



SPARK AND CANNON

TRANSCRIPT OF PROCEEDINGS

Telephone:

Adelaide	(08) 8110 8999
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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 13/12/2012

Continued from 12/12/2012

..DAY 11

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

THE COMMISSION COMMENCED AT 10.00 AM

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COMMISSIONER: Good morning, gentlemen.

MR COPLEY: Good morning, Mr Commissioner. I call Michael Joseph Ormond Roch.

ROCH, MICHAEL JOSEPH ORMOND sworn:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Michael Joseph Ormond Roch, retired commercial pilot.

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Please be seated.

COMMISSIONER: Good morning, Mr Roch. Thank you for coming?---My pleasure.

Yes, Mr Copley?

MR COPLEY: Thank you. Could Mr Roch see exhibit 236, please?

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Do you see that document there? Would you have a look through it, please, to make sure that it's the statement that you provided to the police on 12 November 2012?---It is, and may I request a very, very brief statement to the court?

No; no, not at the moment?---Not at the moment.

No?---All right.

So that's a statement you provided on 12 November 2012? ---Correct.

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All right. Could the witness be shown exhibit 237?

Is that a further statement that you provided to the police and signed on 12 November 2012?---Correct.

Thank you. You can just put those down or hand onto them, if you want, but put them down for the moment. You said before that you were a retired pilot?---That's correct.

When did you retire from flying?---When I - a few months prior to me joining the youth service.

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By the "youth service", do you mean the workforce employed by the Department of Communities at Sir Leslie Wilson Youth Centre?---Correct.

Okay; and you worked there for some time, did you?---I think, from memory, 18 months.

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Okay; and then you transferred to the John Oxley Youth Centre, did you?---Correct. **1**

When it opened?---Yes.

And in your statement, the first or the longer of the two statements you have got there, you said you worked at John Oxley Youth Centre until about 1988 when you transferred across to the State Government Security Service?---That is correct.

When in 1988 did you actually leave John Oxley?---This is what I wanted to say. I don't recall everything very well because of the stroke I had. I'm not sure. **10**

So you don't remember when in 1988 you left?---No.

COMMISSIONER: But you left commercial flying in the early eighties?---Yes. May I say I had to because we had somebody who told us we had to have a recession and there were half a dozen of us instructors - I was a flight instructor. We were laid off at Archerfield and there were half of dozen of us wandering around. I had a mortgage to pay, et cetera, on my own and a neighbour offered me this job. This is why. That's the only reason. I love flying. **20**

MR COPLEY: The only reason what?---I loved flying. That was the only reason.

Okay. Who did you fly for?---Say again?

What company or airline did you - - -?---Royal Queensland Aero Club.

I just didn't get that, sorry?---Royal Queensland Aero Club. **30**

Okay, thank you?---I also did charter flight.

Yes?---Other flights and I did ferry work bringing new aircraft back that had come over from America from Perth back here.

Okay. Well, when you were working at John Oxley Youth Centre, who was the manager?---It was not Peter Coyne. I can't recall the name but he was very good.

Did you ever work there under a man called Peter Coyne?---I did. **40**

So was there a manager whose name you can't recall that preceded Peter Coyne?---Yes.

Okay. Do you recall how long you were there under Peter Coyne's regime?---It was from when that previous manager left until I transferred to the security.

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All right. Now, according to the statement that you provided, the longer of the two statements, you stated that, to sum it up, there were some difficulties regarding Peter Coyne's style of management?---That is correct.

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Yes, and your view of it was, according to your statement, that he was completely immature, that he did a lot of harm and in your opinion the centre was very badly run?---That is correct.

Okay; and you felt so strongly about all of that that you organised a meeting, didn't you?---I did.

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And did the meeting go ahead?---It did but it was squashed by, I believe - how shall I phrase this diplomatically - a cohort from head office. I think his name was Pettigrew.

I see; and what do you mean by "it was squashed"? What do you mean by that? Did you say "squashed"?---Yes, he came and he derided me in front of everybody and - I can't remember verbatim but the meeting was then called null and void.

So was there actually a meeting?---Yes.

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And how long did it last for?---From memory, I'd say probably about half an hour.

How many people attended? Do you remember?---Yes, it would be approximately, I stress, 30 to 40.

Okay; and Mr Pettigrew came to the meeting, did he?---He did.

Are you sure about that?---Yes.

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Okay; and he derided you?---He did.

What did he say?---As I said, this is going back a long time, but all his - really came to what right had I got called as an employee to impugn the manager.

Did you get to speak at the meeting?---Sorry, say again?

Did you get to address the meeting?---I did, but I can't remember what I said. I really can't recall that.

All right. Well, was it your view, looking back on it, that the meeting didn't prove to be constructive?---That is correct.

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Was there only one such meeting?---From memory, yes; from memory, yes.

Okay; and you organised it?---No. That's the only one I think I organised, yes.

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So you did organise it?---The one you mentioned. **1**

No, the one you're talking about?---Yes, I did.

Right; and that was the meeting with Mr Pettigrew?---Yes.

And was that the only meeting of staff that you organised?
---Yes.

Do you recall when that meeting was?---No.

All right. Well, I'll suggest to you that the meeting was **10**
on 9 November 1988?---Right.

Do you recall where the meeting was held? Do you recall
where the meeting was held?---Yes, it was in the main -
there was a main sort of community room. It was a big room
but - - -

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But at what establishment?---In the John Oxley. 1

Okay. Did it occur in the morning or the afternoon?---I think around - from memory around about midday.

Okay. I'll get you to have a look at exhibit 87, please. If you look at the heading on that you'll see that it purports to be the report on meeting of youth workers and others held at the John Oxley Youth Centre on Wednesday, 9 November 1988. Do you see that?---I do.

And if you go to the last page you'll see that this minute or this record appears to have been signed by a B.G. Mann, acting senior industrial officer?---Yes, I see the signatory, yes. 10

Yes. Did you know a Mr Mann?---Not offhand, no. I can't remember, no.

Do you - - -?---Vaguely the name seems familiar, but that's all.

Do you ever remember talking to him on the telephone or trying to ring him on the telephone, perhaps? I'll put it that way, do you remember trying to ring him on the telephone?---No, I don't. 20

Leaving a message for him on the telephone?---No.

Do you deny that that could have occurred?---I don't deny it because I don't know.

Okay. Well, according to the minutes of this document there was a meeting that commenced at 10 am on 9 November 1988. Do you see that?---Is this - - - 30

If you go to page 1?---Yes, I see it.

And about 33 employees of John Oxley attended the meeting? ---That's right, it was 30 to 40, yes.

Yes, you were right. And Ian Peers attended the meeting from the department and acted as chairman. Do you see that?---Yes, I do.

The meeting had been organised by you and other youth workers. Do you see that?---I do. 40

And you and others had expressed concern about the management at John Oxley and in particular the manager, Mr Coyne. Do you see that?---I do.

Does that revive your memory about the meeting?---Well, no more than I've told you. As I said, after - I don't recall everything as well as I used to, I'm sorry.

But you recall Mr Pettigrew attending the meeting and deriding you?---Yes, I do. 1

Yes. Do you see that this document records that Mr Roach addressed the meeting?---Yes.

And Mr Roach stated that some of the problems included low morale of staff, the high level of overtime and the high turnover of staff?---I see that.

Do you remember addressing the meeting about those topics? ---It sounds about right. 10

All right. And do you see that Mr Roach suggested that a committee be formed to investigate these matters?---Mm, I'd forgotten that, but fair enough.

Do you remember that now, that you made that suggestion? ---I think I do, yes. I think, yes, I think now recalling it, yes, I think I do.

All right. And do you see that Mr Peers, as the chairman, suggested that the meeting air its grievances and that any discussion on matters raised be along the following format: first what was the problem; secondly what were the likely causes; and thirdly what things could be done to correct the problem?---Yes, I see that. 20

Do you remember Mr Peers saying that?---No.

Okay. If you turn to page 2 of the document do you see there a heading called Problems?---I do.

And there's a big long list set out on that page of problems, isn't there?---Yes, there is. 30

Then on page 3 there's a heading called Causes?---Where's that? Page 3? Page 3, sorry, I'm on page 4. Yes.

And at the bottom of page 3 there's a heading called Requirements?---I see it.

And then it goes over a page 4 where there's a reference to a conclusion. Do you see that?---I do.

Where in the paragraphs under the heading Conclusion it speaks of things Mr Peers said?---Yes, I see that. 40

And it talks about the meeting being concluded at 2.30 pm? ---I do.

That minute, if it is accurate, doesn't make any reference to the presence of Mr Pettigrew at the meeting, does it? ---No, it does not. I don't know why, but I just thought - I still feel he was there, but obviously I could be wrong.

It's a pretty serious thing to say, isn't it, that someone high up in the department attended the meeting and derided you?---Yes. Well, it must have been Mr Peers because I do stress after 22 years my recall is not entirely accurate.

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COMMISSIONER: Mr Pettigrew was the director general of the department then, wasn't he?---Perhaps that's why his name stuck in my mind. I don't know. It could well be the association of ideas.

Yes, but your memory is that the director-general of the department came out to this meeting?---It was, yes. I don't know why, but I thought he was.

10

And it's telling you that the man that held this position came out to this meeting on site for grievances of staff? ---That's right, yes. I can't be more accurate than that. As I said, recall, I thought it was missed Pettigrew. Well, obviously was Mr Peers. I'm sorry.

MR COPLEY: Well, it's probably - you can agree or disagree with this proposition - it's probably fair to assume that if the minutes bothered to recall the name of Peers and his title in the department and what role he acted in at the meeting and some of the things he said at the meeting - - -?---Mm'hm.

20

- - - it's probably fair to proceed on the basis that if Mr Pettigrew attended the meeting and addressed it, it might have been recorded in these minutes, mightn't it? ---That's quite correct.

Because B. Mann - does the name Brian Mann mean anything to you?---Vaguely I remember the name but I can't tell you who he was, what he was, where he was, or anything more about him.

30

I suggest to you that he was an officer of the Queensland State Service Union?---If you say so.

Were you in that union?---Yes. Yes, we all had to join.

And you were an organiser of this meeting?---Of this meeting?

Yes?---Yes, I was.

Yes. And it now may not be the case that Mr Pettigrew attended it, let alone derided you?---That is quite correct. I can be in error.

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And do you still adhere to the view that someone derided you at the meeting?---I still - yes, I still feel it was condescending, talked down to. Yes, I didn't like it.

Well, there's a difference, isn't there, between being

condescended to or talked down and actually derided, isn't there?--No, I disagree. I think condescension and deriding, talking down, I think are very similar. 1

Okay. All right. We'll have back exhibit 87. Now, in your longer statement you state that sometime after leaving the John Oxley Youth Centre you became aware of an investigation?--Yes, I was notified.

Yes. And you state that you were interrogated and gave a statement?--That's correct. 10

And that the interrogation and providing of the statement, it seems, took place in one of those government buildings near the law courts towards the river?--Yes, it was an old sandstone building and there was a - from memory, a man and a woman; very pleasant, very polite, yes.

What did you talk about at that meeting?--That's a good question. I think it was a combination of Peter Coyne's administration and I think it did touch on Annette Harding.

And who touched on Annette Harding?--The gentleman. Again, if you mention his name I'll probably remember it, but of the top of my head I just can't, I'm sorry. I can't give you names if I don't recall. 20

You say that you can't recall the building beyond it being an old sandstone building?--No, I can't.

And the meeting occurred after you've left JOYC but in the late 1980s?--That one did, though we were interviewed - this came back when it was - I was reminded we were interviewed at the John Oxley - - -

I see?-- - - - by a gentleman who came out. 30

And who reminded you of that?--I think one of the detectives that interviewed me.

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I see?---He said, "Do you remember?" and I didn't, but then at a later contact I said, "Yes, he did come back to me," yes.

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I see. So you were interviewed on two occasions, were you? ---That's correct.

Was it by the same man?---I think so, but don't hold me to it. I can't swear to that.

So it might have been by different people who interviewed you?---It might have been, possibly, yes.

10

COMMISSIONER: On both occasions was it a man and a woman who were very polite - - -?---No.

- - - or was that only on one occasion?---No, the first one at the old building in town here somewhere was a man and a woman, I'm pretty sure, but at John Oxley it was just a man.

Right?---I'm pretty sure about it, I think, yes, pretty sure.

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MR COPLEY: Which meeting came first, the one in town or the one at John Oxley?---Well, the one at John Oxley would have had to come first, while I was still there.

Sorry?---The one at John Oxley would have had to come first while I was still employed there.

I see?---Then I was - the other one I was contacted after, okay.

Right, okay, and the name of the man who interviewed you at John Oxley, do you remember that?---No, that's what I say, if you prompt me I can say yes or no, but I can't off the top of my head - - -

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Okay, Mr Heiner?---That rings a bell, yes.

Could he have been the man who interviewed you at John Oxley?---He could have been, yes.

Yes, and if there was a lady with him does the name Barbara Flynn mean anything?---Barbara?

Flynn?---Yes, that rings a bell, but that's all.

40

Okay?---I can't describe her.

Can you describe the man who interviewed you at John Oxley? ---He would have been, from recall, about fifty-ish, shorter than I am, medium build. That's about it. That's going back 22 years.

Well, it was going back to 1988, wasn't it, because you were interviewed there when you were still at John Oxley? ---Well, that's - what's that, 24 years.

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Right, that's going back 24 years?---24 years, yes.

When he came to interview you in 1988 was Peter Coyne still the manager, or was he the manager by then?---Yes. Peter Coyne unfortunately took over from the fellow who opened it, who was very good.

Yes?---Peter Coyne took over initially from that.

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So do you recall when in 1988 you met with the man who you think was Mr Heiner at the John Oxley Youth Centre?---No, I can't remember the exact date; no.

But it was after Peter Coyne had become the manager?---Yes.

Was it before that meeting on 9 November 1988, the minutes of which I showed you before?---The previous meeting?

The meeting with the man who might have been Mr Heiner at John Oxley in 1988, did that meeting occur prior to the meeting the minutes of which I just showed you before on 9 November 1988?

