

Date: 14.2.2013Exhibit number: 325

**QUEENSLAND CHILD PROTECTION  
COMMISSION OF INQUIRY**

Our reference:

**Statement of Witness**

<i>Name of Witness</i>	Anne Marie Warner
<i>Date of Birth</i>	
<i>Address and contact details</i>	Known to Commission of Inquiry
<i>Occupation</i>	
<i>Officer taking statement</i>	Detective Sergeant Fabian Colless
<i>Date taken</i>	01/02/2013


I, Anne Marie Warner state;

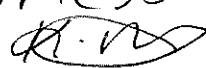
1. I was appointed as a Minister in the Goss Government after the Queensland State election in December 1989. I was given the Family Services and Aboriginal and Islander Affairs portfolio which I retained for two terms of government being 1989 to 1992 and 1992 to 1995.
2. As a Minister the responsibilities of my portfolio included juvenile justice, child protection, domestic violence, youth activities and issues, disability, Aboriginal affairs, ethnic affairs and a range of other issues that were related to those matters. This was a very large portfolio which brought together a number of previous stand alone departments.
3. At this time a large amount of legislation was introduced for legislative reform in the areas of Juvenile justice, disability, adoptions, disability, Aboriginal and Islander affairs, land rights legislation and a list of others. I was also responsible for the funding of something like over 1,000 non government organisations providing services to the community.

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4. In relation to the structure of the Department, I recall that when we first got into Government, Allan Pettigrew was the Director General [DG]. There was a team of Executive Officers: Colin Thatcher, Myolene Carrick, and George Nix and others. We later appointed Ruth Matchett as the DG. Ruth was initially the acting DG and later formally appointed. Ruth was the DG for the entire time I had the Department of Families portfolio.
5. Sometime in January 1990, I cannot remember the exact date for this but it would have been very shortly after taking Government. The Acting DG and I were involved immediately in trying to reorganise the Department because we now had a whole range of other portfolio interests and amalgamation to deal with. This was a very pressurised task with so many things to be done across the agencies at the same time.
6. It was just after the Christmas break that I first became aware of the matter now commonly referred to as 'The Heiner Affair'.
7. The Acting DG advised me that she had had an interview with Noel Heiner and had asked him where he was at with the Inquiry and where it was going. She had discovered that he was not intending to make any recommendations from the Inquiry, she also informed me that there was considerable unrest in the John Oxley Youth Centre.
8. The Acting DG also informed me that the Inquiry had been improperly set up and that Mr Heiner did not have any indemnity, nor did the people who had given evidence to the Inquiry have any indemnity. That was in January. That posed a number of problems for us in terms of the way forward. The Acting DG sought Crown Law advice about options regarding the Inquiry.
9. The Acting DG at Department level received Crown Law advice. We then took a submission to Cabinet to get indemnity for Noel Heiner and to seek permission to destroy the documents. On Crown Law advice that was the only thing that could possibly be done with the material to protect all the parties involved.

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10. Cabinet did agree to indemnify Mr Heiner but did not agree to destroy the documents and wanted to seek an alternate way of protecting the documents. So we went back and sought further advice on how we might do that. I think the archivist was approached to ask if we could put them in the archives. The question to be considered was 'Would they receive any protection there?' The problem with the documents as I understand it was that people had made statements about each other which were perhaps not flattering. Those documents could be used by people in vengeful activity against each other in one way or another. Either through reputations being tarnished or by people actually suing each other for defamation. That was the potential.
11. The submission went back to Cabinet saying 'No'. The archivist said that she could receive the documents and put them in storage but that she understood that the Government was going to introduce Freedom of Information legislation and therefore the documents would become available to the public again.
12. I can not remember exactly what happened at the second cabinet meeting, but finally at the third occasion the matters went to Cabinet and we got permission to destroy the documents. We were at pains to try and find alternate measures to protect the documents. That is what I understand and remember of that actual process.
13. I do not know much of what happened after this time but do recall we removed the manager [Peter Coyne] from the Centre. I recall that he was told something like or words to the effect of, it doesn't matter whether you were or whether you weren't right or wrong. Get on with your life because this episode is over. I recall being advised that he became quite fixated by it and again and I think became emotionally very overwrought as did his union representative, Kevin Lindenberg.
14. At no stage did I have an interview with Kevin Lindenberg or with Peter Coyne from early December 1989 to date. The whole matter was becoming emotionally charged and enmeshed. We thought it best that the matter be dealt with directly

