



## SPARK AND CANNON

### TRANSCRIPT OF PROCEEDINGS

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THE HONOURABLE TIMOTHY FRANCIS CARMODY SC, Commissioner

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

IN THE MATTER OF THE COMMISSIONS INQUIRY ACT 1950

COMMISSIONS OF INQUIRY ORDER (No. 1) 2012

QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY

BRISBANE

..DATE 11/12/2012

Continued from 10/12/2012

..DAY 9

**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 10.03 AM

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COMMISSIONER: Yes, Mr Woodford?

MR WOODFORD: Mr Commissioner, I call Stephen John Hayward.

**HAYWARD, STEPHEN JOHN** affirmed:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Full name is Stephen John Hayward (indistinct)

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Thank you.

COMMISSIONER: Yes, Mr Woodford?

MR WOODFORD: Thank you.

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

Okay. My name is Woodford. I'm one of the counsel assisting the commission. I have some questions for you this morning, some brief ones, in relation to a statement that you have recently given. Do you have a copy of a statement there with you?---I do.

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Is that a two-page statement with six paragraphs?---Yes.

And is it signed by you on the second page?---Yes.

From that statement it's the case that you worked at the John Oxley Youth Centre as a casual and later as a full-time worker between 1995 and 1996 through to 2001? ---Yes.

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Prior to that period at JOYC you also worked a previous period?---Yes, on a casual basis. It was just like a call-in sort of basis.

Okay. Can you just keep your voice up for us?---Yes.

That was in relation to alarm monitoring, was it?---That's correct.

You can't now recall when, as in what year?---No, I'm sorry, I don't know exactly the time around that.

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Looking at paragraph 3 of your statement, it's the case that you have no knowledge of any sexual abuse taking place at the John Oxley Youth Centre during your time there? ---Look, I'd just like to add one thing to that.

Yes?---Just a bit of recall after providing my statement to Inspector (indistinct) I believe there was an incident

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HAYWARD, S.J. XN

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surrounding a female staff member. I didn't really know who that was. I believe the first name was Shelly or something. I don't know her surname and I believe (indistinct) program with boys and there was something of some inappropriate nature surrounding that and I'm not too sure on the (indistinct) I understand on that was that she was - her employment was terminated shortly after that incident or the (indistinct)

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Right. Now, are you indicating that you have no direct knowledge of that incident - - -?---No, I don't.

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- - - in the sense that you didn't see anything?---No; no, it was all - it was all just, you know, being travelled around the workplace.

Okay. So these are matters you merely heard on the grapevine. Is that a fair assessment of it?---Yes.

Right. You haven't given any previous statement in relation to matters at the John Oxley Youth Centre?---No.

The only one you have given is the statement we have referred to today?---Yes.

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Yes, thank you. I have no further questions but some others may.

COMMISSIONER: Mr Bosscher?

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

COMMISSIONER: Thank you. Mr Harris?

MR HARRIS: I have no questions either, commissioner.

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COMMISSIONER: Mr Hanger?

MR HANGER: No questions.

MR WOODFORD: If Mr Hayward may be excused, Mr Commissioner.

COMMISSIONER: Yes.

Mr Hayward, thank you for appearing by phone. You are formally excused. You will be disconnected now?---Okay, thank you.

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WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, there is nothing that I can see in the statement of Mr Hayward that would prevent it being published in its entirety.

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COMMISSIONER: All right. Then I will direct that exhibit 227 be published unamended. 1

MR WOODFORD: I call Janine Maree Brimstone.

**BRIMSTONE, JANINE MAREE** affirmed:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Janine Maree Brimstone and I'm a public servant.

Thank you. 10

COMMISSIONER: Yes, Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner.

Mrs Brimstone, can you hear me?---Yes, I can.

My name is Woodford. I am one of the counsel assisting this inquiry. Do you have a copy of a statement with you? ---Yes. I'll just go and grab that. Here it is. I've got it. 20

Okay. Is that a two-page statement?---Yes, it is.

It has seven paragraphs on it?---Just let me check. Yes, it does.

On the second page of that statement, does it carry your signature with a date 22 November 2012?---Yes, it does.

From that statement your only involvement at the John Oxley Youth Centre was working in alarm monitoring in around 1990?

---Yes, I think it was around 1990. I'm not actually sure of the exact date but it must've been around that time and there monitors in our alarm room. I think there must have been some problem with the alarm system so they had us monitor the alarm and if someone hit a duress alarm, we had to speak over a loud system to say which alarm had been activated. 30

Right. That was over a 12-month period, was it?---I think it was. I'm not sure of the exact duration of my time there but around 12 months is as good as I can remember.

Do you recall how often you were working?---It was a casual basis so it was irregular; maybe once a week or so. 40

Right. Looking at paragraphs 2 and 3 of your statement, it's true to say, is it, that you have no knowledge of any sexual abuse occurring at the centre while you were employed there?---Yes, that's true. There was no - I never witnessed anything like that and if I had, I would've reported it to the police.

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BRIMSTONE, J.M. XN

Okay. While you were there, do you have any recollection of who the manager was?---No, I have no idea. I can't remember it's so long ago and we were only casual. 1

Okay. Save for this two-page statement that we have already referred to today, it's true that you have not previously given any other statement in relation to your work at the John Oxley Youth Centre?---Yes, I've never given another statement.

Thank you. I have no further questions for you, but some other people may?---Okay. 10

COMMISSIONER: Yes, Mr Bosscher?

MR BOSSCHER: Commissioner, no questions, thank you.

COMMISSIONER: Mr Harris?

MR HARRIS: I have no questions.

COMMISSIONER: Mr Hanger?

MR HANGER: No questions. 20

COMMISSIONER: Mr Woodford?

MR WOODFORD: Mr Commissioner, may Mrs Brimstone be excused?

COMMISSIONER: Yes.

Mrs Brimstone, thank you for appearing by telephone at the commission today. It's much appreciated?---No problem.

Your call will be terminated now, thank you?---Thank you. 30

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, there is nothing contained in the statement of Ms Brimstone that would prevent it being published in its entirety, in my submission.

COMMISSIONER: I direct that exhibit 219 be published.

MR WOODFORD: Mr Commissioner, I call Peter Roy McNeven. 40

McNEVEN, PETER ROY sworn:

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ASSOCIATE: For recording purposes please state your full name and your occupation?---Peter Roy McNeven, limousine driver.

COMMISSIONER: Yes, Mr Woodford.

MR WOODFORD: Mr Commissioner, may Mr McNeven see exhibit 230, that is his statement.

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Mr McNeven, I've had placed in front of you there a document. Can you cast your eye over it and confirm that it is the statement that you provided for the purposes of this commission?---Yes, it is.

Right. Today I just want to go through that statement and highlight a number of matters. I'll take you to a particular document in a few moments. From your statement do I understand that you worked as a youth worker for about two or three years, finishing up in 1991?---Yes, that's right.

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Prior to being at the John Oxley Youth Centre you'd worked at Sir Leslie Wilson?---That's right.

You were working there as a kitchen hand?---Kitchen hand, yes.

Okay. When you came over to JOYC you moved on to be a youth worker?---Yes.

Now, when you moved to the John Oxley Youth Centre do you recall who the manager was?---That was Peter Coyne.

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Okay. Now, when you worked there - and I'm referring to paragraph 7 of your statement - did you sense a divide between the staff, between those supported Coyne and those that didn't?---Absolutely.

You make a point in paragraph 7 of your statement that from the way you saw things Mr Coyne wanted people at the centre with university degrees. Is that correct?---Yes.

You yourself, did you have a degree at that - - -?---No, I didn't.

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Okay. And did that place you in any particular position with Mr Coyne in terms of your interaction so far as you saw it?---Yes, a couple of times he - he wanted to get rid of me if I wouldn't do things his way.

Okay. In paragraph 8 you make a note that a number of the staff weren't happy with the way things were being done. Is that correct?---Yes.

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McNEVEN, P.R. XN

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By that you mean the way Mr Coyne was managing the facility?---The way it was being managed, yes. 1

And a decision was made, was it, to write some letters?  
---Yes.

And for those letters to be sent to the department?---Yes.

Do you recall whether there was any person that was leading the charge, if you like, or getting everyone together in terms of the letter writing?---Yes, I honestly can't remember. I'm sorry. 10

What we do know, though, is that you yourself, you did write a letter?---Yes.

Okay. Mr Commissioner, may the witness see exhibit 72G.

You're going to have brought over to you, Mr McNeven, a letter. When it comes along I'll just get you to have a look at it. Can you confirm for the commission that that is the letter that you wrote?---Yes, that's my letter.

Okay. Do you recall when it was that you wrote it? It doesn't seem to be dated?---No, I can't recall, sorry. 20

Okay. What I want you to do, and just to take your time, but I want you to read that letter for us into the record just word by word, so don't impose now your meaning on what you were trying to say?---Okay, just read it word for word.

Just read it word for word and not with any particularly great pace, if you can?---Okay.

So we can follow along with you?---All right. 30

*Dear Sir, I am a youth worker at John Oxley Youth Centre and have been for two years now. At the meeting with Peter Coyne about six months ago he made a couple of statements seemed unusual for a manager to tell a youth worker. During our conversation Peter told me not to associate with my fellow youth workers while working with them in the wings or at any other time, which I might add is very hard to do when we are supposed to work as a team. Peter said this was because so many of them were out to get him and it was not wise to be a part of this.*

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*It was at about this time Peter Coyne said, "Those ex-Wilson staff sitting up in the wings think that they are safe but I've got news with them." Peter then added, "Just because they're permanent doesn't mean I can't get rid of them." Peter then leant back in his chair and smiled, seeming very pleased with himself. He then leant forward and said, "Anyone who doesn't conform to my way is out. It's as easy as that." I might also add that I am also an ex-Wilson employee and as I am still on probation feel that what Peter Coyne said to me is inappropriate and unprofessional. Yours faithfully, Peter McNeven.*

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Thank you for reading that out, Mr McNeven. Now, you start the letter off with, "Dear Sir," was there any particular person that you thought you were sending that letter to? ---No, not really, that's pretty well much the way I write my letters unless I know it's a female, then I put "madam".

Okay. One thing you were clear on, looking back, is that letter was intended to be sent to those in authority in the department. Is that right?---Yes, someone above Peter, yes.

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And in your letter you refer to working with people in the wings?---Yes.

There are you referring to the different physical wings of the John Oxley Youth Centre?---Yes, there were three wings which we worked in, yes.

Okay. Exhibit 72G can be returned to the custody of the commission.

Now, moving forward in your statement, Mr McNeven, in paragraph 11 or thereabouts you note that someone came to the centre and interviewed people there?---Yes.

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You have a recollection of that?---Very faint.

Okay. Do you know who that person was that came to the centre?---I don't know who the people were, no.

Okay. You say "people", do you remember how many there were?---I believe there was two and it could have been a man and a woman.

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Right. The man, was it an elderly man?---I can't remember, this is 20 years ago. I'm so sorry.

No, that's okay, it's a long time ago. The name Heiner, had you ever heard that name?---Actually, I've sort of learned afterwards that that could have been the inquiry - could have been the Heiner inquiry, yes.

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Just so we're clear on that, your memory is not one of being introduced to a Mr Heiner; your memory is that you've heard some things as many years have gone by - - -?---Gone by, yes.

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- - - and the spark in your mind has connected with the fuel that says, "Oh, that must have been" - - -?---That must have been the same one, yes.

Okay. That's as high as we put that. Now, the meeting, do you remember where it took place?---It was in, like, the conference room at John Oxley Youth Centre.

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Was the meeting recorded that you were aware of?---Not that I'm aware, no.

When you had the meeting do you remember how many people were in the room?---I think there was only two.

Okay. Do you remember if it was a man and a woman?---I think it may have been a man and a woman, yes.

Okay. So the meeting had that level of privacy about it, did it?---Yes, well, there was only virtually the three of us in the room. There was no one else that I'm aware of and - - -

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Okay. Do you remember how long the meeting went on?---It wasn't very long, maybe 20 minutes.

Was there some questioning?---Just from memory I think I was just asked about the general running of John Oxley and just how the staff were feeling, that sort of thing, as far as I remember.

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Your recollection now is that that meeting is reflected in the sort of matters that you wrote in your letter that we went to before?---Yes, I believe so. 1

The meeting was about management and staffing issues. Is that what you're saying?---I think so, yes.

Was there ever any mention at all of sexual abuse during that meeting?---No.

Looking at paragraph 12 of your statement, to quote you, the meeting was about "The management side of it and how everyone was starting to get divided." Sitting here today, that continues to be your recollection?---Yes. 10

Mr Coyne left the centre some months after that, did he? ---I believe so, yes.

Thank you, commissioner. I have no further questions.

COMMISSIONER: Thank you. Mr Bosscher?

MR BOSSCHER: I have no questions for the witness, thank you. 20

COMMISSIONER: Mr Harris?

MR HARRIS: I have no questions, commissioner.

COMMISSIONER: Mr Hanger?

MR HANGER: No questions.

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

COMMISSIONER: Yes. Mr McNeven, thank you for coming and giving us your evidence. We appreciate it would be an inconvenience. You're formally excused from the obligations of your summons?---Thank you. 30

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, I see nothing in the statement of Mr McNeven that would prevent it being published in its entirety.

COMMISSIONER: I direct that exhibit 230 be published. 40

MR WOODFORD: I'm sorry, Mr Commissioner - - -

COMMISSIONER: Except for?

MR WOODFORD: Paragraph 21, Mr Copley refers me to. Yes, it's my error. That name in paragraph 21 appears a number of times. Consistent with the previous rulings that have been made my submission is that that name would not be

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MCNEVEN, P.R. XN

published.

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COMMISSIONER: I direct the female's name in paragraph 21 not be published with the rest of exhibit 230.

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

COMMISSIONER: Mr Copley?

MR COPLEY: Mr Commissioner, I call Peter Coyne.

**COYNE, PETER WILLIAM** sworn:

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ASSOCIATE: For recording purposes please state your full name and your occupation?---My full name is Peter William Coyne. I'm a manager within Queensland Corrective Services.

Please be seated.

COMMISSIONER: Good morning, Mr Coyne. Welcome. Yes, Mr Copley?

MR COPLEY: Thank you, Mr Commissioner.

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Mr Coyne, prior to being appointed the manager of the John Oxley Youth Centre in 1988 where did you work?---I was the supervisor of Inala office for the Department of Family Services or Children's Services; they've had a number of name changes, and prior to that I was a child care officer for five years, approximately five years, at Ipswich office.

Prior to becoming a child care officer at Ipswich had you completed high school?---I completed high school at St Edmund's College in Ipswich and then completed a degree at the University of Queensland, completing a degree in social work.

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So you went through to grade 12 at St Edmund's?---That is correct.

Then you did your degree?---Correct.

Then immediately after finishing the degree did you get the job at the department at the Ipswich office?---In the February after completing university.

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What was your role in the office at Ipswich when you commenced there?---I predominantly did child protection work.

By that do you mean that you were involved in making assessments about whether a child was in need of what today might be called care and protection?---That is correct. I worked with police, I worked with the hospital, I worked on

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COYNE, P.W. XN

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what was referred to then as SCAN teams, suspected child abuse and neglect teams.

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Yes?---I investigated child abuse with police and I took child protection applications in the Children's Court.

Okay, and you did that job for five years, did you say?--- That is correct.

What about your colleagues in that field at Ipswich? Did they serve in those roles for similar periods?---No. That would - I predominantly did the child protection work. I had an interest in that area and I would have been one of the longest serving child protection workers in the state at that particular point in time.

10

Even after only five years?---Beg your pardon?