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---No, that took me - yes, prior to the other one, because I was recalled for the other one.

Sorry, which one were you recalled for?---The one once I had left John Oxley.

Yes, but you said to me before that your meeting at John Oxley with the man who you thought was Heiner occurred when you were still working there?---Yes.

30

Right?---It would have had to have been.

Right, okay, sure. What I want to know is this - I'm sorry, are you saying that at the time of 9 November 1988 meeting you had left John Oxley?---I told you, I don't know the dates exactly, no.

Well, we'll tackle it this way, I'll show you this document. Have a look at exhibit 58. You will see that that's a letter dated 24 March 1988 in the top left-hand corner?---Correct.

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It's addressed to Mr P.W. Coyne and it tells him that his Excellency the governor had appointed him manager of John Oxley Youth Centre. Do you see that?---I do.

It's signed by A.C. Pettigrew?---I do.

So it would seem that Mr Coyne assumed duties at John Oxley some time around the date of 24 March, 1988?---It would

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assume so, yes.

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Yes, so that's one marker, okay. The meeting the minutes of which I showed you from 9 November 1988 is another marker. Now, after Mr Coyne's appointment which we know is around March of 1988 which event occurred first, the meeting that you addressed the staff at that Mr Peers attended and where you may have been derided or the meeting with the man whose name you believe was Mr Heiner? Which occurred first?---The meeting I called.

Then that meeting was on 9 November 1988, according to the minutes, and then after that you met with this man whose name you believe to be Mr Heiner?---From memory, yes.

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All right. Did that meeting occur in 1988?---No recall. I do stress, I've had a stroke and I can't remember some things, I'm sorry.

That's all right, but you were still working there, were you, when you had the meeting with the man you thought was Mr Heiner?---Yes.

At JOYC?---As far as I know, yes.

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What did you tell him on that occasion?---No recall.

Sorry?---No recall. I can't remember.

Not one thing that you can remember?---Not now, no.

All right?---I think - well, I would assume it was concerning the management style.

Why would you assume that?---Because it was appalling.

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Well, that might be so, but why do you assume that your meeting was connected with appalling management?---Because they might have been having an investigation, especially after the sad occurrence of Annette Harding - I'm assuming. I don't know. That's all I can think of.

Yes, and what was the sad occurrence about Annette Harding? ---Do I have to say?

Yes?---She was pack raped.

Right, and who did that?---Boys from the institution.

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Did you see it?---No.

How do you know about it?---Hearsay.

Hearsay?---Correct.

Was it investigated?---It was.

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By whom?---Presumably the management and the police. 1

Why do you say that?---Well, I can't - it's logical to assume that, because who else would? We were told not to talk about it, but of course in an institution like that it gets - when you're in slack time these things get bandied around.

Yes?---I would not broach - Annette Harding was in the wing that I was in at that time, but out of courtesy to her I never broached the subject and if she wanted to talk about it, which I don't think she ever did, I certainly wouldn't bring it up. It would be very hurtful. 10

Why do you think it was a topic that you discussed with the man when you were working at John Oxley?---Why - say again?

Why do you think it was a topic that was discussed with the man who you believe was Mr Heiner when you were working at John Oxley?---Because - well, I know there was an investigation going on about it. I mean, you can't avoid those sorts of things, and I know there was, so obviously I think it probably came up. It was all part of the management style, the way it was run and these - I mean, it shouldn't have happened, but that's another story. 20

Yes, but you said there was an investigation going on about it?---Yes.

So it wouldn't have just come up if there was an investigation going on about it, would it?---Why not?

It would have been front and centre to the investigation, wouldn't it, if there was an investigation about it? ---Well, it could have been - as I said, I am trying to remember, but I can't tell you definitely what that meeting with Mr Heiner was about. I am only trying to recall what I think it could have been, but that is not factual. 30

So it would not be safe for us to proceed on the basis that you told Mr Heiner about the Annette Harding incident?---I wouldn't have brought it up unless I was asked about it, no. It wasn't my place to do so.

COMMISSIONER: But how sure are you that it was brought up?---I'm not sure.

You said before that - Mr Copley asked you, "Was it investigated?" and you said, "Yes." He said, "By whom?" and you said, "The police and the management," you presumed. So who did it is a presumption, but how is it that you know that an investigation was conducted? Is that an assumption as well or is that knowledge?---No, that is knowledge, because these things - a secret is never a secret if it's shared with one person, and it did filter down from the management that an investigation was going on 40

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at the time. It did come down, so it was pretty factual, 1
sir.

I see; so are you saying that in the context of that
organisation you couldn't cover something like that up?
---That is correct. It would be impossible virtually with
all the number of staff there, yes.

And not only could you not do it, in fact you know that an
open investigation was conducted by presumably the
management and the police?---That is correct, yes. It was 10
- what would you call it - not a federal offence. It was
an offence by law and so it's the sort of thing that
management could not cover up and so I'm pretty sure, sir,
that the police, yes, was involved.

And do you - I won't go there because you're not sure, but
it would have been in that context that if you did have a
discussion with Heiner or somebody else about it, it would
have been in connection with what sort of investigation you
believe was being undertaken?---That is correct.

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MR COPLEY: You didn't believe it had been covered up, did you?---I didn't believe? 1

That it had been covered up, did you?---Yes, I did actually. We all felt it was being put under the carpet.

Put under the carpet?---Yes.

Why did you think that?---Why did I?

Yes?---Because I'm a human being.

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I'll ask you again. Why did you think it had been put under the carpet?---Because as a human being, I felt - talking to other staff, we all felt it was being hushed up, "Don't talk about it. We'll handle it."

Right. Did you know that Annette Harding's mother was brought out to the centre to speak with her shortly after the incident?---I didn't know at the time but I've been told since, yes.

That wouldn't really be consistent with hushing it up, would it?---No, it wouldn't, but I didn't know that at the time. 20

No.

COMMISSIONER: Can I get something straight? When you say "hushed up" and you weren't supposed to talk about it and they said, "We'll handle it" - when you say "hushed up", do you mean that the staff were excluded by the management rather than - the staff weren't told anything as opposed to the event being kept secret?---That is correct. You see, this outing that it had happened on - they were taken out by the teachers and there was a line of differentiation between teachers and staff and, as such, it was being handled in that area of administration and, as general staff, this is why we were told not to talk about it amongst ourselves and especially not to the other inmates. 30

As I gather it, there's a lack of consensus about the wisdom of the excursion being allowed to happen in the first place given that there was mixed sexes or mixed genders and on top of that, if you were going to have an excursion like that, you wouldn't send schoolteachers out there with the residents. You would send youth workers or a mix of the two?---That is quite correct. 40

Right; and the management had decided to send schoolteachers instead of the youth workers?---Affirmative.

So the view of the youth workers was, "Well, management has completely messed this up. Look what's happened to Annette and on top of that they're telling us not to discuss it and excluding us from whatever investigation is being conducted

and they're doing it themselves, investigating themselves." 1
Is that right?---That's a pretty fair summation, yes, I
agree.

All right; and the risk of them investigating themselves
was that it was going to be swept under the carpet because
they wouldn't blame themselves for some mistake they had
made?---That is correct.

I see; and was that the general view of the staff?---That
was the general view, yes. 10

But what the staff didn't know is what, if anything, the
management actually did in relation to that event and the
investigation of it?---Again that's correct.

And while you didn't know, you were only left to suspect
and imagine what might or might not be done?---I'm afraid
you're right.

MR COPLEY: Did you suspect or imagine that management
didn't do anything?---Well, we knew something was being
done but, as I said, there was a line of demarcation 20
between teachers and the rest of us and we were only
literally told what I suppose they wanted us to know and
what filtered down. As I said, a secret - once a secret is
shared, it's no longer a secret.

COMMISSIONER: By definition, but one of the things you
did know or at least believe that was being done in
connection with investigating the Annette Harding affair
was this inquiry that you went and participated in?---Yes.

So you had your full say to that inquiry, did you?---Yes,
but I didn't know much so didn't have much to say. 30

So if you didn't have much to say, you didn't have much to
tell the investigator, did you?---No.

He would be none the wiser having spoken to you?---Sorry?

He might be better informed but none the wiser having
spoken to you?---I would say that would be right, yes.

MR COPLEY: Now, you mentioned before or you confirmed
earlier on that in your lengthier statement you spoke about
an investigation where you were interrogated at a
government building near the law courts?---Correct. 40

When did that investigation occur?---No idea.

Who interrogated you?---As I said, it was a man and a
woman. It could've been Mr Heiner. Again I don't know.

Okay; and what did you tell this man, if it was Mr Heiner?
Let's assume - well, what did you tell the man on this

occasion when you went to the building near the law courts? 1
---Again I think it was generalisation of the
administration style and I think maybe the Annette Harding
incident may have come up.

Well, when you say you think, how sure are you?---I'm not.

COMMISSIONER: Could I just ask you this question: did
you and the others out there see the Annette Harding affair
as symptomatic of the overall faulty management style?---It
was a good example, I think, as your Honour pointed out,
that they were sent out with some teachers who, quite 10
frankly, were not nearly so security minded as we were. I
do stress a lot of us came from lots of different
professions, but at least we had the basic grounding of
security and I think it came - yes, the teachers were even
less so security minded.

In terms of those critical of the management, it was just
another example of mismanagement in their view?
---Affirmative.

MR COPLEY: Were you the only person who had formerly been
a pilot who worked at John Oxley when you were employed 20
there?
---Had been a commercial pilot?

Yes?---As far as I know, yes. I didn't know any other
pilot.

You didn't meet any other ex-pilots out there?---No. I
think I would've probably been aware of it. We would've
gravitated together.

Because there would have been - if you had found a man or a
woman, I suppose, who had been in the same line of work as 30
you prior to going to JOYC, you would have had something in
common to talk about?---That's correct.

Yes?---That's quite correct.

See, I suggest to you that you were indeed spoken to or
interviewed by Mr Heiner but that the interview occurred at
the John Oxley Youth Centre and that it occurred in either
late 1989 - in either December 1989 or January of 1990?
---If you say so.

What do you say to that proposition?---Quite logical. 40

Right; and I suggest to you that not only was Mr Heiner
present but that Ms Barbara Flynn was present when you were
interviewed?---Again that's quite logical.

And I suggest to you that you were in a very distressed and
upset state when you spoke with Mr Heiner?---I would say
that's probably quite right, yes. Being shift work and the

stresses that Peter Coyne brought on the staff, yes, that's quite possible. 1

You gave Mr Heiner an example of some of the difficulties you had had under Mr Coyne and one example was that you would be at home in bed with your wife when you would get a telephone call from the manager about something or other. Do you remember telling Mr Heiner that?---Well, that's not quite correct because I didn't have a wife.

Didn't you?---No.

10

Right?---She had long departed.

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All right. But did you tell that to Mr Heiner?---I
couldn't have because I didn't have a wife. 1

Okay. Did you tell Mr Heiner that you felt that you were
treated as if you had no brains, or words to that effect,
by Mr Coyne?---That I had no brains?

Yes, or that you were - - -?---I don't recall that, no.

Did you tell Mr Heiner that you'd been derided by Mr Coyne?
---I would say that's quite possible, yes, because I was. 10

Or condescended to?---Yes, I would say it's quite possible,
because I was, along with other staff.

And you were particularly upset when you spoke with
Mr Heiner?---I would say, yes, I probably would be. When
you live alone and you - and as I said, shift work,
unfortunately you do dwell on these things. You don't have
anybody to talk with and you can dwell on these things and
get - yes, it can be upsetting, yes.

Yes. 20

COMMISSIONER: Almost distressing, was it?---Yes, it would
be.

MR COPLEY: And I suggest to you that you didn't raise
anything about the Annette Harding incident at the John
Oxley Centre with Mr Heiner?---If you say so.

Beg your pardon?---If you say so. I don't know, I just
can't recall that.

Okay?---I just cannot recall accurately under oath to say
yes, I did. I'm not going to do that. 30

Okay. Now, I may have clarified this with you before, but
I may have become confused so I'll just ask you this
question again: which of these two meetings occurred first
in time, the one at JOYC or the one at the building the of
the law courts? Which one happened first?---Well, I would
assume logically that it would be JOYC first and then law
courts after.

Why would you assume that?---Because why would they have it
in town at an independent building rather than at the JOYC?
I mean, why would they - they wouldn't have it there and
then one out there, would they? So it is logical to assume
that it was at JOYC first and this one came later when I
was then attached to the security. 40

Okay. And the man that interview the second time, was it
the same man as the man who interviewed you at JOYC?
---Again, I think he was but under oath I can't swear to
it. I think it was.

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Okay?---If I'm not sure of something I'll tell you. 1

Okay. Excuse me just for a moment, Mr Commissioner. No further questions.

COMMISSIONER: Thank you. Mr Bosscher.

MR BOSSCHER: Thank you, Commissioner. I do have some questions.

Good morning, Mr Roach?---Good morning. 10

I want to ask you some questions about the statement that you've given to the police relevant to this commission, but also some questions about some other things you may or may not have said in the past, in an endeavour to try and assist your memory as much as I'm able to do so?---Thank you.

So far as your statement is concerned, very early on in the piece you indicate you suffered a stroke in 2007?---Yes, it was 2007, yes.

And as a result of that stroke you've had some difficulty with your memory from that time?---I have difficulty with memory and with some words and it takes time for things to filter through what brain I have left, so if I'm a little slow, forgive me. 20

I'll take you through as slowly as I can?---Thank you, I'll do the best I can.

If I put something to you that you don't agree with all you don't remember, please feel free to say so?---Thank you.

But prior to 2007 there were no issues with your memory, I take it?---No, it was pretty good. It had to be. 30

COMMISSIONER: Why did it have to be?---Well, if you're bringing an aircraft in and you forget what you're doing its disastrous.

As at 2007 and you hadn't brought and aircraft in for 20 years, had you?---No, I had. I was still flying privately.

I see. When did you - - - ?---Before the stroke; I can't fly now, but I was still doing private charters and things like that, yes. 40

Up until 2007?---No, it was probably around about 2000.

So coming back to my question, if flying wasn't the reason why your memory had to be good, what was?---I can't say because I was a brilliant fellow, I wasn't. But I think I had a reasonably good memory, as good as anybody else.