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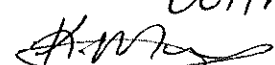

through the Acting DG so that we didn't have 'he said, she said' comments all over the place. We decided to streamline it for everybody's protection. It then went quiet for quite a long time I think. The new manager took over. I do not think all the issues had been totally resolved but the Centre was no longer in uproar as it had been previously. An interim manager, Tim Evans who had been manager at Cleveland Detention Centre took over. I cannot remember who took over after as he was only acting manager.

15. I cannot remember when the so called Heiner Affair became a matter of dispute. At some point I was asked in Parliament a series of questions about the Heiner Affair which I gave the answers as per my brief and very similar to the sorts of statements I just made. Probably in more detail than I can now recall. It went on from there. People refused to accept that that was the reality of the situation and became fixated, and more and more emotional, and more and more extravagant in their belief about what was in the documents. At no stage did I see the documents. Not even the box they were in. I had only ever been told they had been in a box.
16. There were several attempts at Inquiries. The only one I think that I was called to was the Senate Inquiry. It would have been possibly between 1990 – maybe late 1990s. I cannot remember. I have been questioned in the media on occasions and I have given the sort of explanation as provided in this statement as to why we destroyed the documents. I do not remember being asked to attend, or attending, the House of Representatives Inquiry in 2004.
17. As Minister, I was provided with frequent briefings from acting Director General Ruth Matchett. Large numbers of them would have been verbal. The only written briefings that I recall are the ones that would have been constructed for me for Cabinet. As it was an unfolding matter and going quite fast, the opportunity to sit down and write a brief about it was not suitable. Ruth and I did not have at that early stage, a practice of communicating by brief or memo. We communicated verbally. So she would have kept me informed as to what was going on. I used to have a meeting with her virtually every evening after hours to catch up on what had happened during the day. Bearing in mind, that at the time, I was also

meeting with large numbers of people and introducing myself as the new Minister. My diary was absolutely full during the day. Most of my departmental duties were done at night, because that was the only opportunity in between these very close together meetings.

18. That is my memory of the communication. The matter that I recall that were written down and they should be still available somewhere including notes for Cabinet, and the briefings for Parliamentary questions. In November 2012 I gave permission to the current Department of Premiers and Cabinet to have released to the Queensland Child Protection Commission of Inquiry briefing notes. I think one was a briefing note for Cabinet and the other was a briefing note for Parliament.
19. On the 1<sup>st</sup> February 2013 Detective Colless showed me a photocopy of an undated document titled 'The Honourable The Minister'. I do not recall the document however I may have been shown it before. It is not something that I remember, however I have recollection of its content. That document is a briefing note to Cabinet. It does not say, what I knew and probably raised in Cabinet anyway, that it wasn't just about the potential or legal defamation suits, it was also about the reputations of the individuals concerned. Further, people had given evidence to this Inquiry in good faith with some trepidation about what would happen to them if they made comments detrimental to anybody; the manager in particular. They had given that information in good faith thinking that they were protected. Their main concern was retribution and confidentiality. From what we understand of the way that the Inquiry had been set up, that it was not possible to give that guarantee. What we were trying to do was the honour that commitment to those people who were doing a job for the Government; that is to run a detention centre. In order to make them feel comfortable in the employ of the Government we had to give them that surety. That is not apparent in the document.
20. My understanding of the Heiner Inquiry was that there had been a disturbance at the John Oxley Youth Centre and that the previous Government's response was to set up the Inquiry. I don't remember ever seeing the terms of reference as I think it was not publically available. Later I recall learning that it was some sort of

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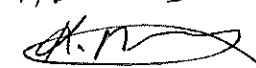
Inquiry into why there was so much unrest at John Oxley. What the terms of that were and the ins and outs and how that was to proceed I do not know. The main thing that persuaded me that we should dispense with the Inquiry, was to agree with the Acting DG's view that it was going nowhere. The Inquiry was not to make any recommendations whatsoever about the management at John Oxley to the participants of the Inquiry and to the Department. It was useless.