Even after only five years?---Correct.

Okay?---The workload at Ipswich was also exceptionally high compared to other locations.

I suppose Ipswich included suburbs such as Goodna, did it? ---It went to Riverview, it didn't actually go to Goodna, and it went all the way out to Murphy's Creek on the other side of Gatton, going towards Toowoomba, out the other side of Esk. So it took in a large geographical area.

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What about south west? Did it go down to the border?---No, it went basically out to Boonah and the border but then around back to Goodna, essentially.

You then became the supervisor at the Ipswich office, did you?---I was acting as the supervisor for a short period and I became the appointed supervisor at Inala.

30

When you say you became the appointed supervisor, did you apply for the job at Inala and get it?---Correct.

Do you recall what year it was you started the position, the job at Inala?---I believe it was - I think it was 86 or 87.

All right, and did you stay at Inala before you went - were you at Inala then continuously until you applied for - or until you were appointed to the John Oxley Youth Centre? ---That is correct. I believe that I applied to act at the John Oxley Youth Centre and then was later appointed, but prior to that I was at Inala area office.

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Exhibit 58 discloses that on 24 March 1988 a letter was written by Mr Pettigrew - you know who he is, don't you? ---Yes.

It was addressed to you, Mr P.W. Coyne, supervisor,

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COYNE, P.W. XN

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Department of Family Services, Inala, and it said that you had been appointed by his Excellency the governor on Mr Pettigrew's nomination as the appointed manager at John Oxley Youth Centre at a classification level of 19?---That is correct.

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Did you apply for that job?---Yes.

Did you get it through a merit selection process?---I got it through a merit selection process, which was the standard process for all jobs within the public service at that particular point in time.

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When you applied for that job what was your understanding of the nature of the John Oxley Youth Centre?---I had, in hindsight, a limited understanding of juvenile justice compared to child protection, because obviously I'd worked in the child protection area, however I'd also worked in the Children's Court, so I was familiar with the fact that children that were placed under care and control orders by the court predominantly were placed at John Oxley Youth Centre. I was aware of the age of residents, that it took basically male and female residents, and that the residents were up to, for females up to 18 years of age, 17 years of age, and for males that it was about 14, 15 years of age.

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At that stage in Queensland's history there were still some children that were subject to care and control applications which didn't relate to criminal offences, but the majority of children that went there were there because of care and control orders related to criminal offences.

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So by that do you mean to say that some of the children in the centre were there subject simply to care and control applications, they weren't in effect prisoners of the court?---Well, both - well, neither were prisoners, they were placed under guardianship orders.

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Yes?---But the care and control by application was basically applications under - I can't remember the section of the act - they were uncontrollable, in a sense.

And it was a decision - - -?---They weren't - I hadn't committed any criminal offences.

No, but it was the decision of the chief executive that they be housed there rather than the decision of a court, was it, or did the court when it granted the care and control application actually order that they go there?---I believe it was the first proposition, but they were in their minority; the majority of children went there were placed there because of criminal offences by the court.

20

All right. Was it a promotion for you to take that job at John Oxley?---That is correct. I went from, I believe, an I5 to an I9.

Okay. Why did you decide to get into a field that you hadn't worked in before, because you'd never worked in the area of detention, had you?---That's correct. A number of reasons: it was in my local community; it was, you know, very close to Inala and I lived in Ipswich; it was a promotion and at that point in time I was, you know, dependent upon income in terms of my family commitments and mortgage; and I wanted to expand my activities as a social worker to other fields other than child protection. Child protection I found to be a very, very difficult area and I wanted to try something different.

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At the time of your appointment to John Oxley Youth Centre did you know Mr Pettigrew?---No.

So you had no personal friendship with him or - - -?  
---None.

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- - - familial connection or anything of that nature?  
---Zero. None.

Okay?---Nor to any other senior person in the agency.

Okay. In the department?---In the department.

Yes?---In government, nil, in the whole public service, in government. I had no connection with anybody. 1

Okay. What had your father done for a living?---My father was a mental health nurse, psychiatric nurse, trained; so was my mother, and they worked with intellectual handicapped people.

Right. Now, there are a number of incidents or issues that I want to discuss with you during your time as the manager of John Oxley. The first one concerns an excursion undertaken by a number of children, some teachers and some youth workers to the Lower Portals at Mount Barney in 1988. Do you recall that outing?---Yes, I do. 10

You didn't go on it, did you?---No, I did not.

But you approved it?---I did.

And you are proved it pursuant to a recommendation made to you by the teachers?---Two teachers put forward a proposal, that went to a group meeting that involved a number of people. I was the most senior person on that committee. The committee essentially approved it but I certainly was the most senior person and I was the one that gave the ultimate go-ahead for the outing. 20

Okay. Now, a couple of things went wrong on that outing, didn't they; four of the male youths made off and absconded?---That is correct.

And that was a matter that was brought to your attention, wasn't it?---That is correct.

Was it brought to your attention before the remaining youths were returned to the centre, do you remember?---It was the initial point of contact to me. 30

Right?---That four youths have absconded. That was the initial contact I had. I'm not sure through who, but - - -

Right. And what was the - was there a policy or procedure that our manager would follow if he received a report that some of the children in his care had escaped?---I don't recall a written policy or procedure, but I reported it to - you know, for matters like that reported to your superior. 40

Yes?---Which was Mr Ian Pearce.

All right. What about the police?---The police had already been contacted by the staff that had gone on the excursion. They reported it to the local police, I think it was Beaudesert.

All right. And the boys were apprehended fairly shortly, or that evening, weren't they, or that afternoon?---They were apprehended shortly after it was reported to the police. I think it was only a couple of hours.

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All right. Now, I want you to have a look at exhibit 242, please. You can see there it's on departmental letterhead and it's typed up as an inter-office memo to Mr George Nix, deputy director general, and at the back of it, at the end of it, it bears the name, Mr Peter Coyne, manager. Are you the author of exhibit 242?---Yes, I am.

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All right, thank you. Now, some people have said - or some people have said they believed that that the matter that's contained in this memorandum was swept under the carpet or covered up. So in fairness to you it would be appropriate in the circumstances for you to read out to us what you wrote to Mr Nix, but in so doing I'd prefer, if you wouldn't mind, because this is being recorded on transcript, if you didn't actually read out the names - Christian or surname - of the boys concerned. But there's no difficulty so far as the way this matter has been conducted so far for you to read out the name of Annette Harding. But before you read it out to us, it bears the date of 27 May 1988 if you look on the top right-hand corner. Do you see that?---Yes, that's correct.

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Okay. Then if you go - well, below your signature there's a handwritten note, isn't there?---Yes.

Do you recognise the name above the date down there? If you don't know who it is, it doesn't matter, but it's not your signature, is it?---No, it's not.

And it bears below that signature the date of 27/5/88? ---That's correct.

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So that might tend to suggest that not only was this document typed on 27 May 1988, it was actually despatched somewhere on 27 May 1988?---That is highly likely.

Do you have a recollection now, looking back at this document and relying on your memory, as to whether after finishing this document on 27 May you despatched somewhere that day?---I believe that is the case. I spoke with George Nix and I sent the report. I would have thought that we would have faxed the report in.

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Yes?---But I know that this was an important matter and that Mr Nix wanted the information as it is possible.



Okay?---So after I finished it and it was typed it would've been dispatched immediately. 1

Now, the excursion had been on 24 May, hadn't it?---That is correct.

And this report is written some time on 27 May?---That is correct. I may have started it earlier than that date because at that particular point in time there was a very limited number of computers so you didn't type your - generally type a lot of your own stuff. It was given to a typist. 10

Okay?---So I may have given her some of the material earlier, then kept writing the rest of the material or dictating the rest of the material.

Okay. Well, bearing in mind the caveat I put up on it about reading out the names of any of the juveniles other than Annette Harding, would you be able to read out, please, what you wrote in the report to Mr Nix, just as it is written---The subject is "Report on the Educational Program - 24 May 1988": 20

*On 19 May 88 two teachers, Mr R. O'Hanley and Mr G. Cooper, submitted a proposal to conduct an educational program to the review team at John Oxley Youth Centre. The program was an environmental bushwalk to the Lower Portals area at Mount Barney National Park on Tuesday, 24 May 1988 from 8 am to 4 pm. The children selected to attend were -*

And then their names are set out and Annette Harding?---And Annette Harding:

*Details relating to these children are attached. These children were selected on the basis of their school attendance. The following staff were selected to take part in the program: Mr R. O'Hanley, teacher, Mr Gordon Cooper, teacher, Mrs K. Mersiadess, teacher, Mr J. Manitzky, psychologist, and Ms S. Moynihan, youth worker.* 30

*The program proposed was considered by the John Oxley Youth Centre review team which is made up of the manager, deputy manager, three principal youth workers, psychologist, supervising social worker, senior your worker on duty and teacher in charge. The program was subsequently approved.* 40

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*On 24 May 1988 the abovementioned staff and children left John Oxley Youth Centre at approximately 8.15 am. At approximately 3.15 pm Mr O'Hanley phoned John Oxley Youth Centre and advised Ms J. Foote, deputy manager, that four children, namely - had absconded. Beenleigh police later contacted the centre at approximately 4.45 pm to advise that the four absconding children had been detained by police and were being returned to the centre.*

*I contacted Mr Ian Peers, executive director, Youth Services, at 4.50 pm and advised him of the absconding and subsequently detention of the four children. On-duty staff were also informed of this information. Shortly after this phone call Mr O'Hanley and Mr Cooper returned to the centre with Annette Harding -*

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And others?

*--- - - - and others.*

*The children were returned to the living area and I, Ms Foote and Mr O'Hanley and Mr Cooper spoke briefly. We were all relieved that the children had been located as our major concern at the time was for their safety. We were particularly concerned they may have become lost in the rain forest and experience low overnight temperatures. We then left the centre to go to our respective homes.*

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*I received a phone call at 6.45 pm from Mr J. Manitzky who was concerned about the events of the day. He was also concerned that four children were refusing to leave the admissions area and were actively provoking a physical confrontation. I gave him brief instructions and then immediately drove to the centre and arrived at approximately 7.15 pm. I went to the admissions area to find the children yelling, swearing, banging walls and doors as well as whistling on a high note.*

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*They were still attempting to provoke the two staff in the admission area, Mr T. Cox, senior youth worker, and Mr E. Kaltner, youth worker, into a physical confrontation. I decided not to enter the room for fear that it may escalate the situation and in the hope that in time the children would tire, relax and voluntarily go to their rooms.*

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*In the conference room next to the admission area I met with Mr J. Manitzky, Mrs K. Mersiades and Ms S. Moynihan who were all concerned about the events of the day. They were most concerned about a suspicion that Annette Harding may have been sexually assaulted. We spoke for over an hour and agreed a meeting should be held at 9 am the next day. The purpose of the meeting was to analyse the program, debrief staff, gather information for future planning and to develop a strategy for investigating the concern about Annette Harding being sexually assaulted. Mr Manitzky, Mrs Mersiades and Ms Moynihan then left the centre.*

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*The children in the admission area at this point in time became very loud and agitated so I entered the admission area because of my concern for staff safety. I gave the children an ultimatum and they agreed to go quietly to their rooms. The children were then taken one by one to their rooms to prevent them escalating the disturbance with other children. This process lasted about 45 minutes. When the four children were in their rooms, I went to see Annette Harding. However, she was asleep in her bedroom. I then spoke with Mr Cox, the senior worker on duty, about the incident in the admission area. I left the centre at approximately 10 pm.*

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*At 9 am on 25 May 1988 a meeting was held between Ms J. Foot, Mr O'Hanley, Mr Cooper, Mr Manitzky, Mrs Mersiades, Ms Moynihan and myself. We discussed the events of the previous day for approximately an hour and a half. There was a concern that Annette Harding had been sexually assaulted but no direct evidence was available.*

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*At 10.30 am I spoke with Mr M. Fremantle, a youth worker on duty, in the company of Ms W. Crop, acting supervising social worker. He informed me that a child had told him that another child had sexual intercourse with Annette Harding. He was also concerned for Annette's safety at morning tea. The meeting was quickly terminated and Mr Fremantle returned to Blaxland living area to ensure Annette's safety. I placed four children in their rooms at approximately 11 am.*

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Those four children were male children, weren't they?  
---They were four male children that had been on the outing  
to the Lower Portals:

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*I inquired about the possible sexual assault of Annette, the absconding and the behaviour in the admission area with all four boys. I spoke with a child on three occasions, another child on three occasions, another child on two occasions and another child on two occasions.*

The four children that you spoke to there were in each case the boys who had been on the excursion on 24 May?---That is correct:

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*I also spoke with another child about the possible sexual assault of Annette Harding on one occasion. A child indicated he masturbated by watching another child and another child have sexual intercourse with Annette Harding. He indicated two children were nearby but did not engage in sexual intercourse. He also stated Annette was a willing participant in these activities.*

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*A child indicated he imitated having sexual intercourse with Annette as well as having sexual intercourse with Annette. He said a child had sexual intercourse with Annette. He said all the other boys were watching and masturbating. He stated that Annette was a willing participant. A child indicated he was standing nearby when another child and another child had sexual intercourse with Annette. He said he was not involved in any way.*

*A child indicated that two other children had sexual intercourse with Annette. He said he only kissed Annette. He also said Annette participated willingly. Another child stated clearly that both he and another child had sexual intercourse with Annette while three other children watched and masturbated. He stated Annette was a willing participant. After these interviews I spoke with Ms J. Foote who had spoken with Annette. A copy of her report is attached.*

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Now, we might pause there for a minute, Mr Coyne, and show you exhibit 243.

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You will see that this is a document dated 27 May 1988. It's addressed to you. It's from Ms Jenny Foote and it concerns an interview with Annette Harding. Is that the document that you're referring to in your memo which was attached to your memo to Mr Nix?---That is correct.

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Could you just read that out, please, Ms Foote's memo?

---Subject: Interview with Annette Harding.  
Annette Harding was interviewed in my office on Wednesday, 25 May 1988. It had been brought to my attention that Annette may have had sexual involvement with some male residents of the centre while they were on a day outing with five staff members. I asked Annette whether she had sexual contact with any males while on the outing from the centre and explained that if this had occurred she would not be in any trouble. I also explained that if it had occurred that the boys involved would be spoken to. Annette said she understood. Annette told me that she had not had any sexual contact while on the outing.

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I had a further conversation with Annette on 27 May 1988. This followed interviews with boys who had been on the outing. During these interviews, it was stated that two boys had intercourse with Annette while the other three watched. After Annette became aware that the boys had spoken of what had occurred, she stated that she had intercourse with two boys on the outing.

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In my conversation with Annette on 27 May 1988 I told her that her mother was coming to the centre to speak with the manager and myself. I explained that we intended to talk to her regarding the events that occurred during the outing of 25 May 1988. I also said that Annette would have the opportunity to speak with her mother. Annette said that she had spoken to her mother the night before on the telephone and told her what had happened. Annette indicated that her mother did not say much in reply.

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Jenny Foote, deputy manager, John Oxley Youth Centre.

All right, we'll have exhibit 243 back and we'll ask you to return to exhibit 242, which is your memo, and get you to take up reading where you left off, which was at the commencement of the last paragraph on page 3?---"Shortly after lunch I spoke with Annette Harding in the interview room. I explained to her that I had spoken to the five boys. I asked her if she had had sexual intercourse with anyone the previous day. She said, "Yes, with two boys." I asked who they were and she indicated two children.

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And she provided names?---She provided names.

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Yes?