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Okay. But initially you thought you had a good memory prior to 2007 because was needed to bring down an aircraft - - -?---Well, it - - - 1

- - - and then you remembered you hadn't brought down an aircraft for the seven years prior to 2007?---Yes, I'm a firm believer in use it or lose it, and this is why I've now got involved in the Sunshine Coast Computer Club and I do some tutoring there and I try to keep my mind as active as possible and I always did, even then. I felt - and I still do. 10

Okay. So can we take it that why you think you had a good memory prior to your stroke was because you try to keep your mind active?---Why do I think I did?

No, that's why you think you had a good memory, is because you try to keep your mind active?---I think that's one of the things, yes. It's not just bringing an aircraft in, it's remembering all the specifications of different types and the -you know, all the ANRs and ANOs that came in, regulations, you had to keep up to date. But apart from that, I have always - I love reading. I like, now, a computer challenge. I use - as I said, what I've got left, I use it as much is possible. 20

So in the seven years between when you stopped flying and thinking about all those things, and 2007 when you had the stroke, you were still giving your mind active?---Yes.

I see. Okay?---I still - I flew in Dubai, United Arab Emirates, where I lived for a bit. I still did some flights there, yes. But I just try to keep it as active as possible, sir.

Sure, okay. 30

MR BOSSCHER: Thank you, Commissioner.

Mr Roach, the statements that I have and that are in front of you, one you signed on 5 October this year, and the second one you signed on 12 November of this year?---Are these the long ones?

There's the long one of eight pages, has a date on the back of it?---Yes. Yes, I've got it.

It says 5 October?---Yes. 40

And then the shorter statement has a date on the back of it of 12 November, both of this year?---Yes, I'm with you.

And it seems as though my friend quite rightly points out that you signed them on the same day, if you look at the second line of the signature page?---That's right, yes.

So certainly as of November of this year when you signed those statements you've tried as best as you're able to in the content of those statements to remember with as much detail as you can the events that you were being asked about?---Yes.

1

Subject to, of course, the fact that you did have that stroke?---Yes.

And probably equally importantly, subject to the fact that it was now some 20 years after the event?---That is correct, yes. I do stress, I recall the best I can. And I will say again, if I am not sure I will tell the court.

10

Thank you. Now, if I take you to your longer statement first?---Yes.

At paragraph 9 you indicate that you do recall an incident there involving a young Aboriginal girl, Annette?---Yes.

And that you do recall that she was taken somewhere and raped by the boys in the party?---Do I recall?

20

Yes?---I did when it - as I said, when it filtered down through the whole system, which it did.

So when you spoke to the police you remembered that particular incident?---I did.

COMMISSIONER: But strictly speaking, given what you've told us now, it wasn't a recall of an event for you because you were there; it was a recall of something that you'd heard?---That is correct.

That's most correct, isn't it?---That's most correct.

30

Now, when my friend was asking you some questions do you recall that there were two different times you were spoken to about the inquiry in relation to the John Oxley Youth Centre. That's correct?---Mm'hm.

40

Is that correct, there were two separate meetings that you had about that particular inquiry?---I couldn't hear, I'm sorry.

1

There were two separate meetings that you had in relation to that inquiry?---Yes, that's right. That's correct. I'm sorry, it's not you, it's my hearing. It's probably not as good as it used to be.

The first one, as you recall it, occurred at John Oxley Youth Detention Centre?---Yes, I remember that.

10

The second one occurred at a building here in the city? ---That's correct.

To the best of your recollection - sorry, and you believe it may have been with the same person who you now think to be Mr Heiner?---That is correct, to the best of my recollection, yes.

In your statement you provide some detail, particularly in relation to the second meeting. You describe it as being run by this fellow. "I don't remember his name. He was a retired judge or something like that"?---That's correct, yes.

20

Subject to some questioning this morning now from the commissioner and from Mr Copley you believe that now to be Mr Heiner?---I do. Yes, I do recollect; yes, he was a retired - yes, that comes back. Yes, he was a retired judge, I think; yes.

You also say in this same statement that that conversation that occurred in the city, it was recorded. They had a tape-recorder, one of the big old-fashioned ones, on the table?---Yes, they did. I think it was on the right-hand side. I think the lady - I think she operated it.

30

You go on in your statement to say that this particular person asked your opinion of how John Oxley was run and the general morale. "I don't recall if he asked the questions. I think I probably volunteered the information, as I was totally disgusted with Peter Coyne"?---That would be quite possible, yes, I think.

So that at the time you signed this statement is your best memory of how the meeting took place?---Affirmative.

40

You also said something to Mr Copley in relation to the Annette Harding incident as follows: "I wouldn't have brought it up unless I was asked"?---I think there's a possibility I might have.

So you could have brought it up even if Mr Heiner didn't ask you about it?---Dead right, yes.

Let me put that a different way. If he did ask you about that incident then you certainly were not reticent in discussing it with him?---That would be correct. I've always believed in communication.

1

You've also said that the general feeling amongst some of - sorry, amongst some of the staff, as I understand your evidence, there was a feeling that this incident had been covered up?---There was the general feeling it was, yes.

Be that right or wrong, that was what the staff felt at the time?---That's correct.

10

At least some of the staff, to be fair?---That is correct.

Further on in your statement, Mr Roch, you say at paragraph 23, "I think the focus of the inquiry was that the management of JOYC" - sorry, "That was the management of JOYC, but I'm pretty sure I told the retired judge about Annette. I'm going back 30 years, but I'm 80 per cent sure." Do you see that in your statement?---I do.

Then you go on, of course, to say, "There is 20 per cent, as I said, with my memory as it is, but I'm pretty sure it would have"?---Yes, I'm pretty sure.

20

Now, as you indicate in that paragraph, we're going back perhaps not quite 30 years, but we're certainly going back more than two decades for you to remember what you told Mr Heiner?---Two decades.

At least, more than two decades?---Yes. I believe more than that, yes.

Yes, and whilst you can't put your hand on your heart and say with 100 per cent certainty that you told Mr Heiner about Harding, is it the case that you believe that you did?---No, I - no, I can't put my hand on my heart and say that, no. As I said, it's to the best of my ability.

30

So your best recollection is that you told Mr Heiner about Harding?---Yes.

COMMISSIONER: What is your recollection based on? Why is that your best recollection?---I really don't know. Why do we recollect anything? I don't know that.

40

Well, I'm trying to understand whether now, sitting there, you have any genuine recollection of talking to Mr Heiner or whether what you're telling me is something you feel based on knowing you yourself and having been out there and the things that you were thinking about that you probably would have? Do you understand the difference?---Yes, that's very well put.

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Which category do you fall into?---I would say probably you're right on the second assumption. 1

Mr Bosscher?

MR BOSSCHER: Thank you, commissioner.

In your statement you indicate, "There was a radio program dated 7 November 2001. I recall giving a phone interview on the radio announcer by the name of Steve Austin, however I don't really recall the content of the conversation"? ---That's correct. 10

So when you signed your statement did you recall giving that radio interview to Mr Austin?---I did not.

Sorry?---I did not, no.

COMMISSIONER: He said no, Mr Bosscher.

MR BOSSCHER: When you signed this statement here you record in this statement that I'm reading from, "I recall giving a phone interview on the radio with a radio announcer by the name of Steve Austin"?---Yes, I see that on that, and I certainly didn't remember until I was prompted, then I vaguely remember Steve Austin, but I've no idea what he asked me or what the content was about. 20

Okay, I'll ask you two questions. This isn't about the content, but do you recall giving the interview to Mr Austin?---Well, I do now I've been prompted. Yes, I do.

But of course you don't know recollect after the effluxion of time what you said?---No idea, I'm sorry.

COMMISSIONER: Now, could I also just clear up with you what you mean by, "I now recall, having been prompted." Does that mean, "The prompt enlivened in me a memory that had been dormant of something that happened," or does it mean, "I didn't remember but somebody told me, prompted me, that it had happened and I accept that it did"?---That is correct, the second, yes. 30

MR BOSSCHER: And it was the police officer taking your statement that refreshed your memory?---That's right.

COMMISSIONER: Well, see, sorry, I know I'm pedantic, but it's not really true to say that his memory was refreshed at all. I mean, we say those things, like we recall, when we really don't recall, we reconstruct, and we just can't be bothered discriminating between the two, but it's important for me to know the difference, and from what I understand from what the witness is telling me is that he doesn't really remember this but people who sound like they might have a bit of knowledge and it's not inconsistent with what he does recall, which isn't much, he's likely to 40

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accept that it's true. That's not really a refreshment of memory, that's a creation of a memory that he doesn't really have, and it might be correct and it might be false, but he personally can't vouch one way or the other for it. Is that fair?---That's pretty good.

1

MR BOSSCHER: Well, I can only be guided by the words written in the statement, telling me - - -

COMMISSIONER: Yes. No, I know, and that's the point. It's helpful for you to bring him back to the statement and give him an opportunity to say how trustworthy the words in the statement are.

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MR BOSSCHER: Thank you, commissioner.

So, Mr Roch, going back to this issue in relation to the radio interview with Steve Austin, do you now have a memory of speaking to him - not about what you said to him, but of speaking to him on the radio?---Yes, I do remember a Steve Austin, but that's where it ends, I'm sorry. I have no idea. I would only assume if I said any more than that, but I do remember vaguely talking, but no idea what it was about.

20

No, but you do recall, just so we're very, very clear, that you did speak to him, although you don't remember now what about?---Correct.

Is it your recollection that when you were speaking to him you were doing so on the radio?---I would have known that, because Steve Austin, his name was fairly well known on the - well, one of these stations, and yes, I would have known that, but again, what he said, what I said, I have no idea.

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Okay. Well, I will come back to that in just a moment. You also indicate in your statement - I'll just find the relevant page. Excuse me, commissioner, I'm just looking for a particular paragraph.

1

COMMISSIONER: Yes, sure.

MR BOSSCHER: I recall in your statement, although for the life of me now I can't find the paragraph, you referring to something being published in the Courier Mail?---Something in the Courier Mail - I don't remember seeing anything about that.

10

Just bear with me. I apologise for making you wait, but I'm just trying to find the relevant paragraph?---That's quite all right. I'm not going anywhere.

The reason I can't find it is that the page is not in my bundle. In paragraph 27 you recall that in 2002 you went to England?---That's correct.

And that you remember a fellow by the name of Bruce Grundy came to where you were boarding at that time before you left?

20

---I remember.

And you believe it would have been about 2001 to 2002?
---That is correct.

"He was the first person that asked me about the rape"?
---The first person?

I'm just reading your statement?---Yes.

"He was the first person that asked me about the rape"?
---Yes.

30

I will miss some sentences now, but I will go along here, "At one interview just before I went overseas he came with a newspaper reporter, a woman, and interviewed me"?
---That's correct.

"It would have been 2001 or early 2002 before I went to Europe"?---That's correct.

"There was an article written about it - the paper"?---That would - yes, I think that's right. Again I seem to remember vaguely, otherwise she wouldn't have been there, and she had a tape-recorder there too.

40

Do you remember reading the article in the paper?---No.

Do you not remember or do you say you've never read the article?---I've never read the article. To the best of my ability, no.

An article appeared in the Courier Mail on 8 November 2001 and a person was quoted in that article as follows, and I'm just going to read you the relevant passages:

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A former centre youth worker said yesterday that he had been interviewed in 1989 by Mr Heiner who had specifically asked about the rape. He said the interview "was about Peter Coyne (the manager of the centre) basically" but the rape "was one of the incidents that came out". When asked if he had volunteered about the rape claim or had been questioned about it, the man said, "He (Mr Heiner) asked. He knew about it already." The man said everyone in the centre knew about the rape allegation.

10

Now, sir, that person that's being quoted - do you have a recollection if that's information that you provided to Mr Grundy and the reporter?---I would say that's quite - I can't again swear to it but I say it's logical to assume that, yes.

So you do recall meeting Mr Grundy some time in that time period?---I do.

20

You do recall an article in the paper?---I don't recall, no. I can't remember. I obviously have seen it but I can't recall, no, I'm sorry.

But you did - sorry, I will withdraw that. So far as your conversation with Mr Grundy is concerned, do you recall what that was about?---Yes. Mr Grundy was concentrating on bringing some relief to Annette Harding and I was all for that because I felt very sorry for her.

30

Why did you feel sorry for her?---Well, I think any decent person would, wouldn't they?

I'm not going to dispute that with you for a moment, but I'm asking why you felt sorry for her?---Why; because I think a young girl who is in care was violated by a bunch of other young inmates. I think it's deplorable. I think it's horrific.

Again I doubt anybody here would argue with that. So that was something that still troubled you as at 2001?---Well, it still does, that somebody's life at the formative years of her life has been subjected to that sort of treatment. I think that's deplorable.

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COMMISSIONER: Not only that, you were of the view that it was preventable too if the right staff had been sent along or if it hadn't been allowed to go ahead at all?
---Affirmative.

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MR BOSSCHER: Now, I read you the paragraphs from the Courier Mail article attributed to a particular person being quoted? 1
---Yes.

Do you now have a memory that that could have been you?
---It's possible, yes. It's fair to assume that.

COMMISSIONER: Mr Bosscher, you can't have a memory that somebody could have been you. You can accept it as a proposition that it could have been you. 10

MR BOSSCHER: I take your point, Commissioner, and no doubt you will apply that when you come to make a conclusion ultimately. My friend has asked me if I want to tender - I think I would ask Mr Copley to tender it, if he has it.

MR COPLEY: I don't have it, but I'm sure Mr Bosscher would make a copy available and I'm happy to tender it.

COMMISSIONER: Yes.

MR BOSSCHER: I have copies here. The only problem is there are two articles on the one page. I'm happy to tender them if someone would put a line through the other one. 20

COMMISSIONER: Okay.

MR BOSSCHER: I'm happy to tender that now.

COMMISSIONER: This is the Courier Mail one, not the Independent. Was it the Independent?

MR BOSSCHER: No, the note that I have, commissioner, is, "Courier Mail, page 2, Thursday, 8 November 2001, journalist Bruce Grundy." 30

COMMISSIONER: So he wrote in the Courier Mail as well as the Independent, did he?