21. I have since been told that he [Mr Heiner] was looking at grievances by people. Apart from that I do not know the details of what those grievances were. I have since heard through the media all sorts of things but I do not know if that is relevant to what I knew at the time. No one in the Department advised me what the Heiner Inquiry was actually about. I think there was some confusion about what it was about. I think in the Department there was confusion. The Acting DG seemed to me to be on an exploratory endeavour to try and find out these things because we did not know. It was not immediately evident what it was about and whether it made sense.
22. The current Government did not consult with the previous Government. There are certain prohibitions about what the Department tells you about what happened in the previous Government. I was conscious of that and they were all fairly meticulous about not divulging whatever National Party secrets there were to divulge. That is the convention. Incoming Ministers are not informed. For instance you do not get to see previous Cabinet submissions. They do not become available to you until 30 years after the event except in this case where Peter Beattie made these available in about 1998 without any consultation with me.
23. From what I recall, when Ruth looked into the matter, she found that it had been improperly set up; that nobody had indemnity; that the participants had no indemnity; that Mr Heiner had no indemnity; that there were no recommendations coming; that Mr Heiner didn't want a bar of it once he found that there were difficulties in the way that the Inquiry had been set up; and he basically gave her the documents [Heiner material] and said words to the effect, 'I don't want to know about it'.

24. I do not recall having any contact with Mr Heiner directly myself. The main person in the Department I had contact with about the Heiner matter was the Acting DG. There may have been others but I do not recall. Bearing in mind that we hardly had a senior executive at that point in time because those people who had been the senior executive under the last Government were no longer in those positions. I recall having lots of contact with persons Don Smith and Trevor Walsh. Whether it was about Heiner or not, I do not know.
25. I did not personally see the Crown Law advice. My only knowledge of the advice was that the Inquiry was not set up under the Inquiries Act; that Crown Law didn't know very much about it; and in fact one of the phrases that I recall the Acting DG saying was that 'she approached Crown Law and said that she'd spoken to Mr Heiner; that the inquiry was not going to proceed and if you want to close down an Inquiry how do you do it?' Crown Law had said, 'What Inquiry?' because they knew nothing about it. The fact that they knew nothing about it alarmed us. I was bewildered. My understanding was during that period of time usual practice would have been to seek legal advice through Crown Law. External advice was not sought to my knowledge. Our modus operandi would have been to occasionally ask consultants on external departmental activities but not legal ones.
26. I first heard about the proposal to destroy the documents from the Acting DG. It was my understanding that it was the only possible legal thing to do and therefore it was based on her advice from Crown Law. My understanding was that she received a recommendation from Crown Law. I would not imagine that she would just pluck it out of thin air. There must have had some basis for her to make that recommendation. She [Ruth] was not an irrational person. She usually had a reason for making recommendations.
27. There were only two possible solutions to the document problem that were ever suggested to me. One was that they would be destroyed. The other was that they would go to the archivist. They were the only two measures that I recall to provide any protection for the participants in that Inquiry.

28. The archivist had come back and indicated that the documents would become available through Freedom of Information so that would not have solved the problem. I was told that nasty things had been said about each other. Nasty meaning people obviously had some complaints to make about each other. Those complaints considered to be nasty. They are not compliments. They are not having a chat. They are not being convivial. What the nature of those nasty things were I do not know, however it would have been fuel for further disputation and argument perhaps even defamation suits. Legal action and reputation destruction.
29. I do not think that it was any issue from my mind of the Department being sued by anybody. If it had been considered that people for example were going to be sued by the manager I would imagine that they would come to the Department for protection under those circumstances. It was messy. You could have any number of permutations of what could have happened and I think people did have a number of permutations about what could have happened. I do not know what was in those documents so I really can not speculate about it. To my recollection there were never ever any discussions about whether the Department may be the subject of legal action. The focus of the activity was to protect the participants and let the Department get on with its job.
30. After viewing the documents that the Department of Premiers and Cabinet emailed me in last November 2012 I do recall from a briefing note that my Department was at pains to point out to me, that it was not a matter of criminal activity in destroying the documents. I think they said there was abuse mentioned in that briefing note and that, again my memory is hazy, that a lot of the comments were of a low level personal nature.
31. At no time did the Acting DG or anyone else ever advise me that Mr Heiner had uncovered any evidence of child sexual abuse. I did not hear of any such allegations until 1999 I think. I believe I had heard it at the Forde Inquiry. Somebody hopped up at the Ford Inquiry. I think it may have been one of the youth workers but I cannot remember which one. Suddenly everybody went

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running down that alley but that was so many years after the event. That was the first I had heard of it.