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---I asked about her willingness to participate and she indicated that no physical force was used, however she indicated she felt under a lot of pressure from the boys. She was unable to explain what this pressure was but I assumed it to be both peer pressure and psychological pressure. I then asked if she wanted the boys to be charged by the police and she tentatively said yes. I explained to her that I would need to contact her parents and advise them of these events. She didn't want me to contact them because she was frightened her parents would be upset and physically assault her as they had done in the past.

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Annette explained she had been raped by a group of schoolboys when she was 11 years old and her parents had bashed her until she told them about the incident. I then contacted Mr Ian Peers at approximately 1.50 pm to advise him of the information I had obtained and to seek his advice. After speaking with him Ms Foote and I convened a meeting with Mr O'Hanley, Mr Cooper, Mrs Mersiades, Mr Manitzky and Ms Moynihan. I advised them I believed Annette had been sexually assaulted. I then requested them to provide me with a report about the previous day. The reports are attached for your information.

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At approximately 3.30 pm I spoke with four children about the inappropriateness of their actions on the previous day. Annette Harding was also moved to another living area. After the review team meeting on Thursday, 26 May 1988 I reviewed the reports prepared by staff. I then approached the five boys about being interviewed so as to collect more specific information about the incident with Annette Harding. They all declined to be reinterviewed.

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At 4.30 pm I informed Mr G. Butler, the family services officer with responsibilities at Beenleigh about the incident related to Annette Harding and my intention to contact Annette's parents. I attempted to contact Mr and Mrs Harding by phone at 4.40 pm and 4.50 pm without success. Mr T. Cox, senior youth worker on duty, contacted me at home at 6.45 pm and advised me that Ms Harding had rang -

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Is that Ms or Mrs?---Mrs.

Thank you?

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*---...had rung the centre and he had obtained her new phone number. I rang Mrs Harding and informed her and Mr Harding about the incident involving Annette. An appointment was then made for them to visit John Oxley Youth Centre at 11 am on Friday, 27 May 1988 to discuss the matter more fully. I also encouraged Mrs Harding to ring and speak with Annette. Mr Cox later contacted me saying Mrs Harding and Annette had spoken together on the phone.*

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*On Friday, 27 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. Ms Foote and I then rejoined them and they both indicated they wanted a complaint made to police about four children. Annette stated that the fifth child was not involved in any way. I immediately contacted Inspector Dave Jefferies, JAB Brisbane, who will organise an investigation of the complaint.*

All right. Now, pausing there, Mr Coyne, you say there that Inspector Dave Jefferies belonged to the Juvenile Aid Bureau in Brisbane. Was there not a Juvenile Aid Bureau more proximate to the Wacol centre that you were running than Brisbane?---There was a Juvenile Aid at Inala. I don't believe it operated 24-7. It was a Monday to Friday operation, as I remember, and anything outside of those hours would go to Oxley CIB, however given the nature of the matter I felt it was more appropriate to refer it to the central Brisbane branch who were very, very experienced in child abuse matters and sexual assault matters.

20

Did you personally know Inspector David Jefferies?---I had met him a number of times throughout my career during child abuse work.

30

If you will just now turn over to read the last paragraph, please?---"I have also reviewed the videotape of the outing but it provides no information about the alleged offences. Mr Peter Coyne, manager, John Oxley Youth Centre."

Just so that we can understand, the videotape of the outing, was that a videotape that was apparently made by someone in charge of the children when they were down at the Lower Portals or was it simply a videotape taken from a video security camera at the John Oxley Youth Centre as people arrived or left?---It was a large hand-held video recorder that you would walk with, equivalent to a camcorder in today's - - -

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So it didn't show a child being assaulted in a sexual way, or touched in a sexual way?---Not at all. Not at all. It showed people walking along, it showed, you know, the

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environment, it showed the walking track. There was very little information on it whatsoever. 1

Okay. Now, I'll get you to have a look at exhibit 246. This, Mr Coyne, you'd agree, is a memo addressed to the director-general from George Nix or G.E. Nix, the deputy director-general?---That is correct.

On the right-hand side at the bottom somebody has written the words "seen by minister" with some initials "31 May 88". Do you see that?---That is correct. They're the initials of Alan Pettigrew. 10

Okay. Now, Mr Nix wrote here that Mr Peter Coyne rang to advise that on Friday Annette Harding was medically examined at the Mater Hospital, that this was arranged with the police investigating the matter and that on Saturday the police again interviewed Annette Harding who indicated that she did not wish to make a formal complaint. Do you recall advising Mr Nix of those events?---Yes, I do.

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COMMISSIONER: Just before we continue, can I just get something straight? 1

Mr Coyne, what was your line of reporting? Who was your line manager?---Mr Ian Peers and Mr Ian Peers reported to Mr George Nix and Mr George Nix reported to Mr Alan Pettigrew, the director-general.

What was the departmental position with regard to jumping over a line manager and reporting directly to a superior? ---Generally I reported to Ian Peers. George Nix and Ian Peers worked very closely together. I'm not sure why I didn't contact Ian Peers, but certainly Mr George Nix wanted information about what was occurring. He was concerned. 10

As a matter of standard procedure, you wouldn't write directly to the director-general?---That is correct.

MR COPLEY: Mr Nix's memo to the director-general goes on to state:

*Annette's mother was then contacted and brought to the centre where she spent a couple of hours with her daughter. Initially Mrs Harding was upset her daughter had made this decision -* 20

which seems to be a reference back to the decision in the first paragraph -

*not to make a complaint, but after spending a couple of hours with her daughter she was interviewed by the training officer and advised that she was happy for her daughter not to make a complaint.*

Now, did that information that Mr Nix has recorded there come from you or from somebody else or can't you say?---I believe that information came from me and I believe the training officer was Mr Rudi Pikelharing. 30

All right:

*Mr Coyne advised -*

so this next paragraph seems to come from you -

*that Annette had two main reasons for not wishing to make a formal complaint. These were: (1) the court process would take from six to 12 months; (2) other children at the centre were teasing her and threatening her.* 40

Do you recall telling Mr Nix that?---Yes.

Okay:

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*Mr Coyne said that he had spoken to the other children involved in the teasing and threatening and has advised them of the outcomes should they continue in this fashion. Overall everything has settled down at the centre.*

Do you recall telling Mr Nix that?---I told him something similar. I believe that one of the principal youth workers and the senior youth work went around the centre and spoke to all the children.

10

Okay:

*Mr Coyne has also advised me -*

wrote Mr Nix -

*that one particular staff member (that they have had a lot of trouble with) was saying that there had been a cover-up and a whitewash. Mr Coyne is having a talk to him this afternoon, together with other staff where they will be advised that the complaint has been investigated properly and that all the information has been passed on.*

20

Do you recall telling Mr Nix that?---I don't recall the first part of that discussion. I recall saying to him that there was - that I would be speaking with the staff about the need for confidentiality in relation to Annette and in relation to the other children that were in the centre and that we needed to be very mindful of, you know, the sensitivity of these particular matters, but I don't recall anything about the first - you know, the first two lines.

30

Because in those two lines it's asserted that you revealed to him as early as May 30, 1988 that somebody was claiming that the matter was a cover-up and a whitewash?---Well, it wasn't a cover-up and it wasn't a whitewash and there would be no reason to even think that - for me to think that at that particular point in time. Whether somebody had said that I have no recollection of that.

You had had the child's mother brought to the centre, hadn't you?---That is correct.

And you had contacted Inspector Jefferies about it?  
---Correct.

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And, to your knowledge, the child had been taken to the Mater Hospital?---The child was taken to the Mater Hospital by one of the youth workers and I believe that was in the company of the police. The matter had also been reported to the nursing staff and through to the doctor.

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So if there was a cover-up, either planned or unplanned - if in fact there was a cover-up, you had by your actions involved the mother in the cover-up and police in the cover-up?---It's just not possible that there would be a cover-up that involved - to cover up a matter of this nature would involve all the staff that went on the outing; all the children that were on the outing; anybody like the youth worker Mr Mark Fremantle the children had spoken to, the staff that were briefed in terms of caring for Annette or protecting Annette. Lorraine Hayward was a youth worker that sat in on an interview that sat in on an interview. There was Mr Trevor Cox. We told the police. We told the nurses. We told the social workers. It's just not possible.

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Okay, thank you, but you did go on to mention before that the second part of what's in that paragraph was correct to this extent: that you were going to have a talk that afternoon with the staff and the staff were going to be advised that the complaint had been investigated and that information had been passed on, and you said that's true to this extent: that you intended to speak with the staff and impress upon them the need for confidentiality. Now, did you in fact have a meeting with staff at the centre one afternoon and impress that upon them?---I had several meetings. I went and saw staff around the centre. It's very difficult to close the centre down so if it was operational, you would need to go from one location to another. It was very easy to get the teachers and the psychologists together but the actual youth workers - I would have gathered them in small lots and spoken to them.

20

What was it that you said to them about the importance of the need for confidentiality?---Well, the focus was upon Annette and Annette's care and rumours or discussions that could be overheard by other children should really be kept to a minimum that was required to facilitate your care and security, no, more than that, and the other thing I impressed upon them is that we had five other children that were in a small facility - that we needed to be mindful that they weren't picking up information that we might possess.

30

Okay. Mr Nix claims in the last paragraph there that you also told him there was very little chance of the girl becoming pregnant in view of advice that had been received from the paediatrician. Do you recall telling Mr Nix that?---Yes.

40

Okay. Now, were you present when police officers came to the centre on the Saturday morning to speak to Annette?---I don't believe so.

All right. We will have that exhibit 242 returned as well as the next exhibit that I showed you which was 246.

Now, I want to go forward to another incident now in time and I want you to have a look at exhibit 66. I'm interested in knowing about the handwritten notation on the right-hand side of that document that says, "Peter, Alan will decide who he wants to conduct the investigation and advise Ian 18/9/89." I understand you've seen that document before?---Yes, absolutely.

1

Is it the case that it may have been shown to you or given to you or provided to you by more than one person?---It's - I would have got it on a number of occasions. It was initially given to me via Ian Peers.

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Okay, well, that's really - you've perhaps anticipated my question. Is the Peter referred to there you?---Correct.

Is the Ian there who signs his name, is that Ian Peers? ---That is correct.

All right, and if the dates are accurate, it seems that Mr Ian Peers provided you with that document as early as 18 September 1989?---That is correct.

Does that accord with your recollection or is it impossible to say now?---That accords with my recollection, yes.

20

Okay, thank you. Mr Coyne, you would agree with me that it contains a summation of a meeting that Mr Pettigrew and Mr Nix had, along with Mr Thatcher, with some people from the Queensland State Service Union on 14 September 1989? ---That is correct.

Would you agree with me that it reveals to an extent something about the nature of complaints about you and the identity of some of the complainants?---That is correct.

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For example, it's pretty clear from paragraphs 1 and 2 and 6 and 7 that Mr D. Lannen had some complaints?---That is correct.

It appears from paragraph 3 that Mr L. Clements had some complaint?---Correct.

And that Mariana Pearce in paragraph 5 had a complaint? ---Correct.

And that five other youth workers who had not been identified had some issue or other, or issues?---I wouldn't agree with that. It could have been some of, you know, the same youth workers. It's not specific. It just says five.

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I see, so it could have included - - -?---It could have been including Mariana Pearce and Lex Clements.

All right. It says in paragraph 7, "Mr Coyne has been threatening other youth workers at John Oxley Youth Centre

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besides Mr Lannen that he is prepared to take private  
defamation action against them." Now, given that you  
received this on 18 September 1989 do you know what that is  
referring to?---No.

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So it's not the case that you had threatened youth workers  
other than Mr Lannen with defamation action?---Including  
Mr Lannen.

Well, let's leave him to one side for a second?---Well,  
certainly the others - - -

10

We can do it the other way around?---I didn't threaten  
other youth workers with taking defamation action against  
them, no.

But did you threaten Lannen with it?---No.

Okay, and you will note in paragraph 8 that the union was  
seeking to have an inquiry into management-staff  
relationships at John Oxley in view of the ongoing problems  
occurring at the centre and that the union was prepared to  
provide specific details of incidents between management  
and staff to aid the inquiry. So it's pretty clear, isn't  
it, that as early as 18 September 1989 Mr Peers, at least,  
had provided you with advance warning that there was  
trouble brewing out there at the centre and there was  
likely to be an investigation. Would you agree with that?  
---Yes.

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Okay, thank you.

COMMISSIONER: Was this the first you'd heard from any  
source of the suggestion that you had threatened defamation  
proceedings against Mr Lannen or anyone else?---I believe  
so. I certainly had a discussion with - I rang Mr Lannen's  
home and I spoke with his wife and I said that I needed to  
talk to Danny about a legal matter. I didn't say anything  
specific about that.

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What were you - I know you didn't go into detail, but what  
was in your mind? What were you thinking about, what legal  
matter?---I simply wanted to have a discussion with him  
about firing a shot over the bow, so to speak.

Yes?---Just - he'd made a number of comments. I'd grown  
tired of that and I just simply wanted him to sort of back  
off a little bit.

40

So did you want your reference to "legal matter" to be  
interpreted by Mrs Lannen as some sort of proceeding  
against her husband?---Correct.

Okay, and was that before you received this note from your  
- Mr Peers?---Yes.

So when you read that about Lannen and defamation proceedings you put the two incidents together?---Correct.

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MR COPLEY: Thank you. Now, I want you to have a look at exhibit 68, please. This is a letter to Ms Janine Walker from the State Service Union signed by Lyn Draper. Did you know Lyn Draper?---I did.

You can take this from me but you can read it if you want to make sure. In that letter the writer said that it was only a minority of people at the John Oxley Centre who were making complaints about the manager, that the issues that they were complaining about could not be substantiated and that the State Services Union representative had acted improperly in the manner in which he had gone about trying to, as it were, solicit complaints from people about you. Have you seen that letter before?---Yes.

10

Did you ask Ms Draper to write it?---No.

Did you know that she was going to send it before she sent it?---I don't believe so.

Okay?---I think she told me that she had sent a letter and she was very unhappy.

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If regard is had - and I'll just put these numbers onto the record. You don't need to see these documents unless you want to, but if regard is had to other evidence that we've received such as exhibit 69 and exhibit 24, there's evidence to suggest that Mr Pettigrew came out to the John Oxley Youth Centre and met with staff on either 27 or 28 September 1989. Do you recall that?---I don't.

The next document I want to show you is exhibit 82. Would you agree with me that that is a memo addressed to Ian Peers concerning allegations made by Mrs M. Pearce, spelt differently, and it's signed - well, it's got the name P. Coyne, manager, on the second page?---Correct.

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But it appears to have the words - and I forgot to ask the lady about this yesterday, "A. Dutney for P. Coyne," written above the name P. Coyne?---That is correct.

Is that a document that you compiled or had typed?---That is correct.

But it's not signed by you?---No.

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Do you remember the circumstances in which that came to be signed by A. Dutney?---Correct, yes.

Can you explain, please?---I was - I went on recreation leave on 7 November 1989.

Okay?---This would have been dictated, put in the typing pool, it's come back out and it would have - may have been done on 6 November but I suspect more likely it was done on your 3 November 1989.

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Okay. Now, to cut a long story short it had come to your knowledge that Mrs Pearce had alleged that you had, without her permission, entered her house?---That's correct.

That is the allegation, isn't it?---That is correct.

And on page 2 of the document in the last paragraph you state, "Given these allegations are about myself, I feel this matter needs to be addressed by someone outside of the centre. I would be pleased to receive some advice as to how to proceed." Do you see that?---Correct.

10

At the time you wrote that did you contemplate that as a possibility that might have been a subject matter fit for the inquiry that had been foreshadowed to you by Ian Pearce back in September?---That is correct.