MR BOSSCHER: I think he wrote for the Courier Mail before the Independent.

COMMISSIONER: yes.

MR BOSSCHER: That's my understanding. 40

MR COPLEY: I just said to Mr Bosscher that when he has got it in tenderable form, I will tender it.

COMMISSIONER: Yes, you will actually do the act.

MR COPLEY: Yes.

COMMISSIONER: Right.

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MR BOSSCHER: Now, just going back to that particular article and the comments we have made about that, you do have a recollection of speaking with Mr Grundy?---With Mr Grundy I do. I do remember. I can definitely say I remember that, yes. I can remember exactly where.

Where were you when you spoke with him?---I was staying with friends in Ferny Grove and there was a little outside area and we sat there.

10

If I was to suggest to you that that was in about 2001, would you agree with that?---I would.

Do you recall now what you told Mr Grundy?---Not specifically, no, but it would have been in relation mainly to Annette Harding because that's who he was trying to bring foreclosure.

COMMISSIONER: That's a common thing between the two of you. Annette Harding was a common feature between you? ---That's correct.

20

Did you have anything else in common with Bruce Grundy at that time frame?---No.

MR BOSSCHER: So you do recall now specifically he was asking you about Annette Harding and what had happened? ---That is correct.

And if I was to suggest to you that he was also asking you whether or not you told Mr Heiner about that, would you agree or disagree?---I would say it was logical to assume that, yes.

30

Do you have any other recollection of that conversation? ---No.

I'm going to put some conversation to you and just ask whether this jogs your memory in any way?---Right.

I suggest to you that Mr Grundy asked you this question. So did you tell him - so can you remember, did you tell him or volunteer or did he ask you about the rape and your response was, "He asked"?---He asked. He came to interview me to ask about the Annette Harding and the rape.

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What I'm suggesting - - -

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MR COPLEY: Well, that needs to be clarified as to whether the witness is referring to Mr Grundy or someone else.

MR BOSSCHER: Yes, and I'm about to do that.

I'm suggesting to you that the question Mr Grundy is asking you - and you don't have to agree with this - was he was asking you whether you told Mr Heiner about the rape or whether Mr Heiner asked you about the rape?---That, I can't confirm or deny.

10

Perhaps I might read a little bit further for you and see if this assist you further. Mr Grundy then asks you, "He asked you about the rape," and your response was, "Yes, he knew about it already," to which Mr Grundy ask you, "What did he say?" And you responded, "Oh, I can't remember that. Oh, I really can't remember verbatim, you know," and then the next question was, "And I mean you've told him roughly what you told us," and you say, "That's right, yeah." Mr Grundy says, "Okay, that you heard about - that this girl had been raped and covered up and stuff," and your response is, "Well, this is right, we all knew. We all knew." Does that ring a bell, that conversation?---It was the sort of conversation I say, yes. It's quite logical to assume that, yes.

20

But you don't have a specific recollection of it now?---No.

If I was to suggest to you that on more than one occasion in that conversation that you were asked whether you told Mr Heiner about the rape and you agree, would you agree or disagree with that proposition?---I would say that that would be correct.

30

And you recall speaking to Mr Grundy in 2001?---I do. As I stated previously, I - that is correct.

Would it be fair to put to you that your memory in relation to what you told Mr Heiner would have been better in 2001 than perhaps it is today?---That would be right.

Commissioner - - - ?---Stands to reason, really, you know, I had most things working then.

Commissioner, that partial transcript that I put to him is from a tape recording of a conversation purporting to be between Mr Grundy and this particular person. I do not have the original of that particular tape recording; I have a copy of it. I understand that Mr Grundy has the original and that the commission has subpoenaed any documents he has relevant to this matter. And quite properly he won't then give me the original because he is required to deliver them to this commission. At some point in time, be it now or at a later time, would be of assistance, I suspect, for that

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portion of the tape that I have to be put to the witness to identify that he is the person speaking at that time. I have the copy and I'm willing to do that now; or alternatively we can wait till Mr Grundy delivers the original recording and Mr Roach may need to come back to that purpose. 1

COMMISSIONER: I think we can do it now, can't we?

MR BOSSCHER: The only other issue that I have with that is it's a C90 cassette recording. 10

COMMISSIONER: Yes.

MR BOSSCHER: Which means - - -

COMMISSIONER: Nothing to me. What does that mean?

MR BOSSCHER: It would mean something to you, Commissioner, but not to anybody much younger than me. That's the old - - -

COMMISSIONER: That's the (indistinct) one. 20

MR BOSSCHER: - - - cassettes that police record of interviews used to come on. Now, to find blank tapes or players has been quite an effort.

COMMISSIONER: You think Mr Hanger might have won at his place?

MR BOSSCHER: No, I suspect a Mr Hanger has the old eight-inch reel to reel.

MR HANGER: I have, actually. 30

MR BOSSCHER: I'm just pointing that out for your associate because playing it out loud is going to be - I'm happy to put it on his desk we should be able to hear it, but I'm just forestalling the technology.

COMMISSIONER: You just want the voice identification, do you?

MR BOSSCHER: At this stage. I mean, it should be - we should play the whole conversation to him. It takes a matter of minutes. 40

COMMISSIONER: Does it? Okay, if we can do it.

MR BOSSCHER: If I may, I'll just grab the recorder out of my bag and we'll try.

TAPE PLAYED

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MR BOSSCHER: Mr Roach, is one of those two males on that tape?---Yes, much to my surprise, I do. 1

That's your voice speaking bear with another person?---It is.

Is that the conversation now, having heard it, that you - do you now recall having that conversation with Mr Grundy? ---That sounded - I must have had. It wouldn't have been fabricated, yes.

COMMISSIONER: Mr Bosscher, I'm content that the voice has been identified by the Mr Roach as his and I'm content to work on the basis of the assumption that the other voice is Mr Grundy and therefore to play the tape so that everybody can hear it. 10

MR BOSSCHER: Certainly, Commissioner. I'm just finding the appropriate commencement point.

COMMISSIONER: All right.

TAPE PLAYED 20

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COMMISSIONER: Was that the telephone conversation? 1

MR BOSSCHER: I don't know. That's a good question.

COMMISSIONER: Do you know, Mr Roch?---No, I'm trying to remember. I don't know.

You said before that you spoke to Mr Grundy out the back of the house that you were staying at?---Yes.

What did that sound like to you? Did that sound like to you that conversation you had out the back or did it sound like a phone call you had with Mr Grundy?---That sounds more like a phone call. 10

It does, doesn't it?

MR BOSSCHER: But your recollection is, and you were very clear about it, that you met with Mr Grundy at a particular place in Ferny Grove?---Yes, that's one thing I can swear to under oath here.

COMMISSIONER: How many times did you meet Mr Grundy? ---Say again? 20

How many times did you meet Mr Grundy?---Again, that's a good question. That wasn't the first time. I have met with him before, but I can't - yes, it wasn't the first time.

Do you know what you got your wires crossed about?---No. No, that's left me a bit mystified.

Were there only two people at that time of the recording, you and - - -?---Yes, there were. 30

He said in the tape, "Did you tell him," namely Heiner, "about what you told us?" or what we - was that a reference to somebody else as well as him? He used the plural, that's all?---Yes. I don't know, sorry.

MR BOSSCHER: Because your recollection was that when - or certainly in your statement when you met with Mr Grundy that he was with a female person?---He was, yes. The last time he interviewed me before I went to Europe, yes.

You understood that that interview was with a journalist and that a story appeared shortly thereafter?---Yes, though as I stated previously, I cannot remember actually reading it. I think I probably would have, but then again, that's assumption. 40

COMMISSIONER: You don't know who the female was?---No.

MR BOSSCHER: I read you the relevant parts of that story. Would you agree that they're consistent with what is said

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on that tape by you?---I would.

1

Does that assist your memory as to whether or not - I withdraw that.

COMMISSIONER: It may be the push against an open door, Mr Bosscher.

MR BOSSCHER: Thank you, commissioner.

MR HANGER: If that tape was to be tendered - I've listened to the conversation here and it's not going to be tendered at this stage, but in fairness to all concerned and consistent with the usual rules of evidence the whole of the tape-recorded conversation should be tendered, because that was clearly a part, it's not the whole.

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COMMISSIONER: Yes.

MR BOSSCHER: Could I indicate this, so far as the copy that I have, that is the only portion of the conversation I have with Mr Roch and Mr Grundy.

COMMISSIONER: Yes.

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MR HANGER: Well, that may be so. That doesn't mean that it - it's clearly not the whole of the conversation. I accept what Mr Bosscher says.

MR BOSSCHER: Yes.

MR HANGER: But obviously you would want the whole conversation.

COMMISSIONER: I'd want the context of the conversation.

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MR HANGER: Yes.

MR BOSSCHER: Which is why I'm suggesting - I have no hesitation in tendering that portion that I've played, because that's all I have, but that's not the original, as I said.

COMMISSIONER: No, I understand, but, you see, because we've used that tape to identify Mr Roch's voice, then it's real evidence of that.

MR BOSSCHER: yes.

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COMMISSIONER: Then the original, when it comes, will be received as the original of the recording, but that needs to be tendered as the voice identified by Mr Roch as his own.

MR BOSSCHER: As I said, commissioner, I have no issue at all tendering this particular tape. I do need to put on

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the record that there are other conversations on this tape that weren't played and I'm not putting to any witness, so it's only that portion that was played that should form part of an exhibit. 1

COMMISSIONER: Right, but is that a full copy of the original, which includes those other conversations that you haven't played. Does the original include them as well?

MR BOSSCHER: I understand that this tape is a complete copy of the tape that Mr Grundy has that has all of these conversations. 10

COMMISSIONER: So it's a replica.

MR BOSSCHER: That's as I understand it. I haven't compared both.

COMMISSIONER: Okay. No, that's fine.

MR BOSSCHER: That's as I understand it, but it's only the conversation with Mr Roch that should be tendered, and I'm happy to tender it. 20

COMMISSIONER: Well, you're only tendering that conversation, those statements.

MR BOSSCHER: Yes.

COMMISSIONER: That's what you're putting into evidence, is that part of it. I understand.

MR BOSSCHER: Thank you, commissioner. I'll hand that up now. I just need to - I'll find the cover for it.

COMMISSIONER: You're tendering it on the basis that it being a recording of a conversation in 2001, it's likely to have occurred, what is said is likely to be true on it and whether Mr Roch can remember it now, I should accept that he said those things that are recorded on the tape are probably true. 30

MR BOSSCHER: That's so, other than I can't say that it was 2001, although that's what I'm suggesting to Mr Roch and that's his evidence, but other than that everything you said is true.

COMMISSIONER: Right. Now, I'm not sure that I'm going to be totally confident relying on Mr Roch as a historian given the current state of his memory and I think if you were going to want to tell me it was 2001 you would need another source other than Mr Roch to get you that far at the moment. 40

MR BOSSCHER: Yes.

COMMISSIONER: All right. Anyone want to say anything about that? I'm going to take it and mark it exhibit 254.

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ADMITTED AND MARKED: "EXHIBIT 254"

COMMISSIONER: The exhibit 254, for the record, is that portion of the tape that was played to and confirmed by Mr Roch as a conversation he had with Mr Grundy which is said to be around 2001 and I gather it's also said to be in person.

MR BOSSCHER: Those are - that is - - -

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COMMISSIONER: You may not say that, Mr Bosscher, but - - -

MR BOSSCHER: That's the information I have.

COMMISSIONER: Right, and that's consistent with what Mr Roch has said.

MR BOSSCHER: Yes, and as you indicated, commissioner, there will need to be at some time another source in relation to that particular tape and that should clarify the issues that you raised.

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COMMISSIONER: Okay.

MR BOSSCHER: I have nothing further for Mr Roch.

COMMISSIONER: Thank you. Yes, Mr Harris?

MR HARRIS: Thank you, commissioner. I only have a very short question for Mr Roch.

Mr Roch, in your evidence earlier today you said that you worked in Annette's wing at John Oxley Centre. Is that correct?---In her which?

30

Worked in Annette's wing?---That's correct.

How long were you working in her wing for, can you recall? ---No, I can't.

Were you there prior to the incident?---I was.

Were you there after the incident?---I'm pretty sure I was, yes.

40

You said that you had spoken to - you had had conversations with Annette herself?---Yes.

I want you to go back into your memory about this. Do you recall if Annette was given any help with respect to her incident at the John Oxley?---I think - yes, I think she did by people like Lyn Draper who was one of the medical

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staff and also an assistant to Peter Coyne. I think - yes, I think, they - again, I think - it's hearsay, but I think she was given counselling and support, but I don't know. I think she was.

1

So you have no personal knowledge of it?---No. I didn't bring it up because I thought it was indelicate. She was sensitive enough as it was and to make her talk about these things - if she wanted to talk about it I would have, but from recollection I don't think she ever brought it up with me.

10

Thank you. No further questions, commissioner.

COMMISSIONER: Thank you. Mr Hanger?

MR HANGER: Yes, I have a couple.

In paragraph 27 Mr Bosscher was asking you about you talk about several - more than one interview. How many interviews were there with Mr Grundy?---I think at least - well, the final one I'm definite about was in Ferny Grove before I went to the UK. There was one before but I can't remember where and I can't remember - I think probably only one before, but that's the best I can - - -

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There was one with a female journalist there as well?---The one at Ferny Grove, yes. 1

The one at Ferny Grove had a female journalist?---Yes.

All right. Well, you don't mention that in the first sentence in paragraph 27, do you?---Paragraph 27.

There's a second one where you talk about Annette - a newspaper reporter?---Well, I say, "At one interview just before I went overseas he came with a newspaper reporter, a woman, and interviewed me." 10

All right. That's the one that's in - - -?---Yes.

Now, was there one before that or after that?---No, that was the final one because I left fairly shortly after that.

Okay; and was there a previous one when you were physically present as distinct from by telephone?---Say again?