32. My knowledge of the matter before I came into Government, that is opposition spokesperson for the Department of Family Services and Aboriginal Islander Affairs, had been public knowledge only. I can not recall how long I had been opposition spokesperson for. Maybe a year. Not very long.
33. There had been a riot at the John Oxley Youth Centre. I made comment about it to the media. I made comment about it at the John Oxley Youth Centre. I recall Peter Coyne as being the manager at the time. The only reason I remember that was because I remember there was a program about it later and there was a picture of me standing, looking very young, outside the John Oxley Centre saying something about how the Government was dealing with it badly. Essentially what oppositions say. I can not remember what it was now. It was my understanding of the issues of the John Oxley Centre, while I was in opposition, not in Government, that there was disputation around the ideological philosophical issues of how centres should be run. Centres including the John Oxley Youth Centre, Sir Leslie Wilson and Westbrook.
34. I did know about Sir Leslie Wilson because people used to lobby me a lot about closing Sir Leslie Wilson down because it was such a bad centre. That would have been social workers, people and constituents who made it their business to lobby incoming (hopefully) Government Ministers to take certain actions. So those issues around detention centres as such were things that I had considered before going into Government. I would say broadly speaking that I would probably have, philosophically, been supportive of modern rather than old fashioned methods of dealing with children.
35. The other issues would have been about staffing levels, about the levels of training the staff. The manager was responsible for the wellbeing of children 24/7. I felt very badly about the processes in detention centres and levels of staffing and did my best to improve those. We introduced new juvenile justice system and closed Westbrook.


36. In relation to my knowledge of an incident said to have occurred in May 1988 involving a female Aboriginal girl, I only learnt of it from what I read in newspapers. I was not aware of it at the time nor have I direct knowledge of it. Nor of the handcuffing incident that people have since referred to. Those things were not known to me. As Opposition Spokeswoman I was aware of general incidents and had general knowledge of abuse in youth detention centres.
37. I was shown a document by Detective Colless directed to the Acting Director General Ruth Matchett from Mr Ken O'Shea dated 23<sup>rd</sup> January 1990. This document was under the hand of Mr Barry Thomas acting for Mr O'Shea at the Crown Solicitor Office. I do not recall seeing this document before but find it interesting at the suggestion that the Inquiry might continue. I do not recall any discussions about continuing the Inquiry. I can also say I do not remember if I ever had any specific conversation with Acting DG about this document. The reality is likely that there may very well have been documents that brought to my attention but what I remember is the verbal stuff as I hear information rather than read it.
38. I cannot recall if there were senior executives from whom I was provided briefings in relation to the Heiner Inquiry. If there was I would have debated the issue and may very well have put up devil's advocate arguments. It would have been for the purposes of clarifying the debate. It was a methodology that I had which was to take the other side to see what came out at the end as a mechanism rather than actually believing that that was the way to go. I may very well have done that with Acting DG considering things like 'what if we don't do that', 'what if we do something else'. I honestly cannot remember the nature of those debates.
39. In each case where a recommendation was made I agreed with it. I do not know if I went willingly to the agreement. I would quite often have to be persuaded to a position. I am not a lawyer and I did not know. I did not seek any advice from anybody else like friends or lawyers that I knew or anyone like that, partly because I did not have time. However I would have asked very strenuous questions about 'Is it the only thing we can do?' as Cabinet was asking those

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questions. Is destroying the documents the only thing we can do? That is why it went to Cabinet three times because we examined the alternatives.

