 20

You were approached by the CJC and interviewed by them in relation to the Forde inquiry that was about to start?
---Yes.

Did you provide a written statement to them?---I believe it was recorded on a tape recorder.

Yes. Do you now recall what the content of that particular interview was about?---No, I don't.

Was it about firstly John Oxley Youth Detention Centre? 30
---Yes, of course it was.

Was it about - did it cover child sexual abuse?---I don't recall.

You don't recall any of the specifics?---No.

But you do recall that it was tape recorded?---Yes.

And you do recount in here being somewhat surprised that you were not called to give evidence in the inquiry. Is that right?---Yes. 40

COMMISSIONER: Why were you surprised, Mr Lannen?
---Because as someone mentioned - I think this gentleman I was just talking to - that I was, I guess, one of the main people who - I was bringing all these things to light. That's why I was surprised.

MR BOSSCHER: I've nothing further. Thank you,

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Commissioner.

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COMMISSIONER: Yes, Mr Harris.

MR HARRIS: Thank you, Commissioner.

Mr Lannen, can I just take you to paragraph 12 of your statement that you made on this inquiry?---Yes.

You say there in the first sentence, "I remember back then that there were a number of incidents involving detainees which were handled poorly." Can you just explain to the commission what you mean by "handled poorly"?---Well, not handled as I would have handled them.

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If I could say this - and these are my words - you didn't think it was done to a good standard?---Correct.

Right. Now, I just want to go to paragraph 10. Now, in paragraph 10 you say, "The group that I would describe as advocates, including myself, Fred Veig, Brendan Collins, Jan French, Mark Fremantle, Scott Hellig and Rudi Pekaheing," they were associates of yours that were on the same side of the fence, if I could say that?---Could say that.

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Right. Mr Fremantle, did he ever raise with you the issue that you talked about in paragraph 12?---I don't know.

Did you ever see any correspondence written by Mr Fremantle in that?---(indistinct)

Could you explain to the commission how you had knowledge of the incident revolving around the - the incident you described in paragraph 12?---It was really a small institution. There wasn't a lot of staff there. And anything like that happened, it became common knowledge quite quickly.

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So it was common knowledge. So it spread throughout the entire - - - ?---Yes.

Okay. And the same with incident 14?---Yes.

So would I be correct in saying that these were burning issues with people like you describe in paragraph 10?---Yes.

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But they weren't burning issues for people who - in paragraph 9?---It would appear that way.

Sorry?---It would appear that way, yes.

Okay, thank you. You said before that these issues had been raised with the management and nothing was done. Do you know if they were ever raised in writing with the

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management, or just verbal?---Just verbally, to the best of my knowledge. 1

And - - - ?---You're talking about by myself or by other people?

By yourself?---Yes.

Do you recall if other people spoke to you about raising their concerns?---There were several people who were quite concerned about it, yes. 10

No further questions, Commissioner.

COMMISSIONER: Thank you. Mr Hanger.

MR HANGER: Can I ask you to go back to paragraph 12? ---Sure.

It's one you're well familiar with now, Mr Lannen. The way I read that originally was - insofar as the last sentence is concerned - is that you didn't know if anything had happened about the incident. Is that an incorrect interpretation?---Well, I didn't know of any further action that was taken or - - - 20

No. But you wouldn't have a clue if further action was taken, would you?---Yes, I would.

You wouldn't know if she was taken to the doctor?---No, of course not, no.

No. You wouldn't know if she was examined by a doctor; you wouldn't know if the matter was reported to the police, would you?---These things tend to filter back down to you and you would know. 30

By gossip?---Probably, yes.

By gossip?---Yes.

So the limit of your knowledge is, "I wouldn't know if the matter went to the police. I wouldn't know myself if she was medically examined, but gossip tells me that's the case"?---Correct.

Okay. It's again gossip that informs you in paragraph 14? In fact, you're frank enough to say so, "Everything I heard about this incident was from other staff"?---Correct, yes. 40

No direct evidence yourself that you can give?---Correct.

Thank you.

COMMISSIONER: Just going back to that last sentence in paragraph 12, I see there the word "gone" I think should be

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"was"?---Yes.

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Is that fair? You've got "nothing gone done"?---Yes.