And are we to take it - or can we take it that you were simply stating no more and no less that because the allegations concerned you, you felt that they needed to be investigated or considered by someone outside the centre because you were the most senior officer in the centre and that it was not appropriate to have looked into by someone subordinate to you?---The allegation was against - in respect of two people at the centre and yes - - -

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You and Cox?---Mr Trevor Cox, yes. And I believed it was inappropriate to me to investigate or determine the matter and Mr Ian Pearce I think in the end made some inquiry at some point in time.

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We might come to that. I'll get you now to look at exhibit 85. You appreciate, don't you, that the commission here isn't concerned - Mr Coyne, you appreciate that the commission isn't concerned about the truthfulness or otherwise of the allegation by Mrs Pearce?---Yes, I understand that.

All right. Now, this document would appear to be a memorandum signed by P.S. Ashton, acting general secretary. Does that name mean anything to you?---No.

Okay. Well, it's dated 21 November 1989 and it asserts that on that day Ashton had received a telephone call from Alan Pettigrew to advise that Mr N. Heiner had been appointed to commence duty on Wednesday, 22 November and had been given six weeks within which to complete his investigations and that Mr Pettigrew said that he had spoken to employees at the centre at the change of shifts on Monday, 20 November to inform them of developments. Had missed Pettigrew spoken to you on Monday, 20 November to

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inform you of this?---No, I was on recreation leave on those dates. 1

Okay. Well, perhaps we could clarify this, you said that you went on recreation leave on 7 November. Do you recall when you returned to work?---I believe I was on recreation leave for four weeks, so that would have been all of November. I believe that during that period of time I received a phone call from Anne Dutney, who expressed some concern to me, and I came in - not to John Oxley Youth Centre, I think I went into the Children's Court at North Quay and make some inquiries. 10

Okay?---But I was off for a month, I'm pretty sure.

Right. Were you in a union or an industrial organisation at this time in November 1989?---Correct, I was a member of the Professional Officers Association, the POA.

Okay. And some people in those days might have been in a union because it was almost a requirement that you had to be in a union; other people might have been in a union because they felt that a union served its purpose; other people might have been in a union because they were actively involved in assisting the union in the workplace. Which category a person did you fall into in terms of your relationship with the POA? 20

---I wasn't an active member of the union. I on one occasion provided some assistance to Kevin Lindberg on a matter but I've never been an active member of a union. I was a member of a union in terms of just ideology. You know, I supported the concept that there should be some unionisation of workforces to provide some collective bargaining, et cetera, and had the union shopper.

To have the union shopper?---Get things cheaper, and it was important to me at that particular point in time when I was younger. 30

So if you were in the union there might have been an identity card or some evidence issued to you that you could employ to purchase things - - -?---Correct.

- - - more cheaply than a person who wasn't a member of a particular union?---Yes.

Okay?---I was not active in any way, shape or form and I was not involved in the union movement or any party, just I was a member of the union. My father was a strong unionist and I just drifted in. 40

Which union was he in?---The HEU, Hospital Employees Union.

Okay.

COMMISSIONER: So your primary driver was self-interest in

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your union membership?---No, it was self-interest in the sense of I believed - and still do believe - that unions play an important part in terms of protecting the rights of employees.

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Right?---That was my predominant reason for being in the union. I had no interest ever of being an active member of the union.

I see. All right. Mr Copley, when it's convenient, we are going to have a 15 minute break.

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MR COPLEY: Might I just ask one more question about unions and then we could have the adjournment.

COMMISSIONER: Yes, all right.

MR COPLEY: Or there could even be a supplementary two or three, but it will be on the same subject.

COMMISSIONER: Yes, whenever you're - - -

MR COPLEY: Thank you.

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Mr Coyne, what was, to your understanding at that time, the difference between the State Service Union and the Professional Officers Association to the extent that there were two unions there for people working in public service offices?---The Professional Officers Association was more akin to technical and professional people, people with technical qualifications or professional; and I think the State Services Union basically were more to do with administrative officers or blue-collar workers.

Right?---Best I understand.

30

And did you join the POA because, for example, do you have a university degree?---Correct. And they appeared to be the union that had coverage of professional officers or, you know, people with technical or professional skills.

Okay. And you mentioned the name Kevin Lindberg. Had you met and had dealings with him prior to going on recreation leave in 1989, or are you referring to something after that?---Something after that, yes.

Okay. Right. Did you hear from anyone from the Professional Officers Association when you were on recreation leave in that month?---No, I don't believe so.

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Okay. Would that be an appropriate time?

COMMISSIONER: Yes, thank you.

THE COMMISSION ADJOURNED AT 11.31 AM

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THE COMMISSION RESUMED AT 11.46 AM

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COMMISSIONER: Yes, Mr Copley?

MR COPLEY: I will just take you back to Inspector Jefferies. When you called him in May 1988, was he the officer in charge of the Juvenile Aid Bureau in Brisbane? ---Yes, he was. I believe he was an inspector.

Okay, thank you. Now, I would like you to have a look at exhibit 88, please. You've seen that document before, haven't you?---Correct.

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Who gave you that document or a copy of it?---It came from Noel Heiner through either Barbara Flynn or Jan Cosgrove.

All right; and did it have "Attachment 3" typed on the top of it when you got it?---No, it did not.

It didn't. Did you have that typed there?---That is correct.

All right. Down the bottom it has the date of "29 November 1989". Did you put that on there?---No.

20

Do you recall when you received that document from either Ms Flynn or Mrs Cosgrove?---No, I do not.

Was it before you went on recreation leave or after you came back?---It was not before I went on recreation leave.

Okay?---It would've been certainly after.

Right; and we can see that it contains the names of eight people and a reference to a person who's described as unsigned?---That is correct.

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And we can see that it might contain - if you didn't have any other documents to make reference to, it might contain a more or less subjective summation of what each of those persons had said somewhere at some time?---That is correct.

When this document was given to you, was any oral explanation given to you about what this was meant to represent?---A summary of the complaints that were made about me in respect of the first term of reference for the inquiry.

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Did somebody give you copy of the terms of reference? ---Correct.

Who gave that to you?---I can't remember who gave it to me. It was Ian Peers or - I believe it was Ian Peers actually, yes.

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Okay. Now, I want you to have a look at exhibit 91, please. This would seem to be a memo signed by Mr Pettigrew addressed to "Deputy Director-General, Community and Youth Support". Was that George Pearce - George Nix, rather, that deputy director-general, or was it Cole Thatcher?---That would be George Nix.

1

Well, according to this memo, earlier that day, that is, earlier on 5 December, Mr Pettigrew had raised with Mr Heiner the issue about whether or not he was prepared to make the letters of complaint written by some staff members available to the manager Mr Coyne?---That is correct.

10

Mr Heiner had said that he wasn't prepared to make them available because some of them were written on a confidential basis and he wasn't prepared to break that confidentiality. Did Mr Pettigrew make the inquiry with Mr Heiner at your request?---I'm sorry, I don't quite understand.

Mr Pettigrew's assertion that he raised with Mr Heiner whether Mr Heiner was prepared to make the letters available to you - - -?---Yes.

20

Was that a course of action that Mr Pettigrew pursued at your request with Mr Heiner?---I was - I wanted and had requested a copy of the complaints. I'm not sure if Mr Pettigrew went forward to Mr Heiner because of that but I certainly was very strong about getting a copy of them and that is a likely scenario.

COMMISSIONER: Who with? Who were you strong with though? ---There was correspondence and discussion with Mr Ian Peers, Mr George Nix, Noel Heiner and it would have been after this date with Ruth Matchett.

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But at this stage, why was the director-general of the department taking up the cudgel for you?---I don't know. Obviously the director-general was the person that appointed Mr Heiner and I suspect that there was that connection between the director-general and the retired magistrate. I wasn't privy to it.

Yes, I'm sure there was a connection that way, but what was the connection towards you?---I was just very strong with Ian and George Nix - Ian Peers and George Nix and also with Barbara Flynn who was an assistant to Mr Noel Heiner, and I'd come off leave and went into the courts I spoke about before and I spoke with Barbara about wanting a copy of the complaints. I was very strong about it to those three people.

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MR COPLEY: Why did you want a copy of the complaints? ---Because one of the terms of reference which was the first terms of reference was - you know, a determination had to be made on the basis of fact about the validity of

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the complaints made so I believe that it was difficult to respond in a reasonable or meaningful way unless you knew the details of the complaints against you.

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Okay. Could the witness see exhibit 94, please?

This is a letter dated 8 December 1989 to Mr Pettigrew from the teacher Mrs Mersiades and in it she asserts that all of the professional staff who have contributed to the inquiry are unhappy with the process as they experienced it. She in the next paragraph refers to Mr Pettigrew's visit on 20 November 1989 and to her request that Mr Pettigrew clarify the role of Barbara Flynn. There's an assertion that Ms Flynn had stepped outside her role as Mr Pettigrew had described it and had assumed what Mrs Mersiades described as a dual role with Magistrate Heiner and that she had asked questions which betrayed a presumption that there was some validity in the complaints made about you. Mrs Mersiades went on to state that when she went before the magistrate, she was asked several times if she had problems with management and was asked to provide an opinion about you, Mr Coyne. I want to ask you whether or not you have ever seen that letter before?

10

---Yes, I have after the event; not before the event.

20

Do you mean to say after it was written as opposed to before it was posted or do you mean after the ending of the inquiry?---After I attended the inquiry. Karen Mersiades had a discussion with me that she was, you know, happy about events that occurred in the inquiry, but I didn't - - -

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Happy or unhappy?---Unhappy.

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Right?---And I wasn't drawn on that.

Did you ask her to write this letter for you?---No.

I'll get you to look at exhibit 95. This is a memo signed - that bears the name P. Coyne at the bottom. Did you sign it?---Yes.

It's addressed to Mr Cole Thatcher, deputy director-general, corporate support?---Correct.

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In it you assert that Mr Heiner is currently investigating complaints by certain members of staff?---Yes.

That one matter he was to report on was the adequacy of and implementation of staff disciplinary processes. How did you know or why did you believe that that was a matter Mr Heiner had to report on?---Because it was one of the terms of reference.

You requested from Mr Thatcher that someone provide you with a copy of approved staff disciplinary processes employed by the department between 30 November 1987 and the date of the letter?---That is correct.

20

Were you after something like a manual or a policy document about that?---I believe so. I believe so, but I don't - it's 23 years ago.

Okay?---But it was certainly terms of reference number 6, I think, and I wanted to be clear that there had been compliance with those processes, but I wanted a copy of the approved documentation. This is in the days before computers were readily available with information, so you had to make sure you had the right version.

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I'll get you now to look at exhibit 96. Were you the author of that document which bears the name Coyne at the bottom?---Yes.

It's a memo written to the director-general dated 14 December 1989 and you say that you are requesting "A copy of the allegations made against me. I further request a copy of the transcripts of evidence taken during the investigation to date"?---That is correct.

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Why did you want those things?---It basically came back to term of reference number 1, that there were nine complaints received in writing. There had to be in terms of that term of reference a determination about the validity of those complaints, so I believed that to respond I needed to know more about the nature of the complaints. The generic statement saying victimised, by way of example, didn't give me enough information to provide specific information about

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a particular incident. I believed that I had a right to know more if not all the information about the specific complaints against me.

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COMMISSIONER: Was this based on your own personal concept of fairness or were you getting some ideas from a professional?---At that stage I had not engaged a lawyer so I was not getting professional advice, but just from a commonsense perspective, if I had to respond that a person made a complaint of victimisation I needed the detail to go and get the file, to get the information to present it, and I could see no way of putting forward an argument to my innocence or otherwise without knowing the detail.

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So you needed a target to aim at, and was that your intent, to defend yourself against the allegations which were made?---I didn't need the targets. You know, the targets - the people that were making complaints were there. Their names were by and large supplied. I needed to know the specifics of their complaint so I could refer to the incidents that may have occurred. So I was only interested in the incident so I could put forward, "This person was disciplined, was spoken to, was not," and that the material was on their file and, "This is what I did and I didn't do," and whether it fell inside or outside the approved process I was happy for Noel Heiner to make a determination.

20

But you were confident without knowing the detail that you could either - they were either not true or you could explain - justify your actions?---I was extremely confident then, since then and now.

MR COPLEY: When you wrote that letter to the director-general on 14 December 1989 who was that by then, do you know?---I don't know what date Alan Pettigrew went and Ruth Matchett arrived, so I'm not sure.

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Okay, thank you. Well, I'll get you to have a look at exhibit 97, because it appears from that that if you were the author of this you might have had an idea. Would you agree with me that your signature is on the bottom of that document?---Yes.

It's dated 15 December 1989?---Correct.

It's addressed to R. Matchett, A/Director-general, Department of Family Services?---That is correct.

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So by then you thought she was the acting director-general, at least?---Correct.

In that document you point out that your understanding was that in September or October of 1989 a number of the staff at the centre had apparently written positive letters to senior managers relating to your style of management and

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performance as manager and that you had spoken with Barbara Flynn on 15 December 1989, which is the date of this memorandum, and she said that those letters of support hadn't been tabled at the inquiry and that there was no intention to call any senior members of staff who had received those letters, perhaps meaning members of the department in Brisbane who had received these letters of support about you?---Correct. 1

Do you recall that conversation with Barbara Flynn or is your recollection of it only to be - do you have no recollection of it beyond what is written here?---I have no recollection of the specific discussion with Barbara. I remember talking to Barbara but I don't remember the detail of the conversation. 10

Did you have - - -?---Other than I asked her about where were - had the supportive letters been provided.

Even allowing for the fact you had to deal with Ms Flynn over the issues that you were concerned about in this time, did you have a cordial relationship with her?---Yes, I did, but Barbara was attached to a person called Janice Doyle. Janice Doyle ran Wilson Youth Centre, which is a very old institution, and in many respects they were old school and I was a new person on the block. So they both felt that things should be - it was a clique, if you know what I mean. I was just new, so I was a little bit on the outer with them, but nothing significant. 20

You said in this memo to Ms Matchett that you requested that consideration be given to tabling these supportive letters at the earliest possible time?---Correct.

You said, "I also express regret that those supportive letters were not tabled at the same time as the letters of complaint were tabled with the inquiry"?---Correct. 30

Did you feel as at 15 December 1989 that the inquiry was not proceeding fairly towards you or in relation to you? ---Yes.

Now, I'll get you to have a look at exhibit 98. This is a lengthy document which you are the author of, aren't you? ---Correct.

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And attached to the document are three other documents, one's headed Attachment 1, which is a photocopy of the exhibit I showed you earlier which contained the notation, "Peter, Alan will decide who he wants to conduct the investigation and advise, from Ian Pearce"?---Correct.

1

Did you type Attachment 1 on that or have typed Attachment 1 on top of that?---Yes, I did, yes.

Okay. Attachment number 2 contains the terms of reference to the inquiry?---Correct.

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Did you type Attachment 2 on that?---I did.

And then the last one, attachment 3, is a photocopy of that document we looked at earlier that had the eight names down the side of it and the name unsigned the underside of it? ---Correct.

And you put Attachment 3 on that?---I did.

Okay. So you sent all of this in, now, according to this, to R. Matchett, acting director general, on 18 December 1989?---That is correct.

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Okay. And you stated that - you said, "Please find enclosed attached a copy of written material I have received to date regarding the above-mentioned investigation." Were the three attachment that you there referred to the sum total of the material that you have received from the investigation as at 18 December 1989? ---That is correct.

You then asserted in the next paragraph that you were the subject of complaints and you had been denied information - or you'd been denied the information necessary to enable you to have a fair and reasonable opportunity to ensure that your reputation was adequately defended?---Correct.