40. I do not remember the option of the Inquiry continuing as a recommendation. I am only aware of it because I read it now in the document provided by the police. The matter was not going anywhere and was flawed. At no stage did we want to prolong the agony. Remember that people were, from my understanding, upset and had been for some time. It was not new for them and there was a lot of uncertainty with the new incoming Government. The only two that became very excited on the subject was Peter Coyne and Kevin Lindenberg. Just those two. Nobody else. I do not know how the option of extending the Inquiry would have gone down with Cabinet. Cabinet would have said 'no way' due to expense, time and effort.
41. In retrospect, I did not consider it at the time. What you would have had to do was construct a whole new Cabinet submission around a whole new set of arguments about why an Inquiry was needed. Queensland had just come out of one of the biggest and most extensive Inquiries [Fitzgerald] that we'd had for a long time. I think that was the last thing a new Government would want to do. You tend not to want to keep asking questions. You want to find answers to questions. I think they would have resisted it due to expense. I think I would have. Probably the poorest Department per head in the whole Government. They would have said something like, 'If you do it, you pay for it'. That would have been the last thing you would have wanted to do. You would have wanted to put the money in to the detention centre rather than in asking questions of the detention centre. That is always one of the problems with Inquiries. They do not solve problems in the short-run and quite often they create more problems in terms of the running of Government processes. It did not seem to me that an Inquiry that was essentially characterised by personal disputes around issues of child management was appropriate question for an Inquiry.
42. The option of continuing the Inquiry was never discussed with me as I recall, nor did the option ever occur to me. Heiner was never going to make any findings, so you would have had to have started again. You would have to start right from the

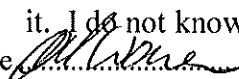
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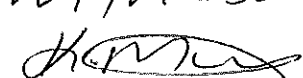
beginning. You could not just say, 'Oh we will just keep doing Heiner without Heiner'. You would have to do it again properly. That is a whole new exercise. That did not seem to be an appropriate response. We never discussed it and it would have seemed to me a sledgehammer to crack a nut. It may have solved the issue of defamation; however it wasn't just the question of defamation. There was the question of, 'What is the point and usefulness of this Inquiry?' A whole lot of people said a whole lot of nasty things about each other. What value is there in having an Inquiry into something that probably does not need an Inquiry? It actually needs some management and a review. Not an Inquiry. Perhaps some decent policy direction.

43. In relation to the operating of Cabinet back then I can outline broadly how the Cabinet meeting was conducted. All the Ministers are Cabinet Members in Queensland. We would go in, and we would have our Cabinet bag with the Executive Council Minutes [ECM]. We would deal with those and then we would start with the submissions. We would go through the submissions and basically people would read from the briefs that they got from their Departments and state whether they had any difficulties with other people's submissions. We would have a debate. My department says this, your department says that. Then a decision would be made about whether to accept the whole submission; whether to accept parts of the submission; or whether to not accept the submission. There would be a Cabinet Secretary taking notes. Stuart Tait was the Cabinet Secretary back then. Other than him taking the minutes at those meetings I do not know what other roles or duties he performed.

44. Stuart Tait was a nice man. I did not have communication with him in the forming of a submission. It is difficult to know what it was early on but later it became a much clearer process. I honestly cannot remember what process we were using then, but later on there was a very strenuous oversight of the development of cabinet submissions by the Office of Cabinet. That was not in place at that stage.

45. The original cabinet submission would come from the Acting DG. I would take it. I do not know the ins and outs of the processes that would go on between the

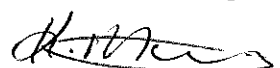
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Departments but there was obviously some communication between the Department and the Cabinet Office about submissions that were forthcoming. The Cabinet Office would be party to or be part of saying, 'This comes up this week, and this one comes up next week'. They would order the flow of cabinet submissions. I think that was largely their role at that stage. At a later stage the Cabinet Office, but not necessarily the Cabinet Secretary would actually have input into the actual Cabinet submissions but that mechanism was not in place at that stage because we did not have a Cabinet Office.

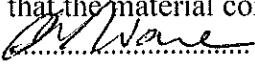
46. The Department would consult on it before it got to me. They would consult with other Departments. They might say well, 'Who might have an interest in this?' Let's find out what their view is'. For instance in this case it was clearly Crown Law. They would go to Crown Law about it, and may very well go to the DG of Justice or whatever they called themselves in those days. There was a whole army of people consulting with each other. It is called Whole of Government. A much maligned beast and they would devise a submission that would have the best chance of getting up. You would try and iron out complications and difficulties before you got to Cabinet. If you didn't do that you would get shot down in flames in Cabinet. If there were unresolvable problems then Cabinet would make a determination.
47. I would have thought it unlikely that the two submissions and one memorandum that went from the Department to Cabinet could have been generated by the Cabinet Secretary Office. I have no knowledge of the first Cabinet Submission originating from the Cabinet itself. I would have thought that the only time that he [Stuart tait] would become interested would be after Cabinet said 'No we don't want to destroy the documents, find another way of doing it'. Then he would get involved. He would try and find the solution by talking to various members of the Government, various Departments in the Government. He would say, 'Well we've got this problem. How do you think we should solve it?' Even if the Cabinet Secretary suggested a possible solution it would have come back to me from the Department, then go back through me to Cabinet. That is what you would describe as the consultation process.