You mean "nothing was done"?---Correct.

Then there are two ways of interpreting it - perhaps might be more - but one is that you know as a fact- that is, you have knowledge, not just belief or suspicion, but you know for sure that nothing was done?---I do know that.

Or it means that nothing was done as far as you know. Do you understand the distinction?---Yes, I do, but - - -

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Righto, which one is it?--- - - - can I say that if things were done, I would have known about it.

Okay?---Because - - -

Because you didn't hear about it - - - ?---Correct, I assumed that it wasn't done.

Okay. So can we take note that the way you mean - what you mean to convey to me is that you assumed nothing was done because if it had been, you would have heard now? ---Correct.

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Okay. Yes, Mr Copley.

MR COPLEY: Did it, to use your expression, filter back down to you that on Friday, 27 May 1988 June West accompanied Annette Harding to the Mater Children's Hospital for a medical examination with Dr Marie Crawford? It didn't filter back to you that?---No.

Did it filter back to you that Annette Harding's mother was summoned to the John Oxley Centre - - -?---I don't recall.

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- - - on the night of the - the night that she complained or the morning after?---No, I don't recall that.

That didn't filter back?---Well, no.

Did it filter back to you that some female police officers were called to the John Oxley Centre - - -?---No.

- - - and spoke with Annette Harding?---No.

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If you'd have been the manager, not Mr Coyne, and a child complained of sexual assault, would you have got in touch with the child's mother?---Yes.

Would you have got in touch with the police?---Yes.

Taking those types of steps would not be consistent with

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sweeping it under the carpet, would it?---Correct. 1

Thank you. No further re-examination. May the witness be excused?

COMMISSIONER: Yes. Mr Lannen, thanks very much. I bet you're glad that's over. You're excused and relieved of your obligations under the summons?---Thank you.

WITNESS WITHDREW

MR COPLEY: I think that I will be on my own again tomorrow morning. Mr Woodforde has been sick the last two days and the prospect that he'll be here tomorrow wasn't particularly good at lunchtime. 10

COMMISSIONER: Right.

MR COPLEY: In the circumstances could I ask you to consider resuming at 10.15 rather than 10 o'clock tomorrow morning?

COMMISSIONER: Yes, sure. 20

MR COPLEY: Thank you.

COMMISSIONER: Does that inconvenience - - -

MR HANGER: Of course.

COMMISSIONER: We've got to deal with exhibit 30.

MR COPLEY: Of course, yes. Thank you. Just on that point for tomorrow, I think there'll be about 12 or 13 witnesses tomorrow. 30

COMMISSIONER: Right, so - - -

MR COPLEY: But there should be still enough time to get them all done.

COMMISSIONER: Right, yes. No, I'm sure if we proceed on them all at this pace.

MR COPLEY: Yes. Turning to exhibit 30 - - -

COMMISSIONER: Yes. 40

MR COPLEY: - - - commencing at - I anticipate that my learned friend Mr Harris will have no difficulty with the names of Annette Harding or Shelly Farquhar.

MR HARRIS: No difficulties, your Honour.

MR COPLEY: Okay. So starting then with paragraph 14, Mr Commissioner, the Christian and surname and nickname of

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the adult referred to therein; again that name appears in 15, 16 and 17; then there's the Christian and surname of a detainee at paragraph 20; then there is a description given of a child in paragraph 21 but I contend that that's vague enough to leave open any number of possibilities.

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COMMISSIONER: Yes.

MR COPLEY: So apart from those matters, they're the only matters I wanted to raise before this was published.

COMMISSIONER: Anyone want to be heard? What I propose to do, so that you tell me if you disagree, is to publish exhibit 30 omitting the nickname beginning with B where it's mentioned in paragraphs 14, 15, 16 and 17; again omitting the Christian name and surname in paragraph 21 and the third sentence in paragraph - start that again. The Christian and surname in paragraph 20 and insofar as paragraph 21 is concerned, the third sentence will be deleted before publication. Okay. I'll make those directions. Thank you. Thank you, gentlemen. Quarter past 10 tomorrow morning.

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THE COMMISSION ADJOURNED AT 3.54 PM UNTIL THURSDAY, 6 DECEMBER 2012

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