Do you have a recollection of an earlier interview?---I do, but I don't know where and I'm pretty sure it was just him but I can't recall it. Again it's very hazy, I'm sorry. 20

Sure; and I had the impression that what we just listened to on the tape was a telephone conversation?---Yes, that's the impression I got.

Do you recall a telephone conversation as distinct from two physical interviews?---Well, the only one - as I said, I do know I spoke to this Steve Austin but I can't remember any other telephone conversation, no, sorry.

You used the term "pack rape" of the girl McIntosh? ---Correct. 30

What was the gossip or general knowledge that everyone had in the centre about this rape, the pack rape?---All right. These teachers took these children into a forest. I will speak bluntly. The teachers had their little party or picnic - - -

And the kids got away?--- - - - while the kids went off on their own and this occurred.

I asked you what was the pack rape? What was the gossip about the pack rape?---You mean you want me to define it? 40

What did you understand by it?---I understood that at least multiple sexual intercourse took place.

You mean with multiple persons?---With multiple persons.

How many people?---No idea. I don't know, three or four, but I cannot say. I wasn't there.

No, quite so. I'm trying to work out what the gossip was in the centre at the time?---Yes. 1

The intercourse took place with three or four people; that it was violent?---Yes.

Did you know that Annette was taken to hospital and had a medical examination by a senior female paediatrician? ---Yes.

Did you know that there were no marks of violence of any kind either internally or externally on her?---I would have no - I would have no cognisance of that information at all. Why would I? 10

Well, because of the gossip?---The gossip didn't define that to that extent, no.

No, but you did know that it was investigated by the police?---Yes.

The gossip extended to that?---It did extend to that, yes.

Did you know that no charges were laid?---I did know that. 20

Did you know that Annette had withdrawn - did not want to proceed with any charges?---No, I didn't know that.

The gossip didn't extend that far?---No.

And, indeed, in a properly run centre you wouldn't expect it to, would you?---No, you wouldn't.

Because that isn't the sort of thing that should be discussed between staff?---Correct. 30

Or between staff and inmates?---Correct.

Yes, thank you.

COMMISSIONER: Yes, Mr Copley?

MR COPLEY: How did this fellow Grundy get onto you?---Say again?

How did Grundy get onto you? How did he find you?---I've often wondered. 40

Yes?---I don't know.

How many occasions did you meet with him?---Well, as I said previously, at least once, that once, and I vaguely remember one before but where, when, what it was about, I'm sorry, I don't know.

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Because that tape that you heard doesn't start with him introducing himself to you, does it?---No, it doesn't.

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It doesn't say, "Hello, I'm someone Grundy"?---No.

"And this is my friend Lucy or Anna," or whatever?---No.

"Are you Michael Roch?" It doesn't say that, does it? ---No, he doesn't, no.

No; yet it seems to be referring to something that you've said before?---It must be, yes, I agree.

10

Were you aware that that conversation was taped?---No.

He didn't tell you he was taping it?---No.

Did he tell you afterwards he was taping it?---Not by - not that I recollect, no.

He didn't explain to you, "I'm taping a portion of this, Michael, but not all of it and the reason for that is this or that or the other thing"?---I don't remember that at all, no.

20

COMMISSIONER: Have you heard it before today, the tape? ---No.

MR COPLEY: Now, when you spoke on the radio program, do you recall this: that you just identified yourself by your first name?---As I said, I remember the radio program, Steve Austin the name, but, as regards to content, the exact conversation I don't. I have no recollection.

Was there only one Steve Austin radio program you went onto?---Yes.

30

Did you only go on the program once?---Yes.

Okay. Was there anybody else on the program with you, that is to say, was there any other person interviewed at that time about whatever it was you were talking about?---No, I don't think so.

COMMISSIONER: It wasn't one of those panel - - -?---No; no; no, it definitely wasn't that; no.

40

Mr Commissioner, I tender a transcript prepared by Rehame Transcript concerning a conversation that began at 8.47 am on 7 November 2011 in an interview between Steve Austin and Michael, a former John Oxley Youth Centre youth worker, and the Queensland Family Services minister Judy Spence. I don't have copies of it, I'm sorry, but I'm sure Mr Blumke will be able to have those provided to the others later today.

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COMMISSIONER: The transcript of the radio show will be exhibit 255. 1

ADMITTED AND MARKED: "EXHIBIT 255"

MR COPLEY: You wouldn't now, would you, remember what you said on the radio show?---No.

No. Excuse me for a moment, your Honour.

COMMISSIONER: Mr Bosscher, the only female reporter I remember back in those days for the Courier-Mail was Pat Gillespie. Is that who you have spoken about? 10

MR BOSSCHER: I don't know. I suspect that's a little bit before my time. I think I only moved here in 1990.

MR COPLEY: Sorry, what was your question, Mr Commissioner?

COMMISSIONER: The only female journalist for the Courier-Mail around that time I knew of was Pat Gillespie. I was just wondering if she was the woman who accompanied Mr Grundy. 20

MR BOSSCHER: I have no information on that. I can say that the transcript or the copy of the Courier-Mail article that I have has Mr Grundy's by-line.

COMMISSIONER: He is the only one there.

MR BOSSCHER: That's the only one that I have, yes.

COMMISSIONER: Right.

MR BOSSCHER: As my friend indicated, I will tender that at some point. 30

COMMISSIONER: Is it asserted that there was a female journalist with Mr Grundy or is the highest it can be put that Mr Roch thinks there might have been?

MR BOSSCHER: At this stage the highest it can be put is that Mr Roch thinks there was. The relevance of it, of course, is that there's a conversation and then the article appears effectively mirroring the conversation. If you look at the chronology, there's the Steve Austin interview, then there seems to be in between those two the conversation that Mr Roch refers to, then the Courier-Mail article which is 8 November and the Steve Austin interview being 7 November. When you look at them collectively, it does answer some of the - - - 40

COMMISSIONER: It fills in some gaps.

MR BOSSCHER: It does. That's the best way to put it.

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COMMISSIONER: All right, thank you.

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

COMMISSIONER: Yes.

Mr Roch, thank you very much for coming and spending as long as you have in the witness box and doing the best you can in difficult circumstances to assist the commission. It is much appreciated. You are formally released from the obligations of your summons with thanks?---Mr Commissioner, may I thank the police for their courtesy and consideration at all times.

10

Yes?---And the courtesy of the court. Thank you very much.

Thank you.

WITNESS WITHDREW

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MR COPLEY: Mr Commissioner, I call Bradley Mark Parfitt. 1

PARFITT, BRADLEY MARK sworn:

ASSOCIATE: For recording purposes please state your full name and your occupation?---My full name is Bradley Mark Parfitt and I'm involved in the security industry.

COMMISSIONER: Good morning, Mr Parfitt. Welcome?---Good morning, sir.

MR COPLEY: Could the witness be shown exhibit 233, please. Mr Parfitt, would you have a look at that document, please, to ascertain whether or not you signed it and provided to the police on 23 November 2012?---Yes, I did, sir. 10

Okay, thank you. Now, in the statement you state that you first began working for the department in about December 1988 at John Oxley Youth Centre?---That is correct.

Are you able to recall for how many years you worked there? ---I believe I exited John Oxley Youth Centre around February 1990. 20

All right. So that would have been shortly after a matter called the Heiner investigation - - -?---That is correct, yes. I believe so.

All right. Now, thinking back to when you left John Oxley in February 1990, were you aware that that investigation had gone on?---I've tried to recall the matter and I have some recollection there was an inquiry.

Yes?---However, I'm unsure if it was the Heiner inquiry or the Forde inquiry that I remember. 30

Okay. Well, it would probably be pretty common ground that the Forde inquiry was going on in the late 1990s, maybe around 1999-2000. Does that help at all?---It does. I can't state for certain if - I'll go back a step. I was aware of the Heiner inquiry or that - of an inquiry but I cannot recall if it was Heiner at - I'll go back a step if I may, I'll clarify this. I vividly recall - I recall the Forde inquiry. I have some independent recollection of the Heiner inquiry - - -

Yes?--- - - - but not a lot of detail. 40

Okay. Well, we heard from a lady yesterday called Irene Parfitt. Do you know her?---Indeed I do.

Yes. Is she your ex-wife?---That is correct.

Do you recall first of all when you and she got divorced? ---2006.

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All right. Do you recall when he was she got married?
---1996. 1

Okay?---I think. I'm a man - dates.

She may have said 1994?---They have a better memory than us.

Do you recall knowing Irene Parfitt when you worked at John Oxley?---Yes, I did. Whilst at John Oxley Youth Centre, that's where we established our initial relationship. 10

All right. Well, when you started working there was she already there, or did she come to work there after you've began?---She was already working at the centre at that point in time.

Okay. And I suppose as these things go you met each other, you became friendly, and then you would have regarded yourselves, if things moved in the right direction, in a relationship. Is that the case?---That's correct. Initially there was a friendship and that developed much along the lines of what you've indicated. She was going through a marital issue at that point in time. 20

Okay?---And friends; went further.

All right. Well, did you and she live together - cohabit under the one roof - before you got married?---Yes, we did.

Do you recall when that started?---Yes, it was approximately - it was in 1989 - - -

Yes?--- - - - shortly - I'm going to suggest possibly October 1989 because I do recall my 30th birthday in November, we were living together at that point in time. 30

All right. Now, when you two began living together, what suburb of what town was the residence in that you lived at?
---Redbank, at Redbank itself.

Okay. And you regard that as a suburb of Ipswich?---Yes, indeed. Yes, yes.

Right. How long did you and she reside in that Redbank residence for?---It was several months, and we then moved to a residence in Middle Park. 40

Okay. Now, is Middle Park regarded as part of Brisbane or Ipswich?---It's part of Brisbane. And after Middle Park, where we stayed for about a year, we moved to another residence, a flat at River Hills, which is also part of Brisbane.

Okay. Is that out there in those western suburbs, Jindalee - - -?---Correct.

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- - - out past there?---Correct, yes.

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Okay.

COMMISSIONER: How far would Redbank be from Wacol approximately?---I'd say about 8000 metres, sir.

MR COPLEY: Okay. And if we were to try and regarded in a straight line, Wacol would lie between Brisbane city and Redbank?---That is correct, yes.

You'd have to basically go along what they now call the motorway to get from Redbank to Brisbane City?---Indeed.

10

And past Wacol to the site of the motorway?---Indeed.

Okay, thank you.

COMMISSIONER: And that's also the way you'd go if you wanted to get to the city via River Hills or - - -?---On that motorway, yes, sir, yes. It's the same motorway for Redbank, the extension is Westwood.

Yes?---And then you would pick it up further in the east.

20

Yes, and the road system has changed a bit since 1989?---A tad.

MR COPLEY: Now, you used to be a Queensland police officer, didn't you?---That is correct.

Was that before or after you worked at John Oxley?
---Before.

Before?---Yes.

30

How long would you in that job for?---Two years.

Two years. So I would imagine you didn't get much beyond the rate of Constable in the two years?---No, indeed not.

Okay. Now, when you worked at John Oxley in 1988 was Peter Coyne the manager?---Yes, he was.

How did you get along with him?---Amberlivient.
Peter - - -

Sorry, what was that word?---Amberlivient.

40

Right?---Quite neutral. It was the centre manager, I was a based grade worker.

Yes?---So that's the relationship that you'd expect.

All right. Was Irene higher than you or - - -?---Indeed, yes. She was an acting senior youth worker.

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Okay. All right. And even though you might have got along with him in a fairly neutral fashion, were you aware of there being tensions in the centre?---Absolutely. 1

And was Peter Coyne the object or involved in the tension? ---He was certainly involved in the tension. From my experience from my employment when I commenced there, there were issues permeating throughout the centre where there was a "them and us" situation developing. Now, interestingly, however, there was a "them" as management but there was "us" as several different factions - - - 10

Yes?--- - - - one may say, within the youth worker community. Some of those were Coyne-ites or whatever, others were, you know, quite articulate, quite frustrated with the work that he did, and then there was another group which was more or less a neutral type group that just tried to, you know, walk the road, go to work, go home.

Okay. All right.

COMMISSIONER: so there were Coyne-ites and Coyne-nots, where there?---I think it is a fair comment, sir, yes. 20

MR COPLEY: Do you recall now or what the people that were hostile to - for want of a better adjective - Mr Coyne were upset about or angry about or irritated about?---Indeed. There were a number of different issues that the people that were hostile. There was - with respect to Annette, who I saw earlier - there was the alleged incident involving Ms Harding. There was also serious matters occurring at the centre around this time with a lot of violence being offered towards the staff. From this time - - -

From who?---From residents, from the children. 30

Yes?---In the time I was there, there was a merger of Westbrook Detention Centre and John Oxley Detention Centre and the population changed diametrically, so there was much older young men in the centre, there was riotous behaviour, carrying on, et cetera. What was occurring was that people were getting injured, there were as escapes occurring. It got to the stage where escapes were occurring on a daily basis; there was a revolving door policy. And people who - - -

That wasn't an official policy?---Indeed. I mean, I take your point. 40

Yes?---There was a revolving door situation occurring and people were becoming quite frustrated, I believe, with the lack of policy, the lack of direction, the lack of training, and a lack of clarity of purpose.

Okay. Well, it sounds like you were, if what you say now is correct, well aware of what the issues were out there? ---Yes. 1

Although you were ambivalent about Mr Coyne, you at least had the good knowledge of what the issues were?---Indeed.

So did you go before any inquiry or gentleman out there to talk about the issues?---I considered this. I've heard the evidence of others.

By the way, when you say that, how do you mean you've heard the evidence of others?---Well, sitting outside. 10

I see; are they broadcasting this out there, are they? ---Indeed they are, yes. Frankly, I can't recall if I went before someone at John Oxley or if I went before someone at the Children's Court or whatever. What I can recall is providing reports or providing information to Mr Coyne through the chain of management or chain of command, rather, regarding things that possibly needed - did need to be addressed.

Okay?---If you have possession of, for example, a statement that I may have gave or other evidence to identify it - - - 20

Listen, I will ask the questions?---Really?

Yes?---Okay.

Okay. Now, did you know anybody who talked to or gave evidence to Mr Heiner or know of anybody who did?---I believe Mr Feige gave evidence to Mr Heiner.