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COMMISSIONER: These are your words still?---Correct.

MR COPLEY: Did anybody help you write this memo?---No. I essentially picked up pieces of legislation. I read that legislation. I took the words from that legislation - - -

MR COPLEY: Which legislation is that?---It would have been pieces to do with - I read the Criminal Code, Public Sector Management, Employment Act and Regulations or something to that effect. So I just looked at pieces of legislation and thought about, you know, what those pieces of legislation were saying and then tried to condense it into this.

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All right. You then posited 21 questions to the director general?---Yes.



Do you see that?---That is correct.

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Well, you were then aged, what, 28 or 29?---Correct.

Did you prepare this memo with a sense of trepidation, knowing that you were positing questions, 21 in total, that you wanted the director general of the department to answer to you or to address to you?---No.

No? Okay.

COMMISSIONER: What made you go directly to the director general by this stage?---It was very clear to me from talking to George Nix and Ian Pearce that they had no power, no sway in this particular matter and there really was only one other person above that level, which was the director general.

10

And again, you had no qualms going straight to the source? ---None.

MR COPLEY: Well, she wasn't the source in the sense she wasn't the person who set this inquiry, was she?---No. Right or wrong, I have always worked on a small saying that my father had, "Don't bother with the butcher's block, bother with the butcher. So I went to the butcher.

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Okay?---And I had no - you know, like, it didn't make any sense to go to people to try to get an answer when it was clear to me they had none. They had no sway. And particularly I think the mood had changed when it went from Alan Pettigrew to Ruth Matchett.

What you mean by that?---I'm not sure exactly when the change of government occurred, but the feeling - I was more than happy originally with the inquiry kicking off. I was happy to have my say, I was happy for other people to have their say. I thought that would clear the air. Over time I became a bit more concerned, but I really felt that after Ruth Matchett arrived that there was a real leaning towards the staff's view of the world, or some - you know, the people who made the complaints - to their view. And I felt that the only thing to do was to ask the questions of her.

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Was it your intention to unsettle her somewhat by confronting her with a memorandum of this complexity - - -?---No.

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- - - a few days before Christmas?---Absolutely not. Absolutely not. I find - it's been done to me on a number of occasions. I find it despicable.

What do you find it despicable?---Dropping letters on people's desks just before Christmas. The issue here was not about that at all. I wanted to have an opportunity to reasonably defend myself at the inquiry. I wanted to take

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that opportunity. Unfortunately the timing was it was going over Christmas. And I certainly didn't want to unsettle her, I simply wanted the answers to my questions so that I could represent myself before Noel Heiner.

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Well, that becomes apparent, I'd suggest to you, at paragraph 8 of your document on page 2 were you state:

*What rules and/or guidelines exist for the operation of this investigation? I was concerned to know. I was concerned about how I could possibly conduct and defence of a reputation without knowing the specific allegations against me or by other persons. Mr Pettigrew was not prepared to provide me with a copy and I received no communication from Mr Heiner or his assistance regarding requests. On 29 November 1989 I went to see Mr Heiner without an appointment. He would not see me. After discussion with Mrs Cosgrove I was given an unsigned document, attachment number 3.*

10

---Yes.

So you certainly make plain there that your concern is to know the detail of the allegation against you?---Yes.

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But may I take you to paragraph 1 and suggest to you that this was a question that really had no bearing upon procedural fairness for you in the sense of knowing what the allegations were and how to defend yourself because paragraph 1 says, "Why it was an investigation ordered by Mr Pettigrew before written details of specific alleged incidents were presented to him for initial consideration?" Do you see the point I'm making there? See, the point I'm suggesting to you is that first question, it had nothing really to do with anything in terms of procedural fairness to you, that I posit for your consideration the proposition that you lobbed that question onto her knowing that she wasn't the person who set the inquiry up, knowing that Mr Pettigrew had moved on to some other place by the time she was the person required to answer this, and also knowing, with respect, Mr Coyne, but that was really an irrelevant consideration in terms of getting you procedural fairness. What do you say to those propositions?---It's a long time ago, but I think I was looking at section 43 of the Public Sector Management Act and it talked about grievances and the processes before grievances. I'm pretty sure that they were a couple of sections in there that drove me to ask those particular questions about regulation 63 and I think it was regulation 43 that related to. So I think in the act there was some concept that a complaint had to be received and then a determination made once that complaint was received. So when I was looking through the legislation I just ask the questions that sort of - - -

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Occurred to you?--- - - - came out of that legislation.

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Just questions that occurred to you?---Correct.

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But those sorts of questions were really neither here nor there, weren't they, because by 18 December it didn't really matter whether strict process had been followed in terms of the inquiry being set up without a written complaint or with a written complaint. The fact was the inquiry was there, it was proceeding, people were coming along talking about you and you did know what they were saying. Wasn't that the real point?---That was the real point. However, I also wanted to try and find out what was Mr Heiner's point of authority, and that came back to, I think, regulation 63 and regulation 43 about you had to be an officer. So I was just trying to determine if he was an officer. I wanted him to be - you know, I wanted him to be an officer because if he was an officer, there was - I think in the regulations a long time ago there was a defined process that would need to be followed.

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If he was an officer, you could put in a grievance against him too, couldn't you?---No, an officer had - and office could hear a grievance. If you were somebody else - and there's been, you know, lots of - other information I've looked at since that said that Mr Heiner was a consultant, but at that point in time I was just trying to work out, "Well, wait up, was he an officer?" If he was an officer, then he could hear a grievance. If it was a grievance, then a certain process had to follow. There was a regulation and there was also a public service policy document. So I was fishing, yes, to try and work out what was his powers, how was he appointed, and then - more then about the procedural fairness.

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If he wasn't an officer, then was your understanding that he didn't have power to investigate a grievance?---Yes, I think that's correct. I'm not saying he didn't have the power to investigate something, but it meant that he wasn't an officer. He couldn't be investigating a grievance. He was investigating something else under some other power.

COMMISSIONER: Or if he was an officer and he could investigate a grievance, he had to investigate it according to Hoyle?---He had to - that is correct, and I was just trying to - I'm a very structured person. I like to understand the structure to analyse something to go from A to B and that's what I was doing.

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MR COPLEY: Can I suggest to you that this was, with respect, a very skilful memorandum in the sense that it would have undoubtedly have required a lot of time on the part of the director-general herself or someone researching these points for her to provide detailed and comprehensive answers to?---Not if they'd been thought about previously.

But you knew that this director-general hadn't thought about these things because she didn't set it up?---Yes, it's not - I wrote to the director-general. There was a department. That department is there. The work that would've been - you know, I was - you know, I wasn't privy to what was done, but the people that worked underneath her - and even if they weren't there, there would have been some documentation. There would have been some file. They have the capacity to direct people to go and get these answers. I felt I needed that information so that I could respond not only to the questions but I knew what powers the person had.

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I'm not disputing - - -?---I haven't read all of them and it is a long time, but, you know - I mean, I accept that probably in hindsight I've probably gone overboard a little bit, but I was - - -

Mr Coyne, I'm not suggesting to you that you weren't genuinely concerned to see that procedural fairness was extended to you or that you weren't genuinely concerned to

know the detail of allegations so that you could meaningful  
defend yourself, but what I am positing for you to consider  
is that in addition to being motivated by that you also  
realised that you were effectively throwing to the  
director-general a hot potato on this issue or lobbying - to  
use another analogy, lobbying a grenade over to her side to  
unsettle the whole process of the inquiry?  
---No, I was - - -

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Was that also something - - -?---No.

It wasn't?---I was completely an utterly focused on  
responding to the written allegations that were made  
against me.

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So if that be so - - -?---Probably too much so.

All right. Well, assume that to be so. Why was it  
necessary to know the things that you wanted to know in  
paragraph 5, namely, what was the process of selecting an  
appropriate person to the position that Ms Flynn currently  
has on the panel?---Yes, well - - -

Why would you care how she got to be on it? You didn't  
have any problem with her particularly, you've said to me  
earlier?---The problem that I had with Barbara was her  
connection to Janice Doyle, to Wilson Youth Centre, and  
that's where the majority of the people who were making  
complaints, I believe, had come from. I would've preferred  
somebody other than Barbara to be there but that choice  
wasn't mine. I just simply asked the question to try and  
clarify why she was there.

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But it was very marginal, that issue - - -?---Correct.

- - - to you getting procedural fairness, wasn't it?---I  
accept that.

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And the fewer things that you had put into this memo, the  
more direct you'd made it about the issues that you wanted  
addressed, then perhaps with the benefit of hindsight,  
would you agree, the greater the prospects there might have  
been that you would have got some meaningful answers from  
the director-general?---No, absolutely not. I wrote short,  
meaningful questions about regulation 65. I didn't get  
much of an answer.

So if that's the case that you knew short, meaningful  
memoranda didn't produce anything much in reply, with what  
confidence did you have, when you sent this in, the  
21 questions would be addressed?---You ask with hindsight.  
I wrote that early in the piece. I wrote the other ones  
later. I put the big questions upfront with a lot - you  
know, with a number of questions. I wasn't successful. I  
later on asked more specific short questions; you know, I  
didn't get a positive response to that either. I don't

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think that it was going to make a lot of difference. In hindsight 23 years later with 23 years more experience I wouldn't have written such a long memorandum.

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COMMISSIONER: It's just the sort of thing that a lawyer would do. You start off - if you want to pressure on someone and you wanted to let them know that you know exactly where their weakness was, like, whether they actually had appointed an officer and whether he was doing it according to the book, you just follow it up with those very specific questions and let them know that you knew what they knew. You didn't do it for that reason?---No, not at all; you know, I didn't do it for that. I probably just thought about it too much and overplayed the mark, so to speak. I didn't have any assistance in writing it. I just sat back and analysed it.

10

As we will see, it put the cat among the pigeons anyway? ---Unfortunately so.

MR COPLEY: At paragraph 11 of the letter on page 3 you state, "I have been told that this investigation is not primarily into allegations about me but an investigation of the centre." Who told you that, Mr Coyne?---That was taken from discussion with Ian Peers.

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Okay?---The staff had gone to the agency. There were joint union meetings and I think the minutes of those meetings, particularly the later ones, really showed about complaints - more focused on complaints rather than the other matters.

Okay. At the foot of page 8 you refer to having obtained the unsigned document, attachment number 3, which listed out a summation of the complaints made against you by reference to the name of the officer concerned and then at the top of page 3 you said, "I gave a copy of this document to some people and asked them to consider commenting to the investigation panel on any matters they may be able to"? ---Sorry, which paragraph?

30

Top of page 3, "'I gave a copy of this document" - which was a reference to attachment 3 - are you with me? There is a three at the top?---Yes.

Have you got that?---Yes, I see it.

Okay. You said:

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*I gave a copy of this document to some people and asked them to consider commenting to the investigation panel on any matters they may be able to. The investigation panel expressed concern that these people had the document in their possession.*

First of all, by "the investigation panel", did you mean Mr Heiner and someone else?---Correct.

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Who did you give attachment 3 to? Do you remember, Mr Coyne?---I don't. I would have - if anybody, I would have gave a copy to Anne Dutney.

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Then you go on to state that Ms Flynn had been critical of you for having disseminated the document because she believed the document was confidential and shouldn't have been given to others. Is that in fact what she said to you?---I think so.

On page 4 of the document you seem to be turning your attention at paragraphs 18 and 19 to the future, because in paragraph 18 you say, "Where will the records associated with this investigation be filed? Will the transcripts of evidence be kept and filed? I would strongly request that the transcripts not be destroyed." Why were you concerned to know where the records would be filed and indeed concerned to know that they transcripts would not be destroyed?---My interest was where - if they were put somewhere that would impact on me. I don't know why I asked about - made reference about the destruction of the documents.

10

You don't know why you asked that?---I don't know.

20

COMMISSIONER: Did you have any reason to believe that they would be destroyed at that time?---No. No, not at all. I don't know - no, I really don't know why I asked that. I would have had no inkling that they would have been destroyed.

MR COPLEY: Would it have concerned you if they had been destroyed, in this sense, that if these things that were critical of you were destroyed then they weren't available to be placed on a file - on your file, for example, or on a government file to be used against you in the future?---Yes, it would have. I just wanted to answer the questions. I wanted to know the specifics of what the complaints were against me and answer those. I had no difficulty after that point - if I knew the details of complaints and I had the opportunity to answer them I was more than happy about them being put wherever was appropriate. I had a strong sense that I had not done anything wrong.

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Now, there's a note written in handwriting over on the right, isn't there? Is that on your copy on the last page?---Yes.

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Is that your writing?---No.

Okay?---I've never seen it before.

All right, thank you. That can be returned and I'll get you know to look at exhibit 100. Now, this is a letter that a psychiatrist Dr Nigel Collings wrote to Ms Matchett on 19 December 1989 and he says he had been approached by

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you, the manager, to write some short comments in regard to the use of medication with patients in the centre?  
---Correct. 1

Why did you ask this doctor to write to Ms Matchett about this subject?---Because, if memory serves me correct, one of the staff had complained about the inappropriate use of - the overuse of medication, or the inappropriate use of medication. Medication is something that is simply prescribed the doctor, a doctor or, you know, a specialist, so I asked them to provide some comment in that regard. 10

All right?---Because there was nothing I could ever say about whether it was being over - you know, was being under-prescribed or over-prescribed, simply we as an organisation at the centre would provide the medication as directed, whether that was via a nurse or whether it was by a youth worker in the evening, depending on the timing of the medication.

COMMISSIONER: Mr Coyne, did either of your line managers ever reprimand you for harassing the director-general directly?---No. 20

MR COPLEY: Sorry, what did you say?---No.

Could I just get you to have a look at that exhibit 98 again? I can't see this here but it might be here. If you can find for me - can you find for me an attachment 3 where there's a reference to the over-medication or the inappropriate medicating of children, because I take it from what you've said to me before this was the document that you had in mind that caused you to ask Dr Collings to write as he did?---"Unsigned" is the only thing that I can see. 30

Yes?---"Medication to subdue violent behaviour."

That's the only reference to medication issues in this, isn't it?---That is correct.

Right?---And related to a particular child that was very violent.

Yes, but is that the reference that caused you to ask - - -?---Correct.

- - - Dr Collings to write?---Correct. 40

Because it couldn't have been anything else, could it?  
---No.

Because you had already said to the director-general, "Look, all I've been told about this is attachment 1, attachment 2 and attachment 3"?---That is correct. The medication to subdue the violent behaviour, the reason I



would have asked Dr Collings is because he was the psychiatrist, not just the general practitioner. So they would have been certain types of drugs that may have been more potent from a mental health perspective and there were, you know, rumours, people saying that children, this particular child, was being over-medicated. So when I read that I associated it with the particular child that was very violent, the rumours, so I asked the doctor to provide the details about the medication.

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Do you recall the date on which you - well, put it this way, did you speak with Mr Heiner in a situation where he conducted an interview with you?---Correct.

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Do you recall the date?---It was the - I believe it was 11 January 1990.

I'll get you to look at exhibit 106. This document would tend to suggest that at 9.10 am on that date you rang the office of the director-general?---I haven't seen it but - previously.

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Okay. But it's a typewritten note to Ruth from Wendy and it asserts that - it's either typed at 9.10 am or it's saying the call was received at 9.10 am, but pretty early in the morning Peter Coyne rang and left a message?---I believe I would have done that.

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Was that the first occasion you'd ever phoned the office of a director general to leave a message?---I believe so.

All right. And the message was, "I've sent some written correspondence to you but have not received a reply. I am required to go to the inquiry at John Oxley today without being provided information that I sought from you"?  
---Correct.