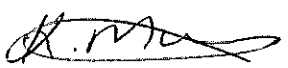
48. I recall members of the Goss Ministry in 1990. Those members included Premier Goss, and Ministers Mackenroth, Burns, Lacey, Wells, Smith, Gibbs, Hammil, Casey, Comben, Braddy, Eaton, Milner, Elliot, Warburton and I. There was allocated seating within the Cabinet as part of my portfolio. From viewing the photo shown to me by Detective Colless, it appears that I was seated between Pat Comben and Paul Braddy. I personally do not recall where I sat. I was the only woman.
49. I was shown a document dated 12<sup>th</sup> February 1990 marked Decision no. 00101 bearing my signature on the last page. I do not really recall this submission. It may have been the first submission that the Department ever did as I cannot recall anything before it. It was very early on. From review of the document it appears accurate in what I recall. In commenting as to who the author of that document was I believe it was the Acting DG. The content is all the matters that the Acting DG and I talked about at length. I observe this document to be similar to the document from Crown Law referred to at paragraph 37. This does not seem very much different from that. Further from review of that document it seems that there was a discussion in relation to the indemnity of Mr Heiner and the material which had been collected by Mr Heiner.
50. From memory those discussions were that it was not a good idea to destroy the documents and to find something else to do with them. This was the discussion. To destroy them would not have looked good, even though there was good reason to do it. After some deliberation it was decided that there was nothing else that would suit to allay those fears. Fears that people would misconstrue the destruction of documents. In hindsight those people were very right in making that assumption that it was not a good idea to do it. We tried not to. We tried to find somewhere else to put them where they would not cause an injury to somebody. I think it was at that stage the archivist was spoken to.
51. I was shown by Detective Colless a copy of a Cabinet Memorandum dated 19<sup>th</sup> February 1990 – Decision No. 00118 signed on behalf of Ruth Matchett under the hand of Myolene Carrick on the 13<sup>th</sup> February 1990. That document relates to Mr Heiner's indemnity. Further review of the document outlines options in dealing

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with the material collected. The second option would have given the documents parliamentary privilege. The third option could have resulted persons with getting up and saying horrible things about others thus damaging people. That would not have been a solution. They could have become available under Freedom of Information if held by the Department. Option four: 'Referral of the material to cabinet for noting' is interesting. I do not think that I would have been fully aware of what that meant at the time. I am now but I would not have been back then. It would have achieved nothing.

52. This document does not list an option of having another Inquiry. The one that I thought about since that nobody mentioned at the time. Basically I mean I was not in the business of dreaming things up myself. The option of exploring the sending of all the material to the archivist is not outlined in the memorandum.
53. After review of the document I have some memory in which Stuart Tait, acting Secretary makes comment that the memorandum be deferred to allow the Secretary of Cabinet to liaise with the State Archivist. It may well be inferred that the Department did not put it as an option but Cabinet raised it as an option. It could have been the Premier who said, 'Look, try and find something else out about this'. He was a lawyer. That was the Cabinet discussion. It makes sense that Stuart Tait did the action because he was told and went and did it.
54. I was shown by Detective Colless a document dated the 16<sup>th</sup> February 1990 authored by Ken O'Shea addressed to Mr Tait. I have not previously seen that document. After review of it I would describe it as a legalistic. They are not Cabinet documents. I have only subsequently become aware of the whole Cabinet document. It does not make much sense to me now. From its review the document basically says, 'You can't take them to Cabinet and get Cabinet privilege on them'.
55. I was shown by Detective Colless a copy of a Cabinet submission dated 5th March 1990. I can confirm that the actual submission attached dated 27<sup>th</sup> February is signed by me. From review of the content of the document it outlines that the material constitutes a public record for the purpose of the Libraries and

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Archives Act. It just seems wrong. I thought we were asking the archivist whether they would have the documents. The implication of this is that we were not asking the archivist to have the documents; we were asking the archivist if we could destroy the documents. I recall that we did in fact ask them [the archivist] if they could have them and I remember the answer had been no because of freedom of information. That advice would have come back through the Acting DG.