Yes?---I believe Mr Mills gave evidence to Mr Heiner. 30

Yes?---I think there were others which I can't - I can't recall their names. It was a long time ago. However, I know there was - there was a group - Peter Coyne believed there was about 10 people or whatever that had given evidence against him at the Heiner inquiry.

What about Irene Parfitt?---I can't recall if she gave evidence. Irene and I would attend work. We'd obviously have some discussions after hours and things like that about things that happened, you know, minor things. However, we did not discuss, you know, detailed things or confidential things. We didn't do that. 40

All right.

COMMISSIONER: Would you regard the Heiner inquiry as a confidential thing?---I would, sir, yes.

You said in your statement, "No-one who attended the inquiry told me that they spoke about sexual abuse at John

Oxley"?---That would be correct, yes.

1

So that sentence I read out in your statement is your truthful recollection?---That is my truthful recollection.

All right. Now, you said that you spoke with Forde or the Forde Inquiry people?---Correct.

You were still married to Irene at that time of the Forde Inquiry?---Yes, at that point in time; yes.

To your knowledge, did she speak with the Forde people?---I believe she did, yes.

10

Okay?---I believe we shared a vehicle to attend the Forde Inquiry.

Where did you have to go? Did you have to go somewhere to speak to the Forde - - -?---Indeed. It was - I'm trying to recall it. It's been suggested it may have been at the Children's Court, the Forde Inquiry. I don't believe it was. I believe it was somewhere in the George Street precinct where we went into a building there and spoke with Governor Forde and a former inspector of superintendent of police who was assisting.

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Okay. No further questions.

COMMISSIONER: Thank you. Mr Bosscher?

MR BOSSCHER: Thank you, commissioner.

Mr Parfitt, do you recall what your evidence - the general nature of what your evidence was to the Forde Inquiry?---I can't, sir. I would've, however, provided a statement, I'm sure, which would have been recorded and I would welcome the opportunity to refer to that to confirm or deny if that is the evidence I supplied.

30

Do you recall whether it was done in an open hearing or whether it was done in a closed hearing?---It was done in an office environment. It wasn't a hearing as such.

So you were present with Ms Forde. Was anyone else present?---Yes, this former - the retired inspector or superintendent of police was present. He was guiding questions, yes.

40

And so it was done in an office-type environment as dissimilar to this type of environment we're in today? ---Correct, yes.

COMMISSIONER: This is the Forde Inquiry?

MR BOSSCHER: The Forde Inquiry, yes.

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PARFITT, B.M. XXN

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That's what I'm asking you about?---Yes, to the best of my recollection, that is correct. 1

Thank you, commissioner.

COMMISSIONER: Thank you. Mr Harris?

MR HARRIS: I have no questions, commissioner.

COMMISSIONER: Mr Hanger?

MR HANGER: No questions. 10

COMMISSIONER: Mr Copley?

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

COMMISSIONER: Yes.

Mr Parfitt, thanks very much for coming. We appreciate you taking the time of your day to give evidence here and you're formally excused from your summons?---Thank you, sir. 20

Have a good day.

WITNESS WITHDREW

MR COPLEY: I will just find out who is next.

COMMISSIONER: Yes. Apart from paragraph 18 and the names mentioned in that paragraph I propose to order the publication of exhibit 233.

MR COPLEY: Thank you, Mr Commissioner. We overlooked that exercise in relation to Mr Roch's two statements, but certainly there is nothing in the second two-page statement that needs to be concluded. In relation to his lengthier statement, I can't see anything in there that needs to be obliterated. Nobody else can either, I don't think. 30

COMMISSIONER: All right. I will order the publication of exhibits 236 and 237 without amendment.

MR COPLEY: Mr Commissioner, I call Kym Adele Yuke and the relevant exhibit will be 239. 40

COMMISSIONER: Thank you.

YUKE, KYM ADELE affirmed:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Kym Adele Yuke, project officer.

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YUKE, K.A. XN

Please be seated.

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MR COPLEY: Could Ms Yuke see exhibit 239?

Ms Yuke, is that the statement that you provided to the police?---Yes, it was.

All right. Could I ask you, please, to speak up in a louder voice so that we can all hear you?---Sure.

Thank you, because that microphone just goes to the court reporting bureau. It doesn't actually amplify your voice really in the courtroom?---Sure.

10

Thank you. You worked at the John Oxley Youth Centre in the 18 months preceding May of 1990?---Correct.

So you were there at the time when Mr Coyne was the manager?
---Yes.

And you were there still after he left?---Yes.

All right. Had you been there under the regime of the manager who preceded Mr Coyne?---No.

20

Okay. You were there at the time that Mr Heiner conducted an investigation?---Yes.

Did you speak with Mr Heiner?---Yes.

Where did your meeting with Mr Heiner occur?---I was in a meeting room or a conference room.

At JOYC?---Yes.

30

Was there only the one meeting?---There may have been two, but I clearly remember one.

Okay. Did that one that you remember occur in the morning or the afternoon, if you remember?---It may have been in the morning.

Was there anybody else present when you met Mr Heiner?---I believe there was a female perhaps taking notes or supporting him to gather the evidence.

You don't remember the name of the lady?---No.

40

Okay. Did Mr Heiner ask you questions or did he just allow you to say what you wanted to say?---I think he asked questions.

Were you there of your own free will or had someone made you go to see him?---No, I don't believe I was made to go and see him but - yes, it was of my free will; yes.

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Well, the last part of your answer was simply not audible? 1
---Sorry, yes; no, I believe I went willingly. I don't
think there was any directive or anything like that to
answer him.

What did he question you about?---I honestly can't remember
the questions that he asked me. I think I'm remembering
the conversation would've been around the management issues
at John Oxley at the time.

All right. Prior to speaking with him, were you aware of 10
anything falling into what you described as management
issues?---Certainly there was conversations around the
workplace - - -

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Yes?---About the youth workers being unhappy with Peter Coyne's management style. 1

Okay. Did you have any feelings about Peter Coyne's management style when you saw Mr Heiner?---No, I worked quite happily at John Oxley in my role. He was quite supportive of work that I was doing.

And you were one of the nurses, were you?---I was the nurse, but we were doing health education and things like that because the community of young people need that sort of input. 10

Okay. Well, in your statement you said that the information that was discussed between - or the matters discussed between you and Mr Heiner concerned behaviour management. Do you mean by that the management of the behaviour of the children?---Yes.

Okay. Riots?---Yes.

There had been a riot there, hadn't there?---Several in the time that I was there. 20

Several?---Yes.

Okay. And a handcuffing incident?---Yes.

All right. He stated, "I did not have any information about sexual abuse to report to Mr Heiner"?---No.

Okay. And from that camera take it that you did not report any matters of sexual abuse to Mr Heiner?---Correct.

Okay. 30

COMMISSIONER: Did Mr Heiner asked you if you had any information about sexual matters to give him?---I can't remember specifically, but I - yes, I don't think so.

MR COPLEY: No further questions.

COMMISSIONER: Thanks.

MR HARRIS: Mr Bosscher has left the room, Commissioner. He's asked me to act as his agent in this matter.

COMMISSIONER: Yes. 40

MR HARRIS: He's got my questions for Ms Yuke but I do have a couple of short questions.

COMMISSIONER: Righto then, Mr Harris.

MR HARRIS: Ms Yuke, you were the nurse - the registered

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nurse at the John Oxley centre. Do you remember when you started there?---I remember when I finished because I was pregnant with my daughter, but I think I've been there for 18 months.

1

Do you recall an incident involving Annette Harding there?
---No, I don't.

Do you recall ever treating a resident there that had been sexually abused sexually assaulted?---No, I don't.

Okay. I have no further questions, Commissioner.

10

COMMISSIONER: Mr Hanger.

MR HANGER: No, I have no questions.

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

COMMISSIONER: Yes. Thanks very much for coming and giving us your evidence, Ms Yuke. I appreciate the time that you've taken. You're formally excused from your summons. Thank you?---Thank you.

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WITNESS WITHDREW

MR COPLEY: There's no reason why exhibit 239 can't be published as it is.

COMMISSIONER: 239. Exhibit 239 will be published. Mr Woodford.

MR WOODFORD: Mr Commissioner, I call Lorraine Joan Hayward.

HAYWARD, LORRAINE JOAN affirmed:

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ASSOCIATE: For recording purposes please state your full name and your occupation?---Lorraine Joan Hayward, and on a shift supervisor at Brisbane Youth Detention Centre.

COMMISSIONER: Yes, Mr Woodford.

MR WOODFORD: Thank you. Mr Commissioner, may Mrs Hayward see exhibit 226, please.

Mrs Hayward, I've had placed in front of you a document which I understand to be the statement that you've supplied this inquiry. Could you just cast your eye over it and check that that is the document you executed?---That is correct.

40

It has your signature on the back page of it, does it?
---Yes.

Okay. I'm going to ask you questions about your statement

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today?---Mm'hm.

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Just to summarise some matters and clarify some other things?---Okay.

We're interested here at the present with the John Oxley Youth Centre. You started working there from the centre opened?---Mm'hm.

It was 1987, was it?---When it opened.

Okay?---Sounds right.

10

Right?---Long time ago.

Yes. You were working there as a youth worker from the start?---Yes.

Did you remain at the centre until it was ultimately closed?---I did.

You were there for the whole time?---I was.

And once the centre closed you moved on to Brisbane Youth - - -?---Youth Detention Centre.

20

And you continue to be there to this day?---I'm still there, yes.

You're doing well. Mr Peter Coyne, was he a manager for some part of the time at John Oxley Youth Centre?---Yes, he was.

Okay. I'm looking at paragraph 6 of your statement. From what I understand there your view was that Mr Coyne was a fine choice for the model on which the centre was originally designed. Is that correct?---I believe so.

30

You go on to note, though, that following an influx from some more violent children from Westbrook - and I'll quote you - "Peter lost support and the centre lost control"? ---That's correct. That's how I felt.

That was a distinct turning point, was it, or a defining point, the movement of - - -?---I believe so.

Yes. When you say that Peter lost support at the centre lost control, there is, I guess, to parts to that. The support of who?---Well, I think a lot of the staff from the centre. They felt they were being supported. And I don't know where his support came from, whether we had support from further afield, but there seemed to be no guidelines. It was a bit radical. We virtually had to think on the spot. We had no formal training of how to control the types of young people that came to Oxley. As has previously been said, there was riots. We had no formal

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training control these types of incidents. 1

Right, so there was no - - -?---So we did the best we could.

Right. I understand. So from those matters your recollection, looking back, is that things got a little bit out of control?---It did, yes.

Okay. And as a result of that the support that Peter had amongst the staff decreased, if you like. Is that fair? ---Absolutely. Absolutely. 10

But you yourself, you note in paragraph 8 you never had cause to make any complaint about Mr Coyne?---No, I sort of rolled with the punches and did what I had to do.

And in fact you yourself wrote a letter, did you, to the QSSU - the union - in support of Mr Coyne. Believe it or not, we had that letter here?---Yes, I can believe that.

What I'll do is I'll send over the original letter to you and I will distribute a copy to my friends and had a copy for yourself, Mr Commissioner. 20

Now, that document firstly - - -?---Yes.

- - - I'm going to ask you to read that into the record in a moment?---Okay.

Looking at it, that's your handwriting?---It is.

That carries your signature on the bottom?---Yes.

Okay. And it's dated 21 September 1989?---Mm'hm. 30

What I'll ask you to do, if you can, is just read that into the record for us, just word for word?---All right.

You understand that people have different writing scripts and some are more or less easy to read?---Sure.

Just so we've got a complete record of the letter?---Okay. This was dated 21/1/1989. It's addressed - my opening phrase is, "To dear Ms Walker, as a financial member of the QSSU" - it was called - sorry.

That's okay, just - - -?---"I am most concerned about complaints made by a minority of people at John Oxley Youth Centre. 40

It appears that there is a one-sided view of these issues. I fail to understand how a staff self-nominated person can effectively conduct an inquiry when it appears that he is only getting statements from members who are claiming victimisation by Peter Coyne, the manager of John Oxley Centre. I was unaware of this until a staff member came to me expressing concern that Dave Smith questioned him on whether or not he felt that he was being victimised by Peter Coyne. I feel that the way he had conducted his inquiry was one-sided and unprofessional and have no confidence in this person as a self-nominated delegate. I fully support the management of John Oxley Youth Centre. Yours faithfully, Lorraine Hayward, acting section" - acting - I can't remember what those abbreviations are for now.

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Senior youth worker?---"Senior youth worker, John Oxley Youth Detention Centre."

I'll tender that, Mr Commissioner. I think a convenient number for it would be 67A, just to keep it in chronology.

COMMISSIONER: Ms Hayward's letter of 29 September 1989 to Ms Walker will be exhibit 67A.

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ADMITTED AND MARKED: "EXHIBIT 67A"

MR WOODFORD: Thank you, Mr Commissioner.

In that letter you're referring to a self-nominated person conducting an inquiry. Do you recall who you're referring to there?---I have got no idea now. I can't recall that.

All right, leave that letter then for the moment. Now, I want to move forward, and at paragraph 10 of your statement here, there was an inquiry that was conducted at the centre by a Mr Heiner. Is that correct?---Yes.

30

You yourself, you did speak with Mr Heiner?---I did.

You note in paragraph 10 that speaking with Mr Heiner was a voluntary matter?---Yes.

There was no coercion placed upon the staff to appear before Mr Heiner. Is that correct?---That's correct.

You spoke to Mr Heiner at a conference room at the John Oxley Youth Centre?---Correct.

40

To your recollection, how many people were in the room? In addition to yourself and Mr Heiner was there anyone else that you can recall?---I honestly can't recall, but with prompting I recall maybe - maybe somebody taking some notes.

Okay?---I honestly can't tell you.

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That's just a maybe, is it?---That's a maybe, because, yes, that's probably what happened. 1

The conversation that you were having with Mr Heiner, was it recorded, to your knowledge?---I believe so.

The questions that were being asked, were you being asked to provide your own reflection on matters or was Mr Heiner putting propositions to you?---What I can recall, and honestly, I don't know if there's - you know, it's a long time ago, but I think it was like a voluntary thing. You could virtually express your opinion on what you felt and what was going on at the time. 10

Right?---I don't think I was being coerced into anything, or asked any questions.