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"I would like my letters responded to, please"?---Correct.

There was really no realistic possibility, was there, that between making that call at or about 9 o'clock in the morning and when you went before Mr Heiner that she would have been able to respond to your letter, if she hadn't already responded by that date, was there?---Well, what was the case was that I could have been informed that, "The response has been sent. It's in transit," or, "The response will be provided in a short period of time." I would have asked Mr Heiner if I could, you know, appear a couple of days after that.

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Well, in response to your telephone message did the director general or anyone from her office contact you to tell you those things?---No.

Did they contact you at all that day?---No. I think at 10 o'clock I went before Noel Heiner.

Well, it's, I'd suggest, unlikely that you would have falsely said you were going before him that day if you weren't?---No, I would have been going before him and it probably would have been about 10 o'clock.

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Okay. So we can work on the basis that when you appeared before Mr Heiner to answer questions, that date was in fact 11 January 1990?---I believe it was.

Okay, thank you.

COMMISSIONER: Just from a tactical point of view, if you're a tactical person, and your actions were being interpreted by another tactical person, it might look as though you were trying to do one of two or both things here: (1) keep up the pressure on the DG; and create a paper trail of ignored requests for a later purpose. Did you have either of those objectives in mind?---No, I think at that particular point in time - obviously I was capable of analysing things and I was capable of thinking tactics, but I had a misguided belief that I'd be given a copy of

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the complaint. So I really thought I'd be given a copy of the complaints. 1

But nothing that had happened since the start of the inquiry had given you the remotest hope of that, had it? ---I certainly did maintain some hope until some time after that. And I think I was - you know, I was naive. I should have just let it be and go along.

Let's look at your correspondence in context - the emotional context, I mean - here are you writing lots of letters to the butcher?---Correct. 10

You're writing lots of letters to the butcher and she's ignoring you and the pressure is on you, you're about to go before your inquisitor. You're still writing the letters? ---Correct.

You must have reasoned to yourself, "Look, they're just fobbing me off here"?---Well, certainly that became my view a short period of time later. On that particular day I was focused on going to see Mr Heiner. And after that phone call, you know, I recall basically saying, "Well, this is the opportunity going to be given, go and make the most of it." 20

Well, see, that's what I - you know, again you might want to address this to me, but it might be seen as going to see Mr Heiner after having had all these unanswered requests for the information you needed to defend yourself was rather counterproductive and inconsistent. That is, a consistent man would have said, "You don't give me the information. I'm not going to see Heiner"?---Well, I looked at it differently. I looked at that this was the opportunity that I was going to be given. It might have been the only opportunity. I certainly didn't want to be tagged with, "He's not going to cooperate. He's got something to hide." I didn't have anything to hide whatsoever. I wanted to go. And in the end I accepted that I was going without the details of the complaint. 30

But you might find them out there?---Well, I was hopeful of - I was hopeful of that. And it may well have been the case that he just wanted to put them to me verbally. I'd made a commitment, you know, to myself that I would go one way or the other.

Okay, thank you. 40

MR COPLEY: So when you appeared before Mr Heiner, was Barbara Flynn present?---Correct.

Anyone else?---I don't believe so, no.

Okay. Did the meeting occur at John Oxley?---Correct.

Was it recorded?---Yes.

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With what?---Fairly chunky tape recorder from the late 80s, early 90s. You know, I think it was just a - it wasn't a commercial piece of equipment, from memory.

Who asked the questions - - -?---Noel - - -

- - - besides you?---Mr Noel Heiner. I asked a couple of questions.

Yes. Didn't you. You would have?---I asked some questions. He asked most of the questions. I answered most of the questions.

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Yes, but you asked some?---Yes, I did.

Did Barbara Flynn ask any?---No, I don't think.

Okay. Now, what topics did Mr Heiner question you on? ---There was a range of things. I mean, at the front there was a dialogue. I was unhappy about the process. But he was - Mr Heiner said to me that it was an inquisitorial process, not an adversarial process, and that he would proceed if - I had to choose whether I wanted to be there, and I said, "I choose to be here.

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So apart from saying that did he rationalise the process to you or explain why he was proceeding the way he was proceeding and not giving you the complaints?---No, it was - in the end it was just a general comment about that it was inquisitorial and not adversarial. And that he asked me questions about - just a broad range of questions that really probably touched on, you know, the different terms of reference that he had. I mean, I'd got myself to a position where I wanted to know the complaints, so I wanted to her that person A had said that I'd done - you know, discriminated them on 5 March and XYZ. That just simply didn't occur. It was very much a - you know, a discussion. Well, a discussion, he asked me questions that related to discipline processes; the security of the centre; some issues to do with handcuffing and the use of handcuffs; how I dealt with people. I, you know, at some point offered to go and get some files that would be, you know, specific to certain matters, you know, might shed some more light. He didn't want those. So there were a range of questions probably across, you know, the operations of the centre and the dealings with the staff.

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Okay. Well, how long did the interview go for?---I think it went for about four-odd hours.

Sorry?---About four-odd hours.

Four-odd hours?---Four hours or a little bit more.

Yes?---Somewhere around there.

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At any time in that period did he raise the issue of sexual abuse of children with you?---Never.

Did you raise that issue with him?---No, not at all.

What about Annette Harding? Did you talk about the Annette Harding incident?---No.

It has been said from time to time that Mr Heiner - it's been asserted that Mr Heiner investigated and uncovered evidence of sexual abuse out there at John Oxley. Are you familiar with that accusation?---I'm familiar with it, yes.

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Where did you first hear it?---I don't know. It's been bandied around in newspapers for years. I think originally it was in the Independent, something like that.

Right. Has anyone ever put that proposition to you personally?---About Annette Harding - - -

The matter - - -?---Annette Harding being at the Heiner inquiry?

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Being discussed at the Heiner inquiry and/or that the sexual abuse of children was a topic that Mr Heiner was investigating or discovered when he was out there?---Only police officers asked me questions recently, that's all.

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But prior to that has anyone ever asserted that to you? 1  
---No, never; no.

No-one has ever asserted to you something about, "You know what it's all about" or "I know what it's all about, Peter. It's about this issue"?---The only comment that's been made to me about the Heiner inquiry relating to child abuse or sexual abused was made by Kevin Lindeberg.

What did he say to you?---It was a long time ago. It was about late 90s. It would be 15 years ago at least, and he had made a comment to me about that I would have to tell the truth about the child abuse. We're talking about, you know, the Heiner - well, we weren't talking about the Heiner inquiry. It was just a general discussion about the Heiner inquiry and he said, "You'll have to tell the truth about the child abuse and the sexual abuse at the centre," and I said, "What do you mean?" and he said - repeated the question looking at me and raised his eyebrow as if to ask a question of me. That's the only time it's ever been raised with me. 10

Apart from saying, "What do you mean?" did you provide any other answer to him about that proposition or scenario?---I told him it wasn't true. 20

Did you have any further conversations about that or anything else after that time?---Haven't spoken to him since for 15 years.

Is there any reason why you haven't spoken to him since? ---Well, putting it into context, you know, like, I was very close to Kevin and I had a real issue about being denied natural justice. Whether it was or wasn't is a matter for others. I believed I was. Kevin believed I was. Kevin and I were very close. He was an ally. We'd made - you know, he was very supportive of my position. He was originally in the union, but as time wore on, particularly after the Morris/Howard report came out, I think it was, I was of the view that, you know, going any further with this matter was just, you know, ridiculous; you know, like, it wasn't going to go anywhere. There wasn't going to be anything that would happen; you know, like, we'd fought the good fight, "Let's move on," and when Kevin made these comments to me, I thought to myself that Kevin's just finding another way to try and promote this; you know, like, the fact that a whole pile of public servants had a blue with each other and somebody argued about an inquiry is only going to have a certain lifespan and I think after the stuff that came out of Morris/Howard and the findings that came out of that it fell flat. I just got the impression that Kevin just - Kevin wanted to make this - trump it into something bigger and better or badder or worse. I saw that and I just thought that's not - wasn't correct. I wasn't going to lie about it; never happened. I knew it didn't happen. I decided then and 30 40

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there I wasn't going to talk to him ever again. I was going to just move on with my life the way I wanted to live.

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All right.

COMMISSIONER: Did you ever say to him, "Where did you get that idea from about the child sexual abuse"?---I don't know if I framed it quite that way, but he did say to me that he had information via Pat Comben and that's all I remember. I wasn't - I didn't have a long discussion with him. I closed ranks pretty quickly and just thought, "This is ridiculous."

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Were you familiar with the name Pat Comben?---No, not really. I knew that he - you know, he was a minister; you know, I knew that he was on television at the time doing some presenting, I think, of wildlife issues which was - you know, I didn't know anything about it.

But that was a reference to the Labor minister?---Correct, and it had a reference to some discussion in cabinet, but it related - we didn't go into the specifics of this but it was related to do something to do with cabinet documents and that, you know, somehow he had got some information. I just didn't move in those sort of circles and know people. I was - you know, I'm happy to be anonymous, a nobody. He moved in those circles and he just said that he'd got information. I just knew it wasn't true. It just was not true so I thought I just want to get on with my life.

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All right. So what did you understand now, if you can tell me as best as you can now recall, what you were told about Mr Lindeberg's sources of information and reason for believing that there was a connection between Noel Heiner's investigation and the child sexual abuse at the John Oxley Centre?---Kevin was always circumspect about who he spoke to and where he got information. He never really laid a lot of that stuff out. I, on the other hand, wanted to know all the facts and the details and who, when, where and why. He was very different. It's the only conversation we've ever had.

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All right. So he told you that you would have to tell the truth and then looked at you knowingly?---Yes.

And you rejected it?---Correct.

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So how did Pat Comben and cabinet come up?---I probably said, "Why do you think that?" Again, it's a long time ago. The main thing I remember is just thinking, "This is ridiculous. I'm never going - I'm just not going to go down this path any more." I don't anything about Pat Comben. I know nothing about what he has said or hasn't said. Kevin often just dropped names. That's the way he was.

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In the course of this conversation when he mentioned Pat Comben, was that the first time he had ever mentioned Pat Comben?---Yes.

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Was it the first time he had ever drawn a link between Noel Heiner's investigation and your knowledge of child sexual abuse at John Oxley Centre?---Yes, correct.

And can you remember how the topic of cabinet came up in the context of Pat Comben and child sexual abuse at the John Oxley Centre and your knowledge of it?---I don't think he actually mentioned cabinet. I think he, you know, just said that he had seen the documents. I mean, you know, I knew he was a cabinet minister but I didn't know, you know, much about him.

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Who did you think had seen the documents?---Pat Comben.

Right?---I didn't focus on really what he said about Pat Comben or anything. When he mentioned that there was child abuse, I just new that there wasn't. When he said there was child sexual abuse or sexual abuse, I knew there wasn't. I was there. I answered all the questions; you know, I might have went beyond what I should've, but there was absolutely nothing that indicated anything of that nature. I believe that Kevin was, you know, latching onto straws, frankly, and I just didn't believe there was anything in the documents related to child abuse.

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So you no longer shared a common interest in the Heiner inquiry?---No, essentially I made a choice to move on in life. Right or wrong, whatever transpired in the past, for me I had no further interest in the matter and I haven't from that day to this basically.

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I mean, I wanted history to show that there was maybe another side to this, but other than that I wanted something, you know, like on the record, but particularly as time has gone by, I mean, it's a storm in a teacup in the scheme of things.

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But you would have seen as time went by that there were two sides to the story. There were different people saying different things about you. Some were glowing and some not so flattering?---I think there's probably, you know, 55 different versions.

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MR COPLEY: Well, we've heard evidence that you were a marvellous man.

COMMISSIONER: And a good looking one too, I think?  
---Well, that was obviously false testimony.

MR COPLEY: Well, whatever else might be said - - -?  
---(indistinct) sorry.

Whatever else might be said, Mr Coyne, you would certainly acknowledge this much, that before you were required to come and testify here you were provided with a large number of statements from people - - -?---Correct. 50.

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- - - who provided opinions about you and versions about what they told Noel Heiner?---50.

50?---50 exhibits.

Yes, and you've now seen the eight letters, or at least you've been able to see the eight letters plus the one signed by "Very concerned" about you, haven't you?---Yes. I haven't - well, I haven't probably been given the opportunity. They're probably on the Internet, but no, I haven't read them.

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You haven't read them?---I don't have any interest.

All right?---I've long since moved on. It's a very unfortunate event for everybody, particularly for me, but at some point in time you've just got to move on. I don't hold any ill will about what was said or the fact that I, you know, was denied something. I believe I was, but there was - when I was first approached by the commission I was on a day off. Somebody rang me, the detective, and I told him straight up front, there's no connection between the Heiner inquiry and sexual abuse at John Oxley Youth Centre and I believe the only matter at John Oxley Youth Centre was Annette Harding. I said straight up, they are not connected.

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All right, well, I'm going to have to take you back now to 1990 and get you to look at exhibit 107. Now, according to this, this is a memo you wrote, isn't it, on 15 January

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1990 to the director-general?---Correct.

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Correct. By this time you had been before Mr Heiner, hadn't you?---Correct.

It seems here that you said on 11 January 1990, "Mr Heiner told me he was investigating grievances in accordance with regulation 63"?---Correct.

You referred to the fact that on 18 December 89 you had requested advice regarding the legislative basis of his inquiry but had not received a reply and you said that you requested the advice again because "the inquiry is due to close very shortly". First of all, where did you get the information from that the inquiry was due to end?---Well, my understanding was that Mr Heiner through - well, I knew through the fact that Jan Cosgrove in particular but also Barbara Flynn was making requests for staff to attend to the Children's Court at North Quay and also to interviews at John Oxley that we had to find replacements for those staff. So there was a quantum of staff that were going off and attending the hearings and then Anne Dutney, I think, appeared the day before me. So I assumed that because he, you know, gathered the information that he wanted, that he was leaving the management team for last, that would be Anne and myself, so I just made an assumption that that would mean that he would start to make some determinations.

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By then you had appeared before him?---Correct.

So why did it matter to you to know the legislative basis of the inquiry?---It came back to that if it was under section 63 there was something in regulation 63 that benefited me, or made some understanding of - I homed in on section 65, 63 and 46. I can't remember the exact details of it.

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On the same day, 15 January, you also wrote two other memos, and I'll get you to have a look at first of all exhibit 108 and then exhibit 109. Now, exhibit 108 was written by you, wasn't it?---Yes.

That was directed to Gary Clarke, the director of organisational services?---Correct.

You said that you were concerned about Mr Heiner's behaviour towards you on 11 January and you said, "I am aware that he would need to be an officer of the public service for me to lodge a grievance successfully"? ---Correct.

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"As such I purely seek clarification as to whether Mr Heiner is an officer of the public service or not"? ---Correct.

Why did you write that letter to Gary Clarke and not

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include that in the letter in - in the topic raised in the preceding exhibit 107 which you wrote to Matchett?---I'm not sure, but what provoked that was the last question that was asked of me by Noel Heiner. 1

Well, you say that you were concerned about Mr Heiner's behaviour towards you?---Correct.

You surely don't mean his physical demeanour?---No, of course not.

No?---Of course not. 10

Okay, so we've just got to rule these things in or out so just be patient with me?---Yes, I'm sorry.

Were you concerned about the nature of the questions he asked or how he asked them? Was it his tone or the content that you were concerned about?---It was the tone and the content, particularly of the last question that he asked me.

All right, and did the last question relate to your management of the centre?---No. 20

Did it relate to your dealings with children?---No.

Did it relate to your personal relationships with other workers?---It - I think the answer to that is yes.

Was it one other worker in particular?---Yes.

Did you find the question offensive?---I found it very offensive.