56. From my recollection the original idea as to what should become of the documents actually came from Crown Law or from the Acting DG to Crown Law and back again to destroy them. We said that 'No they can't be destroyed'. Can we put them somewhere safe where they would do no harm? No we couldn't do that. Then, 'Can we put them to the archivist because that was about the only place?' No. 'Can we put them to cabinet?'" No. So, back to the original option of destruction. Then, 'Can we destroy?' Consult the archivist. The document seems like it. It can not have been the memorandum.
57. The document in its second part indicates that a further memorandum to Cabinet was to be made concerning what approach should be taken regarding the papers. We did not do a second memorandum.
58. I was not involved with the memorandum however I would have seen it in Cabinet. It would have been in the Cabinet papers before I got to Cabinet. I would probably have assumed that it was mine even though I did not sign it, so I would have spoken to it.
59. I did not speak with Stuart Tait or Ken Littleboy in the forming of the submission. I do remember talking to them about it but I think it would have been in the context of post Cabinet discussion. Such discussion would have likely to have occurred after a Cabinet meeting as opposed to a telephone conversation or anything like that. That was because I was hard very busy. I was always in a meeting with somebody. There would have been very few discussions after cabinet. The extent of the discussions would have been, 'What could you do with it? How do we solve the problem?'

Witness:  




60. Apart from the post Cabinet meetings on the 12<sup>th</sup> & 19<sup>th</sup> February and 5<sup>th</sup> March 1990, the only personal conversation I ever recall with Mr Comben on the Heiner matter was in 1999 after he made the statement "in broad terms we, and my understanding Cabinet, were aware that there was material about child abuse".
61. I rang him about it and said, 'What are you talking about? What do you know that I don't know Pat?' He said nothing. I said something like, 'So why on earth?' What basis are you making these statements? Later a friend told me he made the statements in the media to get a free flight to Sydney.
62. It beggars belief that an incoming Labour Government would deliberately cover up sexual abuse under a National Party Government. For what would our motive possibly be? There is no motive.
63. I was never aware at the time under the previous government that the Department, under Mr Allan Pettigrew, had received a number of letters from the Queensland State Services Union [QSSU]. I have since become aware of them. The Acting DG did not advise me that the Department was in possession of those letters. I think it was the case that it was business you don't tell the incoming Government as it had been the last Government's business. I never saw the letters nor had I any knowledge of them. I was not aware that the original letters were returned to the QSSU. I have no knowledge as to what happened in relation to the photocopies said to have been made of those documents. Destroying a photocopy does not matter if the original is still in existence.
64. In relation to my understanding of the legal action by Peter Coyne I do not have a proper recollection. Ms Matchett had told me that he was trying to find out about what people had said about him. I did not speak to him, but by his actions, he wanted to prove he was right. That is an interpretation entirely by me, not based on any positive information that he told me, based on my own assumptions. I believe I found out that he [Peter Coyne] was trying to get hold of the documents as he was trying to find out what people had said about him and to do so had to get the documents. I believe I would have been told this by the Acting DG.

Witness signature  Signature of officer.....  
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Witness:  


65. I cannot recall if the Acting DG told me her intentions in relation to Mr Coyne and giving or not giving him the documents. We were in the business of destroying the documents in the Heiner stuff. Why would we be giving them to Peter Coyne?
66. I have no recollection that Peter Coyne was seeking access to the letters. I am barely aware of the existence of those letters. My focus was on the material produced by Mr Heiner. I do not recall any other. I have since discovered that Mr Coyne had legal representation.

Anne Marie WARNER

#### Declaration

This written statement by me dated 1<sup>st</sup> February 2013 and contained in the pages numbered 1 to 19 is true and correct to the best of my knowledge and belief.

Signed at Brisbane Signature this 13 day of February 2013

Witnessed:

Name Kara Murphy Signature Rank Solicitor Reg. No.

Witness:  
K. Murphy