Yes?---I may have been asked what I - you know, like what's happening now.

It was the same sort of questioning, was it?---Yes.

From paragraph 10 your best recollection is that the inquiry was all about the functioning and management of the John Oxley Youth Centre?---Yes, I believe so. 20

Was Mr Heiner - if you can recall, was he asking you to just explain to him how you saw things or was it a case that he was putting distinct propositions about - - -? ---No.

- - - how the centre was being run?---No, I don't believe it was the last thing you said.

So it was the former, was it? He was just seeking your - - -?---It was the former, yes. 30

So you were telling him how you saw things. That's how you recollect it?---Yes.

In paragraph 10 you also note that you've got no recollection at all of speaking with Mr Heiner about any allegations or concerns about sexual abuse?---No.

That's a correct statement?---Yes.

When you saw Mr Heiner there wasn't any letter or any statement that you supplied him?---I can't remember there being. 40

Moving forward in your statement at paragraph 12 you refer to an incident involving Annette Harding. Now, firstly, you yourself were not present at the excursion that took place - - -?---No.

- - - where this incident is said to have occurred?---No.

Moving through paragraph 12, your recollection, is it, that you spoke with a male police officer out at the centre?
---That's correct. 1

In relation to Ms Harding. Is that correct?---I don't know whether I actually spoke with him, but I was - I actually sat in with Annette and the officer as a support person for her.

Looking at your statement, you seem to be indicating - - -?
---I know. 10

It's okay, we'll deal with that together now. You're indicating Mr Mal Elliott from the Inala Juvenile Aid Bureau. Firstly, casting your mind back to that time, did you have a connection with Mr Elliott professionally, in the sense that you had dealt with him before?---Only through him coming out to the centre.

Yes, and he was - - -?---Yes, and doing court matters and stuff.

Prior to the Annette Harding incident and your involvement in that, you had known Mr Elliott prior to that time, in the sense of him coming to the centre. Is that - - -?---I would - I believe so, yes. 20

We understand you've seen certain documents that indicate that perhaps there were some other police officers involved?---That's correct.

We'll come to that in a moment. My question, I guess, to you is in light of what you've said in the statement are you firm in your own mind whether police came out to the centre when you were involved with Annette Harding on one or two occasions?---I can't remember. 30

Okay?---I viewed that statement which was produced and I know that's my signature, or something like that, on there.

Yes?---I can't remember those officers. I can clearly remember Mal. I can't remember the other.

Going back to my question in terms of whether there were one or two occasions where you can recall being there with Annette and police?---I can only recall one.

You can only recall the one, okay?---Yes. 40

Well, let's have a look at those documents just so we're clear in what we're referring to. Mr Commissioner, may the witness see exhibit 253, please?

COMMISSIONER: Sure.

MR WOODFORD: What I've placed in front of you there is a

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diary note from a police officer's notebook. Now, just
take your time for a moment and read to yourself through
that note?---Yes.

1

You've read that?---Yes.

Before we speak about this document and another one,
sitting here today do you have any recollection at all of
what was said during that meeting or when you were there
with Annette Harding and the police?---No.

Looking at that document, about a dozen lines or so up from
the bottom where it says "witness" is that your signature?
---Yes.

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Reading through that note, it appears to be something that
Annette is indicating, that she does not wish to make a
complaint. Is that correct?---Yes.

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Okay. Moving further up the document, we have it as noting Saturday, 28 May 1988, 1035 hours?---Yes. 1

Do you have any recollection sitting here today looking at that of signing such a thing?---No, but I am - in my mind I have a recollection that I believed at the time she didn't want to make a complaint, but I have no recollection of this.

From that your feeling is, thinking back, that Annette didn't want to continue with the complaint?---No. 10

Right. That document can be returned to the custody of the court. Now, I will ask you to look at another document. Mr Commissioner, may the witness see exhibit 244, please?

I have placed in front of you a letter there, Mrs Hayward, from 28 May 1988. Would you just again read through for yourself that document? You have read that one through? ---Yes.

Just identifying the signature on it, again is that your signature?---Yes. 20

You see it's dated 28 May 1988?---Mm'hm.

This is the same date of the previous document that I asked you to have a look at that you had signed?---Yes.

Now, I have already asked you today what your recollection is of what happened there at the centre?---It's obviously what happened but I can't remember.

No, so the document really speaks for itself?---Yes.

You would not have written those things down unless they were correct?---No. 30

Very well. That document can be returned to the custody of the court?---Maybe I remember Mal because he's big and tall.

Yes, life can be like that. Certain things stick out.

COMMISSIONER: You will be quickly forgotten, Mr Woodford.

MR WOODFORD: Yes, thank you, Mr Commissioner. 40

Apart from those documents you have never made any report of any sexual abuse or allegations in relation to JOYC? ---No.

You detail in your statement a number of incidents - and this is paragraphs 14 through 20 - of certain matters or incidents that had taken place at JOYC. From your statement, do I understand that you yourself never

personally witnessed any of those matters?---Never.

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Yes, thank you. I have no further questions, Mr Commissioner.

COMMISSIONER: Thank you. Yes, Mr Harris?

MR HARRIS: Thank you, Commissioner.

Ms Hayward, my apologies there. Now, I want to take you to Saturday morning, 28 May 1988 at the John Oxley Centre. On that morning two police officers arrived at the centre? ---Apparently.

10

Apparently, all right. Now, you did a report on 28 May which was the same day, the Saturday?---Mm'hm.

Do you remember doing that report?---No.

Have you seen that report?---I saw it when the police gave me the - showed me the statement when I was being interviewed initially.

Okay. So that report was done by you after the police had left. The report that you did on the 28th was written on that?---No, I don't mean that. I mean with this inquiry happening when I was interviewed I was shown that report. I'm not sure when it was done.

20

Okay. You haven't seen it. Could the witness see exhibit 244, please?---Yes, I know what you're referring to, but I can't recall when that was written.

So the date on it may not be - - -?---Well, I would've done - obviously I've done that, but I can't recall that.

30

You don't know when you did it, but it could have been done on 28 May?---It could well have been.

All right. Now, I don't want to go into that report at present. Can you put that down?---Mm'hm.

Now, do you recall on that date, on the 28th, as to whether or not Annette's mother Mrs Harding was at the centre?---I vaguely recall Annette coming to the centre.

No, her mother?---So whether it was that date I don't know.

40

You vaguely recall the mother - - -?---I think I was sitting in with Annette and her mother on one occasion. Whether it was that date or not I don't know.

All right. There's a day that Mr Coyne says happened on 27 May which is the Friday?---Mm'hm.

I will read what he says in his report?---Okay.

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This may refresh your memory there:

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On Friday, 25 May 1988 at 12.30 Ms Foote and I spoke at length with Mrs Harding about the incident with Annette. Mrs Harding then spoke privately with Annette for approximately 30 minutes.

Okay. Would that have been the day that you saw Annette and her mother?---Possibly.

I will just take you to another document. You haven't seen this document but this is a report done by Mr Pekelharing? ---Mm'hm.

10

Okay. Now, he says in his report:

At the completion of the interview we arranged for Mrs Harding to be telephoned and Janelle Podlich informed her of Annette's decision. Annette then spoke with her mother and we arranged to collect her from her home in Eagleby to visit Annette in the afternoon.

Would it have been that time that you saw Annette and her together?---I can't say definitely.

20

That's no problem?---But I can recall being present, I believe, with the mother.

So we have actually got two meetings with Annette?---Yes.

One on the Friday with her mother?---Yes.

And one on the Saturday afternoon?---Maybe that's where I'm getting confused.

30

No, that's okay; all right. Now, in your report that you wrong to Peter you say, "She was duly advised of her legal rights of what options there were." Now, can you recall what legal rights Annette was told about?---No.

So you have no recollection of what Annette was told?---No; no, and if I've written something like that, probably I would be referring to what the police had told her.

So this is what the police actually told her?---Maybe, yes.

Not what you - - -?---Yes. I mean, I'm not a lawyer. I don't know what her legal rights are. Maybe it was discussed that she could take action or something. I don't know. I can't remember.

40

Now, I just want to take you back to the Friday. Annette had seen her mother on the Friday and they had both gone back and spoken with Mr Coyne. Now, did Mr Coyne or did anybody tell you what had occurred between Annette and her

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mother on that day?---No, not that I can recall.

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So when you went to the meeting on the 28th with the police, you say, "I was asked by Annette to be present with her during an interview with police from the Juvenile Aid Bureau." Did Annette give you any indication of what she was going to do that day?---I can't recall.

Okay?---I can't recall that.

Can I just read you what Annette - what Mr Coyne wrote about what had happened on that day. Mr Coyne says, "Ms Foote and I then rejoined them" - that's Annette and her mother - "and they both indicated they wanted a complaint made to the police about the boys"?---Okay.

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Okay, so when you had the interview with - when you attended with Annette - - -?---Mm'hm. 1

- - - on the - you had no knowledge of that or - - -?
---No, only what is written in those other statements where I - - -

But you had no - - -?--- - - - where it was signed that she didn't want to make them.

All right?---And I can clearly - not clearly, I can remember that. 10

Now, with respect to the time frames that I put down before of the mother and Mr Pekelharing ringing the mother and asking her to come, we can assume that Annette's mother was not there at the time of the police interview?---Yes.

Now, do you recall any phone calls being made by Annette to her mother?---I can't recall.

All right. Now, I just - Annette - and correct me if I'm wrong, here - Annette was in a room with yourself, Mr Pekelharing and the two police officers. Is that correct?---Again, I can't remember. I can vaguely remember an involvement with Mr Pekelharing and I can't remember the other two police officers, but it's obviously happened, so I probably can't give you the answer that you want because I can't - - - 20

All right. Was there anybody independent to support Annette there?---I can only presume myself.

But you're an employee of John Oxley, aren't you?---I know. And I find that odd too, but Annette obviously had a rapport with me at the time and maybe she asked for me to assist her. 30

What was your association with Annette prior to the incident that happened?---Only that - I can't remember whether it was in my role as an acting section supervisor or a youth worker.

Did you have a close relationship with her?---No, not particularly. I treated her like I treated all other young people on the centre.

What would cause - or in your mind what would cause Annette to want you to be present?---Maybe I was the only female officer at the time. Maybe I was the senior officer at the time. I don't know. 40

So you don't know if it was a special request from Annette? ---No. I mean, we never had a special relationship. You don't, you just treat every young person the same. But - yes.

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Do you know Annette's age at that time? Did you know Annette age?---Gosh, not really. I think she was probably about 14 or 15 maybe.

1

So she was very young?---Yes.

Aboriginal?---Yes.

So she had a couple of things going against her, her age and her Aboriginality, didn't she?

MR WOODFORD: In what sense?---In what way? I don't know. Again, I don't know what you mean.

10

MR HARRIS: Well, what I mean is - - -?---Against her, as far as being incarcerated, yes, absolutely.

Is in a prison, really?---Yes.

That's what it was, wasn't it?---Yes.

So she's sitting in a prison with four government employees in the same room with her?---Mm.

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And she withdraws her complaint?---Mm. I can't understand that. I mean, if you're inferring I was there to coerce her, that wasn't - to my knowledge there was no talk of - all I was asked by Annette, as it says, to be a support, for whatever reason.

All right. If I can put it in this way, she's a young girl who has had a violent act - no, I withdraw that - who has an act of sexual abuse perpetrated on her. She's maintained in the vicinity of an organisation - the John Oxley Centre - where she has no other recourse, if I can say that there, she can't make a request to leave or go for help, for someone to help her. She's sitting there within this John Oxley Centre and there are - on the day she speaks with her mother, which is the day before, she wants to make a complaint of rape. The very next day when there are four government officials around her she changes her mind. Now, does that in your mind raise a concern that she was pressured - - -?---No, because I had no thought of anything like that.

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MR WOODFORD: Really, what does it matter what this witness thinks about this? He's calling for an opinion from her she's really not in a position to express - - -

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COMMISSIONER: I suppose she can tell me usefully what the mood of the room was, the feeling inside the room; did she get the impression that anyone was being overborne or intimidated?

MR WOODFORD: She can certainly give evidence of those matters, but putting inference as to her and inviting her

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to essentially give the question is not the way for it to be done. 1

COMMISSIONER: Yes, no?---What I can offer is that it probably would be unusual other than she felt that she had a rapport with me, that she could ask me to go in on such an intimate thing that was happening with her. Normally they would ask for a caseworker.

I think what Mr Harris is getting at is that the circumstances conspired to put his client at somewhat of a disadvantaged and might have influenced her to withdraw her complaint?---Yes. 10

That's really what he suggesting?---Yes, I can - I think I can understand where he's coming from.

Well, what do you think about that proposition?---No. No, I certainly would not be at all at any stage involved in anything like that. No. I mean, I was a worker at the centre. I was probably naive to a lot of these types of issues. I certainly wouldn't be in there to do anything like that. 20

Do you remember Annette, how she was responding on that day? Did she seem different to how she normally feels? Did she seem in control of decision-making?---No, I can't recall that. She was a young girl who - there was an allegation of sexual abuse on an excursion and my role, I believed at the time, was a supportive role.

All right. Did you - - -?---Sorry I don't know how she was.

How did you go about fulfilling the role?---I just did my job. 30

What? When? What did you do?---I just sat as a support. That's all I was asked to do.

Right?---Yes.

MR HARRIS: Just taking on from that there, you say that all you did was sit there and basically hold her hand?---No, I didn't hold her hand.

No, but I use that - - -?---When you support, I mean, we get - which is unusual in my role, as I pointed out now, because normally it would be caseworker involvement. So whether that interview happened on the weekend or whatever when there's no caseworkers around, I'm not sure. Did we say Saturday? 40

It's Saturday, yes?---Yes, then that could have been a reason.

COMMISSIONER: In any event, if you were asked to
be - - -?---I was asked. 1

Who ask you?---Annette.

So - - -?---So why would Annette asked me? Why would I be
coercing anything?