All right?---I didn't think the question needed to be asked. 30

All right, and according to this note here on that exhibit 108 there's a notation here, "Advised verbally that Mr Heiner is not an officer." Do you recall Gary Clarke contacting you and telling you that?---No.

I'll get you now to look at 109, exhibit 109, that you've got there. This is a memo you wrote also on 15 January 1990, isn't it, and it's addressed to the director-general?---Yes. 40

Now, it deals with the fact that you still had not received those written complaints. It refers to your previous requests for them and then it cites regulation 65 of the Public Service Management and Employment Regulations and requests a copy of those written complaints, doesn't it? ---Correct.

Why did that topic not get addressed in the memo to the

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director-general dated the same date which concerned the legislative basis of the inquiry? Why was it the subject of a separate memo to her on the same day necessitating two signatures from you? Why not put it all in the one document?---This is where I made a decision to basically write very specific requests for each memo rather than compounding it, and this was really - this was of particular interest to me and hence I put it in a separate memo, yes, on the same day, but it was - I had a view, I had a strong view, about regulation 65, so I just wrote - I wrote that.

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Was it an attempt to disconcert or upset the director-general by sending her repeated correspondence? ---No. No, it was not.

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I'll get you to look at exhibit 109A and I'm going to put to you that that memo written by Mrs Dutney is very similar to the one that you wrote marked exhibit 109?---Correct.

Did the two of you decide upon the wording of exhibits 109 and 109A in conjunction with each other?---I spoke to her about it, yes. Like, we spoke about it. We ended up at some point going and seeing a lawyer together, but I would have had - well, I did have a discussion with Anne about that there was an entitlement under regulation 65.

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In exhibit 109 which is your copy, which is the letter you wrote, you asserted in the last paragraph that you wanted the director-general's advice within 48 hours as the investigation closes on Wednesday, 17 January 1990. Now, where did you get that information from, that it was going to end on 17 January 1990. I'm not sure, but there was - I think that we were told that we wouldn't need to supply any more staff in terms of rostering, et cetera.

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Okay?---Which was a real problem for the centre in terms of the administrative staff getting, you know, relief while people went of to see Mr Heiner.

Now, I want you to look at exhibit 113 and 109, 108 and 109A can go back. There are two copies there of the same letter simply because one contains more government stamps on it than the other?---Yes.

That's a letter written by Mr Ian Berry, a solicitor from Rose Berry Jensen?---Correct.

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He asserts in the first paragraph to the director-general on 17 January 1990 that he acted for Peter Coyne and Anne Dutney. That was the case?---That is correct.

We heard yesterday from Mrs Dutney that it was her idea to go to that firm of solicitors?---Correct.

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

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The reason apparently was that she had a relationship, a familial relationship, with Mr Jensen?---That is correct.

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Okay, so did you go with Mrs Dutney to actually see the solicitor Mr Berry?---Correct.

Or did you have discussions over the phone with him?  
---Both, but we did go to see him at his offices above the Ipswich railway station at the time.

Did your visit to him occur before or after you appeared before Mr Heiner?---After.

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COMMISSIONER: Mr Copley, when it's convenient we'll have a break.

MR COPLEY: I didn't realise it was so late.

COMMISSIONER: No, that's all right. That's slow.

MR COPLEY: Is this a convenient time?

COMMISSIONER: It is for me.

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MR COPLEY: All right.

COMMISSIONER: All right. We'll adjourn now till - what time?

MR COPLEY: 2.15?

COMMISSIONER: 2.15 it is.

WITNESS WITHDREW

THE COMMISSION ADJOURNED AT 1.09 PM UNTIL 2.15 PM

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THE COMMISSION RESUMED AT 2.18 PM

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COMMISSIONER: Mr Woodford?

MR WOODFORD: Mr Commissioner, we have a witness, a Mr Paul Lester Hamson, who has some difficulties personal to him about being here for much of the rest of the day. We're seeking to interpose him at this stage.

COMMISSIONER: Okay.

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MR WOODFORD: I call Paul Lester Hamson.

**HAMSON, PAUL LESTER** sworn:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---My name is Paul Lester Hamson and I am a youth worker for the Attorney-General's Department at the Brisbane Youth Detention Centre at Wacol.

Please be seated.

MR WOODFORD: Mr Commissioner, may the witness see exhibit 21 which is a copy of his statement?

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COMMISSIONER: Yes.

MR WOODFORD: Mr Hamson, I have placed in front of you a document there. Could you just examine it and confirm that it is a statement that you have provided in relation to this commission of inquiry?---Yes, it is.

That carries your signature on the fifth page?---It does.

Now, referring to the John Oxley Youth Centre, you were employed there as a youth worker, were you?---That's correct.

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Was that between about March 1989 and 1994?---That is correct.

You were initially a casual employee?---That is correct.

That moved to full-time after some years, did it?---Some period of time, yes, that's correct.

When you started out at the John Oxley Youth Centre, Mr Peter Coyne was the manager?---That is correct.

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Just picking up in your statement around paragraphs 7 and 8, you refer to a particular incident there concerning an Annette Harding. Is it the case that you have no direct knowledge yourself of that incident?---No, not at that point in time; no.

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You were not present on the excursion?---I was not. 1

The extent of your knowledge came from some discussions amongst the staff?---I did probably - I think it might've been probably late 89 or early 1990 when I was told that there was a gentleman coming out to interview staff regarding some incidents at the centre and I was questioning staff, "Who was he and what is he coming out for?"

Yes?---The comments that were made were about some incidents that were occurring at the John Oxley Centre and one of those incidents was about an alleged sexual assault. 10

This was just some discussions before Mr Heiner came out for the inquiry?---That is correct, yes.

When that came to the John Oxley Youth Centre, you were still a casual employee at that stage?---I believe I still was, yes.

From what you say in paragraph 12, you were working two to three shifts a fortnight?---Approximately two to three eight-hour shifts per fortnight. 20

From what I understand from paragraph 14, you didn't have anything to do with the inquiry at all?---No, I didn't. I was only told that this judge was coming out to interview staff on a voluntary basis regarding some issues that were still current at the centre. Apparently that gentleman, Mr Heiner, in question was the person who was coming out and I was off shift that following day.

You didn't give evidence in any event?---No, I didn't.

And you didn't supply any statement to that inquiry in terms of a written statement or letter or any other communication?---No statement; no letter; nothing at all. 30

Right. You refer to a different incident in paragraph 21 of your statement. Do you see that?---I do.

Again you didn't have any direct knowledge of that matter yourself in the sense that you didn't see anything?---I didn't see anything. I only heard a rumour about some staff being terminated.

Okay. You heard some matters on the grapevine?---Yes. 40

That was the extent of your knowledge?---That's right.

Right. Also in your statement - and this is paragraph 22 - you refer to having examined two documents when you were speaking with the police who were obtaining statements from you for this matter?---Mm'hm.

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That incident that you refer to in there is nothing of a sexual nature. That's correct? 1

Perhaps I will flesh out some of the detail for you?---Yes.

Paragraph 22 - you see there you're referring to an incident report form and a statement both from 9 August 1989?---Yes, I do recollect that document that I saw and signed.

That related to some interaction you had with a number of young fellows from the centre, did it?---That's correct. 10

And by that, some fooling around that they were doing in a horseplay sort of sense, if you like?---That's correct.

There was no sexual component to that whatsoever?---No.

Right?---Yes.

Thank you. I have no further questions.

COMMISSIONER: Mr Bosscher? 20

MR BOSSCHER: No questions, thank you, commissioner.

COMMISSIONER: Mr Harris?

MR HARRIS: I have no questions, commissioner.

MR HANGER: No questions.

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

COMMISSIONER: Yes. 30

Thanks very much for coming. Your evidence is appreciated. You are formally released from the obligations of your summons?---Thank you, sir.

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, could I take you to paragraph 21 of that statement?

COMMISSIONER: Yes.

MR WOODFORD: There is a name there that, consistent with previous orders, has been ordered not to be published. I seek the same order in relation to that name three lines down. 40

COMMISSIONER: I direct that exhibit 21 be published subject to the deletion of - what paragraph is it, Mr Woodford?

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HAMSON, P.L. XN



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MR WOODFORD: Paragraph 21. 1

COMMISSIONER: The name in paragraph 21.

MR WOODFORD: Thank you.

COMMISSIONER: Thank you.

MR HARRIS: That name has already been published,  
commissioner.

COMMISSIONER: Has it? 10

MR HARRIS: Yes.

COMMISSIONER: Okay.

MR WOODFORD: I withdraw that application.

COMMISSIONER: All right. I revoke the non-publication  
order about the name in paragraph 21.

MR COPLEY: Mr Commissioner, I recall - Mr Coyne can  
return to the witness box. 20

COMMISSIONER: Sure, thank you.

**COYNE, PETER WILLIAM:**

MR COPLEY: Could the witness be shown exhibit 113 again,  
please?

COMMISSIONER: Sure.

MR COPLEY: So, Mr Coyne, we're back with this letter that  
Mr Berry sent on 17 January 1990. Whose idea was it to  
send the letter to the director-general in those terms?  
---More the solicitor. I explained the circumstances of  
our concerns, both Anne and I did. 30

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Yes?---And, you know, I suppose we let the solicitor have a bit of a free hand. 1

Okay. Well, for example, in the second-last paragraph it was requested that the director general respond by 2 pm on 18 January 1990. Was that a deadline that the solicitor arrived at of his own motion, or did you discuss that deadline with you two, or did you two suggest that deadline to him?---I don't think we suggested the deadline. I can't remember why the deadline was put there.

Okay. All right. Now, on the page preceding that at the top of the page the solicitor sets out the complaints that it seems that you and Ms Dutney had, namely that specific allegations had not been caught to either of you; that you didn't have the opportunity to examine or cross-examine people that did give evidence; that you'd been denied the right to have legal representation; and that records of the evidence had been provided to you; and that so far as you knew there'd been no submission - no period offered for you to make a submission to Mr Heiner. Is that all true? In the sense, for example - - -?---Yes. Yes, the solicitor put the - you know, understood the legal process and he put forward these things. If it sounded reasonable to me, I'd agree. 10 20

Did you ever actually asked Mr Heiner if you could be represented by a lawyer, though, as his hearing?---I'm not sure.

Okay?---I don't know. I don't recall.

Did you ever actually ask Mr Heiner for the opportunity to provide a written submission to him before he made his report?---No. My concern was about the specifics of the complaints made about me, you know, so that what I wanted to respond to, so. 30

That's really what you wanted, you wanted those documents, didn't you?---Yes, correct.

And a transcript or transcripts of the evidence that the people gave to Mr Heiner?---Yes, the complaints first.

Yes?---I mean, I was less interested in transcripts than the specific complaints.

Okay. Now, on the last page of the letter in the first paragraph the solicitor referred to how well established the principles of natural justice were and he went on to state, "In our opinion we will be able to persuade a court to intervene on a writ of prohibition to injunct the inquirer from proceeding further until full observance of the applicable principles, a précis of which we have stated here in." And so the aim of the letter, I'd suggest to you, wasn't to have the director general shutdown the 40

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inquiry, but rather the aim of the letter was to have the director-general somehow cause Mr Heiner to extend to you certain considerations before carrying on further with the inquiry, wasn't it?---That's correct.

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And some of the considerations that you wanted extended to you, or perhaps even indeed all the considerations you wanted extended to you are enumerated or set out on page 2 in paragraphs (a) through to (d), aren't they?---I would have settled for a copy of the complaints.

Okay, you'd have been happy just with - - -?---Yes, and an opportunity to respond to them.

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Okay. All right. So even though by 17 January you've had what he regarded as the unsatisfactory experience with Mr Heiner and you hadn't received copies of the complaints, your wish at that time was that you wanted the inquiry to continue so that you could have the opportunity of answering the specific complaints that were made against you could but see them?---That is correct, whether it was that inquiry or another inquiry, a moulded inquiry, I just wanted in the end the opportunity to respond to the complaints.

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Okay, thank you. Now, I'll get you to have a look at exhibit 120. Now, this is a document that would appear from the top of it to have been faxed from the John Oxley Youth Centre, if you look on the top left corner, on the 18th - well, it certainly there's the date of 18 January 1990?---Correct.

You wrote it, didn't you?---I did.

And it was directed to the director general. Correct? And you assert there that records relating to yourself were in the possession of the department because the Queensland State Service Union had given these records to the department?---Correct.

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And that was a reference to the eight or nine letters, wasn't it?---That is correct.

Okay. And you recite the fact that you'd been given the summary of them on 29 November 1989 by Mr Heiner's office; that on 11 January Mr Heiner told you that he had copies of these documents; and that on 15 January you had requested the records - - -?---Yes.

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- - - but nothing had been forthcoming. Why did you write this letter on 18 January when your solicitor had written the letter before on the 17th and asked the director general to reply by 2 o'clock on the 18th? Why didn't you just leave it to the solicitor to handle after that?---I don't recall. Cost was probably an issue at that point in time, but I don't know.

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Could an explanation be that it was an attempt to put further pressure on the director general or to supplement the pressure that the solicitor had effectively put on her by sending the letter requiring them to comply in less than 24 hours?---It wasn't 24 hours, it was about regulation 55 and getting a copy of the complaints that were made. I believe that I had an entitlement under that. The solicitor had a view about natural justice and the process of the inquiry. I had a view that that may well have been the case, but I also had a view that regulation 65 allowed me to get access to those documents, so I wrote the letter because I wanted to get a copy.

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COMMISSIONER: But didn't it, even on your view of it, only allow you access to the documents if Heiner was an officer, which you've been told he wasn't?---No.

MR COPLEY: Could I just read out the regulation?

COMMISSIONER: Sure.

MR COPLEY: And then we'll all know exactly. It is headed, "Access to officers file," and it says:

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*65(1) at a time and place convenient to the department an officer shall be permitted to peruse any departmental file or record held on the officer.*

COMMISSIONER: Yes.

MR COPLEY: Subsection (2) says, "The officer shall not be entitled to remove from that file all record any papers contained in it, but shall be entitled to obtain a copy of it."

COMMISSIONER: That's if it's on his file.

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MR COPLEY: Well, yes, he's permitted to "peruse any departmental file or record held on the officer"?---"Or record", was what I latched onto.

COMMISSIONER: Yes, because weren't you told by this stage it wasn't on your file?---Correct.

Yes?---In fact I was told after that it wasn't on my file and I pushed the issue that - - -

It was still a record?---It was still a record pertaining to me, there was a complaint, his was specific complaints about me, and that they went from the union to the agency and from the agency to Mr Heiner.

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Was this over and above the grievance procedure?

MR COPLEY: Yes.

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COMMISSIONER: Yes.

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MR COPLEY: This was a different - - -

COMMISSIONER: And then you had - the grievance procedure access had been knocked out because Heiner wasn't an official. Is that right?---That is correct. I wanted to see if he was an officer; then if it was an officer they'd have to follow the grievance procedure.

Yes?---But it became apparent to me that he wasn't going to be an officer, so then I had to rely on section 65, and that's partly why I asked the range of shotgun-type questions to bring it back to something once that indicated to me - - -

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They were only shotgun, they were rapid fire, where they? ---I agree. I apologised for that.

MR COPLEY: Now, I want you to have a look at exhibit 131, which is a handwritten document. There are three copies of it attached as part of the exhibit, but the three copies are all of the same piece of writing. And perhaps you will find the second copy of it, the third page in from the beginning, to be the easiest one to read.

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This is a file note apparently made by Ian Peers on 24 January 1990 and he says that he spoke with you on the morning of 24 January 1990 and he said that you said that you and Anne Dutney had been thinking and were now prepared to leave the director-general to make her decisions regarding the inquiry. Do you remember ringing Ian Peers and telling him that?---I do.