MR HARRIS: Do you know if Annette ask you on the Friday
or the Saturday?---No, I don't.

Got no - - -?---I'm only reading what's here. 10

All right. I have no further questions.

COMMISSIONER: Mr Hanger?

MR HANGER: No questions.

MR SELFRIDGE: In your role as a support worker for
Annette on that day do you recall any pressure being put on
Annette by anyone in the room?---I can't recall.

If you had, would you have reacted in any way?---I presume 20
I would have. If she was upset in any way at all, yes.

But you don't recall anything of that nature is such?---No.

Thank you.

COMMISSIONER: Thanks - - -

MR WOODFORD: There's no further questions. May
Mrs Hayward be excused?

COMMISSIONER: Mrs Hayward, you're excused. Thank you 30
very much for coming. I appreciate the time you've taken
to give evidence to the commission. You're formally
released from the obligations of your summons?---Thank you.

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, if you have Exhibit 226
there, there are some matters.

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COMMISSIONER: Well, I was going to order the release of the affidavit except for the mention of all the names in paragraphs 14, 15, 17, 19 and 20, including the description of the unit in the last line of paragraph 20. 1

MR WOODFORD: Yes. Also, moving forward to paragraph 22, the second line, there's a name. Perhaps that person may be embarrassed if their name was published.

COMMISSIONER: Which one is that? 22?

MR WOODFORD: Yes, on the last page, Mr Commissioner. 10

COMMISSIONER: I see, yes, right.

MR WOODFORD: Yes, those are the only matters that I've identified.

COMMISSIONER: All right, well, the names mentioned in paragraphs 14, 15, 17, 19, 20 and 22 not be published. That includes the second-last word on the last line of paragraph 20. Otherwise the exhibit can be published.

MR WOODFORD: Thank you. I call David Anthony Gold. He is the last witness for today. 20

COMMISSIONER: Mr Gold.

GOLD, DAVID ANTHONY sworn:

ASSOCIATE: For recording purposes please state your full name and your occupation?---David Anthony Gold. Public director.

Thank you. 30

COMMISSIONER: Yes, Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner.

Mr Gold, can you hear me okay?---Yes.

I have a few brief questions for you this morning. Do you have a two-page statement with you?---Yes, I do.

It's under your hand and signed on 21 November this year? ---Yes. 40

Seven paragraphs?---Yes.

We're interested in the John Oxley Youth Centre this morning. You were employed there as a casual youth worker, were you, from around 1988, 89 for about 12 months? ---That's right.

Even now you don't recall the name of the manager at the

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GOLD, D.A. XN

centre during your employment?---Mr Coyne.

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Looking at paragraph 5 of your statement, you had no knowledge of any sexual abuse occurring while you were at the John Oxley Youth Centre?---No, none of the kids mentioned anything to me.

You say that as you were a 19-year-old man at the time. Is that correct?---Approximately, yes.

From paragraph 6 of your statement you indicated that you had a good rapport with the children and you expect that something may have been mentioned to you if anything had have taken place?---I would expect to at the time, because as I said, I was the youngest one working there at the time and certainly if something was going on one of the kids would have said something to me. That's what my view is, anyway.

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Yes, well, we're all entitled to those. You were aware of some tension going on at the centre between staff and management?---Yes. Yes, the management - the management was virtually never seen when I was there. It was just the staff working with kids. I guess there was the management but it certainly wasn't hands on, that's for sure.

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You've never given any evidence or supplied any statement or the like to any prior inquiry in relation to the centre?---No.

I don't have any further questions for you but some others may. Would you just hold on, please?---Certainly.

COMMISSIONER: Mr Bosscher?

MR BOSSCHER: Nothing, thank you, commissioner.

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COMMISSIONER: Mr Harris?

MR HARRIS: Nothing, commissioner.

COMMISSIONER: Mr Hanger?

MR HANGER: No.

COMMISSIONER: Mr Selfridge?

MR SELFRIDGE: No.

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MR WOODFORD: May this - - -

COMMISSIONER: Mr Rowland?

MR ROWLAND: No.

COMMISSIONER: Mr Woodford?

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MR WOODFORD: Thank you. May Mr Gold be excused, please? 1

COMMISSIONER: Yes. Mr Gold, thank you, for being available to give your evidence by phone. It's appreciated. You're formally released from your obligation to attend the commission as a witness and your call will now be disconnected. Thank you?---Thanks very much.

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, the statement may be published in its entirety. 10

COMMISSIONER: I direct that exhibit 224 be published. Now, before we break for - did you have something, Mr Copley?

MR COPLEY: No, Mr Commissioner.

COMMISSIONER: All right. Can we all just direct our attentions for the moment at term of reference 3E. As I currently read it there are two limbs to this term of reference. One is to look at the adequacy and appropriateness of government responses into historic child sex abuse in youth detention centres and the other, if you ignore some infelicitous wording, is to review - look at any allegations of criminal conduct associated with government responses to historic abuse. So there's the response itself and then there's any allegations of illegality associated with that response. Does everyone agree with me? 20

MR COPLEY: Yes.

COMMISSIONER: Mr Harris, in respect of your clients which of those am I concerned with? 30

MR HARRIS: It would be in essence the first part, commissioner.

COMMISSIONER: The first part, the adequacy of the government response into the sexual abuse of both your clients in the youth detention centre.

MR HARRIS: That's correct.

COMMISSIONER: Now, let's assume that they qualify as historic. Do you have - can you tell me - or you don't have to, but I'm just struggling at the moment to understand in what respect it might be asserted that the government response was inadequate or inappropriate in any respect. Can you just give me a brief - - - 40

MR HARRIS: If I can give a broader picture here, commissioner. I think this might be part of the crux of the matter.

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HARRIS, MR

COMMISSIONER: Yes, and perhaps can you talk separately as between - discriminate between the two clients? 1

MR HARRIS: Yes. No, I will. With respect to Ms Harding, the matter as we view it is that the rape took place. I don't think that's going to be in question, that the sexual assault took place. From that point there - - -

COMMISSIONER: Well, I'm not - I think it's fair to say, subject to what anyone else wants to say, that ordinarily where you conduct an inquiry like this which isn't into the event itself but the response to it - - - 10

MR HARRIS: It's into the - exactly.

COMMISSIONER: - - - then prima facie you would accept the event as a given, right.

MR HARRIS: Now, we have that event taking place. From there we have within the John Oxley Centre - if I can call it the cleansing of that, the sanitisation of that complaint.

COMMISSIONER: By? 20

MR HARRIS: By the management, and whether it's done on purpose or not I don't know at present, and I think - - -

COMMISSIONER: Right, so that's one aspect of it.

MR HARRIS: Yes, that's part of it, but then what happens from there is you have Annette who in all beings, a human being who has the right, who has this - and from that point there there's no recognition of what had happened to her and from there you have her really put on, if I can call it, the scrapheap of life. 30

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COMMISSIONER: By a government.

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MR HARRIS: By a government and that then in turn creates an issue where - if it had been properly addressed at the first time, the incidents wouldn't have happened.

COMMISSIONER: All right. If I can paraphrase you, your position is that the management's response to what happened effectively meant that she didn't get a fair go.

MR HARRIS: Exactly.

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COMMISSIONER: Because she didn't get a fair go, as a result of that, she has been disadvantaged ever since because of the insensitivity to her situation by government and she has been let down by a government.

MR HARRIS: Exactly.

COMMISSIONER: Is that right?

MR HARRIS: That's really part of it too, yes.

COMMISSIONER: So the government let her down, first, because the management mishandled it and then because nobody upheld the rights that she had arising out of being a victim of sexual abuse in a government-run detention centre.

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MR HARRIS: Yes, and being under the care of the department.

COMMISSIONER: So there's a breach of the duty of care by the department and, as a result of what happened to her in the government's - what happened to her in the detention centre has had life-long detriment to her.

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MR HARRIS: That's correct, yes.

COMMISSIONER: That is a government responsibility and they have dropped the ball on that.

MR HARRIS: Exactly, and that's our approach to it and the same with Ms Neil. Ms Neil is in really the same position, although her circumstances are different.

COMMISSIONER: Yes. What are the particulars of the inappropriateness or inadequacy of the government response in respect of Ms Neil?

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MR HARRIS: With Ms Neil she was a ward or a resident at John Oxley.

COMMISSIONER: Yes.

MR HARRIS: The incident that happened with her happened

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HARRIS, MR

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at the Wivenhoe Dam by a staff member.

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COMMISSIONER: Yes.

MR HARRIS: What happened after that - and we heard evidence and I can't recall the name of the witness that concerns were raised on that day.

COMMISSIONER: Yes.

MR HARRIS: Nothing was done until, I think, 16 April of 1990.

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COMMISSIONER: All right.

MR HARRIS: This is outside Mr Coyne's time.

COMMISSIONER: Yes.

MR HARRIS: Nothing was done on that date, then when an investigation was done, it appears also to be inadequate because what we find is that the perpetrator of the event was effectively dismissed by the department.

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COMMISSIONER: Right. So she was let down by government because she was sexually assaulted by a government employee on government property while she was a detainee and when something was done, it was too little too late.

MR HARRIS: Exactly, it really goes, you know, nearly hand in hand, both matters.

COMMISSIONER: Right. Mr Bosscher, insofar as you're concerned, which limb of 3(e) am I looking at?

MR BOSSCHER: It would be criminal conduct associated with government responses.

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COMMISSIONER: Should we particularise that as the shredding of material, that is, the Heiner Mr Heiner, which - well, shredding of the Heiner material, whatever it was.

MR BOSSCHER: You could certainly phrase it that way, yes, at its highest.

COMMISSIONER: Now, that has got to be an allegation of criminal conduct constituted by the shredding associated with government responses. Which government response is the shredding associated with?

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MR BOSSCHER: The issues that you discussed with Mr Harris would partially be the case but, of course, it would also require that that information had been provided to Mr Heiner during the course of his - - -

COMMISSIONER: So Heiner was a government response.

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MR BOSSCHER: Yes. 1

COMMISSIONER: Then there is an allegation associated with that of criminal conduct, that is, the destruction of his papers and records.

MR BOSSCHER: Of that information, yes.

COMMISSIONER: Of that response.

MR BOSSCHER: Yes. 10

COMMISSIONER: So it's the destruction of the evidence accumulated by the response.

MR BOSSCHER: Yes.

COMMISSIONER: I see; and the criminal conduct - what's the criminality?

MR BOSSCHER: The ordering of that destruction.

COMMISSIONER: Where would that be outlawed? 20

MR BOSSCHER: Sorry?

COMMISSIONER: Where would that be outlawed?

MR BOSSCHER: There's authority on it and I could bring it to you, commissioner, but knowing that that information existed and an order that it be destroyed when pending litigation may have been coming or it disclosed criminal conduct, then we would say it is prima facie of itself a criminal act.

COMMISSIONER: For you to bring yourself within that term of reference, does the information that was destroyed have to qualify as historic child sex abuse in a detention centre? 30

MR BOSSCHER: I would want greater opportunity to consider that, but my first reaction to your question, commissioner, would be yes.

COMMISSIONER: Yes, and do you contend it does?

MR BOSSCHER: Yes. 40

COMMISSIONER: All right, thanks for that. Anything arising out of that discussion?

MR HANGER: Well, I would like to put in my two bob's worth. It may be possible to save time in this inquiry if a decision was made upon the question that you just asked, that is to say, there is clearly a shredding of documents but it is only relevant to you if those documents relate to

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child sexual abuse. Now, I would suggest to you the overwhelming evidence at this point, without making submissions on it, is that the documents shredded do not relate to and the Heiner inquiry did not relate to child sexual abuse, therefore the shredding of the documents which may take a lot of time up in the New Year is irrelevant.

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COMMISSIONER: The problem with that is that I have been appointed to make full and careful inquiry in an open and independent manner in respect of 3(e) and even though the evidence I have heard so far - and bear in mind to me it's an unfolding narrative. It may all point in one direction, but I don't know what the future holds.

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MR HANGER: I accept that.

COMMISSIONER: I don't think that I can decide the issue on two-thirds or three-quarters or the trend.

MR HANGER: With respect, I couldn't argue with that. I just wonder where we are going, if my learned friend Mr Copley has more evidence in relation to the Heiner inquiry or if anyone else is going to call witnesses in relation to the Heiner inquiry, but if they're not, then my submission would apply, I would suggest.

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COMMISSIONER: I will think about it.

MR HANGER: Yes.

COMMISSIONER: I take your point and I will hear argument about that. Well, will I? Does anyone want to say anything in response to what Mr Hanger said?

MR HANGER: Having said all that, I don't want to be accused of a cover up. Those are my submissions, but I accept that all the evidence isn't in yet.

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COMMISSIONER: No, and I don't know what other evidence will be led from other parties other than from my - - -

MR HANGER: No, I don't know that either.

MR BOSSCHER: And we don't know what other evidence, being a party, for want of a better term, Mr Copley, counsel assisting, intends to lead on this topic as well.

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COMMISSIONER: Yes, and I don't want to put him in the position of saying because again it is an ongoing inquiry which is Darwinian and you never know where it's going to end up.

MR BOSSCHER: That's so.

COMMISSIONER: That's why you don't hold them very often.

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All right. Do you want to say anything, Mr Copley? 1

MR COPLEY: Really my learned friend Mr Hanger's submission comes close to drawing an analogy - a submission that there's no case to answer before the end of the case and normally a submission like that won't even be entertained by a trial judge unless the party who is advocating the case consents to it being done on the material so far adduced.

COMMISSIONER: Yes, and you don't. 10

MR COPLEY: No.

COMMISSIONER: Fair enough. That is the end of your submission, Mr Hanger. Thank you for your contribution. We will adjourn now till when?

MR COPLEY: The plan is to resume on Monday, 21 January.

COMMISSIONER: Yes. When am I adjourning till. I'm adjourning till 14 January and I will see you the week later. 20

MR COPLEY: Yes, Mr Commissioner.

COMMISSIONER: In the meantime all the very best for the festive season.

MR COPLEY: Thank you.

THE COMMISSION ADJOURNED AT 1.01 PM UNTIL
MONDAY, 14 JANUARY 2013

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