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Ian Peers then said, "This means that although they intend to continue their District Court action for access to the documents they will drop their Supreme Court action for a writ of prohibition until the rules of natural justice are complied with." Now, is that something that you said to him or did you say something similar to that or did you say something about legal action that might be reflected in that paragraph?---Again, it's a long time ago and it's a phone call, but my understand was that I indicated to him that - my understanding was that the writ of prohibition would stop the inquiry and I didn't want that, I wanted for it to proceed.

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Yes?---But I wanted the - my understanding was that the District Court action could be taken, it was separate to the Supreme Court action, to force the issue about natural justice. So I was happy not to stop the inquiry, let it proceed and see where the dice fell.

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Well, to the extent that this note says, "This means that although they intend to continue their District Court action for access to the documents," if we leave it at that for the moment would you concede this much, that as at 24 January 1990 no District Court action had actually been commenced for access to the documents, had it?---No.

No District Court action had actually been threatened in connection with access to the documents, had it?---Ian Berry's letters would tell all.

30

Yes?---I'm not 100 per cent sure on all the content of that.

All right?---I think Mr Berry had some phone contact as well, but that - I mean, I think all that has been well documented. I don't actually recall.

Well, although it might be correct to say that Mr Berry had some phone contacts with people, what I'm positing to you, or suggesting to you, is that as at 24 January the only legal action that had been hinted at was that contained in the letter of 17 January 1990 from Mr Berry and that no other letters had actually been issued by Mr Berry and that there hadn't been any other oral communication from him or you to the effect that a District Court action was going to be taken to get access to the documents?---I know he wrote a letter on the 17th. I thought he wrote a letter on the 22nd, but I don't know.

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You clearly wanted access to these documents because you had repeatedly made requests for them?---Obviously, yes.

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But you do concede that no District Court action - when it talks about a District Court action continuing, there wasn't actually a District Court action that had been commenced, had there?---No. No, that is correct. These are Ian Peers' notes.

Right, obviously?---But, yes, there was no - there had been no filing of some sort of process in the court.

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Just jumping forward a bit, was any process ever filed in the court to get access to those documents?---No.

The documents that Ian Peers was referring to there which he -in this conversation which he's reporting to the director-general, what documents had you been talking to Ian Peers about that you wanted?---A phone call 23 years ago, I'm sorry, I really don't know.

Okay?---I mean, I assume that it would have been, you know, the complaints, but it may have been something on top of that as well. I don't recall.

20

The letter goes on that they were expecting their solicitor Mr Ian Berry to phone Trevor Walsh with this advice. Is that something you conveyed to Ian Peers, do you recall? ---Yes.

He says, "On the basis of a phone conversation yesterday they have asked to meet with me to discuss the re-establishment of stability at JOYC." What's he referring to there?---You know, the inquiry itself was divisive, ultimately, and an institution, you know, caring for children, it needs to be run in as smooth a manner as possible. I accept that.

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Yes, but you haven't answered my question. "On the basis of a phone conversation yesterday they have asked to meet with me." See that? Is he suggesting there that you phoned - - -?---Him the day before.

- - - him the day before?---Yes.

Does that accord with your recollection?---I certainly spoke to him about the topic. Whether it was the day before I don't recall.

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So was it your assumption that you would be continuing on at John Oxley as the manager as at 23, 24 January 1990? ---Yes. At that point in time, yes, I believed that to be the case.

You thought that you would be able to play some role in returning the place to some sort of calm, degree of

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serenity or calmness?---Absolutely. It's the job day in, day out, in many respects. 1

I'll get you to look at a memo that you wrote apparently on 24 January 1990 to the director-general, exhibit, sorry, 132, and I'd suggest to you that if indeed you wrote that memo, and I'm sure you will tell me if you didn't, as at 24 January 1990 you were expecting Mr Heiner to produce a result or to generate a report out of this investigation, weren't you?---Yes.

You had received as at 24 January 1990 no communications to the effect that the Heiner inquiry would be ended?---I don't believe so, no. 10

Because you say, "I would therefore respectfully request notification of the outcome of any investigation relating to myself at your convenience"?---Yes.

Thank you, that can be returned. Could you have a look at exhibit 135, please? This is not a document that you made, it's a document written by S. Ball. Does that name mean anything to you?---No. 20

You will see at the top it purports to concern the report on a meeting with the acting director-general re JOYC held on Tuesday, 6 February 1990 at 1 pm and that those present included Ms Matchett, Ms Cooke, Mrs Ball and Mr Mann for the Queensland State Service Union. "Ms Matchett indicated that she had called this meeting with us separately to the POA as we stood on different ground," and it says, "The department outlined that as a result of legal advice they had abandoned the departmental inquiry headed by Mr Heiner." Were you at this meeting?---No.

As at 6 February 1990 had you received any communication that Mr Heiner's inquiry had been abandoned?---No. 30

That may be returned. Could you look at exhibit 136? This is a letter from director-general to Mr Heiner dated 7 February 1990 and you will see in the third paragraph down that on the third line she said, "I have made the decision to request of you that you not continue the inquiry any further and therefore relieve you of any necessity of supplying a report." Do you see that?---Yes. 40



Had the director-general advised you by 7 February that she had decided to terminate Mr Heiner's inquiry?---No. 1

Now, I'll get you to look at exhibit 137. This would appear to be a circular that was sent round by the State Service Union to their members at John Oxley. Have you seen that before?---I think I saw it on the web site.

Right. That's probably a silly question on my part because what is more relevant is: did you see it as a circular that was around the place at John Oxley on that date?---No; no. 10

Okay. Well, I'd suggest to you that you became aware by no later than 8 February that the director-general - well, in fact I suggest to you that you became aware by no later than 5.10 pm on 7 February 1990 that the director-general was intending to visit the staff at the centre the following Tuesday?---I don't know the exact time but shortly before the director-general was coming out, yes, I was made aware.

I will show you exhibit 138 so you can see where I'm getting the basis for that suggestion?---Mm. 20

This is a file note made by Trevor Walsh to the acting director-general concerning a phone conversation he had with you. Do you recall telling him those sorts of things?---No.

But is that the sort of thing that you could well have phoned him and said?---I think Ian Peers told me that there was going to be a meeting on the Tuesday and that the director-general - and I had a discussion with Ian and Ian said to me that he didn't know what was going to happen - you know, what was going to happen at the meeting at all. 30

So did you know? Did Ian Peers mention whether or not Mr Heiner would be going to be reporting or not?---No. He didn't know anything about it. He just said that Ruth Matchett would be addressing the staff.

Okay. I'll get you to look at exhibit 139. You'll see there that it's a memo dated 8 February 1990 from you to the director-general?---Yes.

And in it you assert that on 7 February 1990 George Nix told you that she would be attending JOYC on Tuesday, 13 February at 10.30?---Yes, okay. 40

So do you think now it might have been George Nix that told you that, Mr Coyne?---Well, it goes further, "I have not been advised of the purpose of this. Both George Nix and Ian Peers indicate that they were unaware of the purpose of the visit." George may have told me but I also think that initially Ian did. I'm not sure, but one or both of them

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told me a few days before her visit.

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Okay. In the last paragraph it says, "If your visit to John Oxley on 13 February is about the Heiner inquiry, I would express the following," and then you set out your feelings about the whole process. When you wrote that on 8 February 1990, were you aware that the director-general had terminated Mr Heiner's responsibility to make a report?  
---No.

Okay, thank you. I'll just get you to look at exhibit 140. This is another memo you wrote to the director-general on 8 February 1990 complaining that your correspondence or the majority thereof had gone unanswered and that you would appreciate it if she answered it?---Correct.

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Can I ask you why you made that the subject of a separate memo from the one that you had sent to her or that was the subject of exhibit 139?---I suspect at that stage I was probably, you know, very unhappy.

Okay?---You know, from looking at the correspondence from, you know, years ago, 23 years ago, I obviously thought that, you know, I hadn't been given a fair opportunity. I knew that I would be removed.

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Well, when you say you knew "I would be removed", did you know that for a fact or are you meaning to say there that you had a strong suspicion that you were going to be removed?---I had a strong suspicion that I would've been removed; you know, with 23 years more experience I think I would've known that I was going to be removed. It's the modus operandi, you know. You can see this coming. I mean, I don't know - I did not know what was going to happen with the Heiner inquiry. I did not know what the decision of the director-general was, but I was pretty damned certain that I wasn't going to be left at John Oxley.

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Even as at 8 February 1990?---Yes; yes, I mean, you know, it was very clear to me. I thought prior to that I was quite naïve to think that I would be given these documents, et cetera. I would be given a fair chance to respond to them.

COMMISSIONER: Had you turned 30 by this stage yet?---No, I was 28.

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And what, was your message, your implied message, in continuing on with the correspondence undaunted that you weren't going to go away and you were going to do down fighting?---I just felt that there was - I'd been treated very poorly. I had been a person that had worked very, very diligently over long hours in every job that I had in the agency. I don't just refer to John Oxley. I refer to the child protection work that I did; very, very difficult

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work. I was hurt that - I haven't looked at the complaints. It's of no interest to me any more. However, I am sure that there wasn't a lot of substance in them and I'm sure I could've explained them. I'm not the best manager in the world. I'm far from the worst. I believe now that the - you know, the decision to move me was made long before the end of the Heiner inquiry from reading the 50 statements that you gave me. I mean, I suppose I wanted to have, you know, a bit of a crack, be a bit difficult. I wasn't purposely difficult then. I agree that I was, you know, rapid fire and I agree that I - you know, there was bit of a shotgun, but after that I felt really - I felt hurt and that continued. When I was given work, it became very clear to me that - with the change of government there's a lot of people in the - were placed in what was commonly called the gulag at that time. I wasn't given any real meaningful work. I still have the two projects that I did. I did those relatively quickly. People didn't appear to know that I was doing a project. I couldn't even get on a project team because there were too many people, then a senior member of staff told me, "Well, listen, you know, we don't know anything about you attending." I then sat in an office with a clear desk for extended periods of time with not one stitch of work to do. I sat there. I made sure I didn't do anything wrong that people could tag me with; you know, did calculations in my mind. I walked the floors to find out where the toilets were so that I could do a certain number of steps like a blind person, so I could do it with my eyes shut. I thought it was humiliating.

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MR COPLEY: Now, I want you to have a look at exhibit 141. This is a letter from Mr Berry dated 8 February 1990 in which a request is made for access to the allegations contained in the statements and transcripts of the evidence taken by Mr Heiner and the request is made pursuant to regulation 65 of the regulations to the act, isn't it? ---That is correct.

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All right; and on the second page it says that Mr Berry would be obliged if the director-general would advise the attitude to supplying these documents within seven days and, indeed, if they would provide a list of the documents available for inspection. At the time this letter was sent, did you know that the director-general had terminated Mr Heiner's job?---No; no, I found that out - I believe I found that out on the afternoon of 13 February 1990.

Okay. Well, we'll come to that in a minute maybe. I'll just get you to have a look at this memorandum which is exhibit 146. It's a memorandum to the director-general from Ian Peers and it's dated 9 February 1990 and it concerns a phone conversation that he had with you the day before where he telephoned you and you had spoken about her proposed visit the following Tuesday morning?---Yes.

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That you had been fairly happy with things until George Nix

had phoned to tell you that she was coming and George Nix said that he did not know why she was coming to the centre and you aware that Sue Ball had arranged a meeting with staff and you then said that if the meeting was about the Heiner inquiry, why could you not be shown the courtesy of being told what the meeting was about and that if it was about the Heiner inquiry, you had no intention of attending to hear in a public forum the outcome of a process which had concerned you so personally and you also did not know whether you were expected to attend the meeting or not. Do you recall saying all of that to Ian Peers?---Yes.

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Okay; and then the next paragraph said - Peers writes, "He said that if he was disadvantaged by the inquiry process, he would consider legal action against the department. He felt that already he had been considerably harmed." Did you say those things to Mr Peers?---Correct.

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Okay. When you said that you felt you had been considerably harmed, you're obviously - well, I assume you weren't referring to yourself in a physical sense of being harmed?---No.

What did you mean by that?---I meant it in terms of, you know, reputation. There was a lot of talk around the agency by this stage.

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Okay. He says that you said that if you were disadvantaged by the inquiry process, then you would consider legal action against the department?---Correct.

What did you have in mind when you said that to Peers? ---Well, I thought that they were going to shift me. I wanted to make sure that if I was shifted somewhere else that I would be on the same, you know, terms and conditions as what I was at that time.

30

Yes?---Remember I had, you know, a wife and two children basically and, you know, a mortgage and a lot of commitments, you know, in terms of a mortgage, et cetera.

Yes?---That's the only debt I had, but if I remember correctly, the position had been reclassified from an I-9 to an I-12 and if I was seconded, they only had to second me essentially at the I-9 rate and I was getting the I-12 rate, if memory serves me correctly. I just wanted to make sure that I - you know, if I was going to be seconded somewhere else, then I would get the same rate of pay.

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To cut a long story short here, when they did ultimately second you, they did second you at your acting-up level of I-12, didn't they?---That is indeed correct.

So financially at least in the short term you weren't harmed by the decision to move you out of JOYC, were you? ---That is indeed correct and my immediate concern was to

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be able to provide financially, you know, for my family and that satisfied the initial issue. 1

Is that why ultimately you didn't take any legal action over how you were treated by the department, because financially even if your job was boring or menial or unsatisfactory at the special project, financially you weren't worse off?---Well, there's a couple of questions in there. It wasn't a special project. I was happy to do some project. I can give you the analyses that I've conducted, et cetera. I read them recently and had a bit of a chuckle. It wasn't that work. It was when there was no work - the part that was humiliating. 10

Okay?---Now, in terms of not ultimately taking some legal action there is always the consideration about cost with these things. However, I think that at the time I was getting an income. At some point in time I became aware that the documents had been destroyed. Once they're destroyed, they're destroyed. You can't bring them back, and I hadn't had much success in terms of, you know, getting anything out of the agency. I probably decided it wasn't worthwhile. I'm not 100 per cent sure. 20

COMMISSIONER: You actually got an allowance on top of your base salary for the special projects, didn't you? ---Yes, I think that that was the difference between the I-9 rate and the I-12 rate.

I-12, but, on the other hand, it was only for six months, your secondment, wasn't it?---Correct.

And where were you going to go to after that? Did you know?---No; no, that was more of a - you know, more of a concern and I reached the decision that you can't survive doing nothing. If you're an intelligent, active individual, you want to do something. You're not going to survive if you get an extension. I knew I wouldn't survive another six months if I had to sit in the building - I don't know the name of it but I know where it is. I can tell you where the toilets are. I wouldn't have survived another six months. I would have had a mental breakdown so I decide that I had to either get something else or cut and run. 30

MR COPLEY: Okay. Well, later that day you sent another - later day another memo was sent to the director-general about you and I will show you exhibit 149. I says there that Trevor Walsh took a call from you at 3.50 pm on 9 February wherein you advised that you and - I'd suggest that might be Ms Dutney - wanted to have a meeting prior to 10.30 next Tuesday to discuss the process of reconciliation after Heiner and you said that you advised him that you'd had discussions with your union but had backed off from taking legal action as you felt there was a need to end all of this. Did you say that to Mr Walsh?---I don't recall. 40

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Okay. You then went on to say that while you didn't wish the following comment to be taken as a threat, however, "after 5 o'clock today" you were no longer prepared to sit back and wait any longer. You advised that you would commence legal action and industrial action and that you had other courses of action planned if you didn't receive a phone call and a proposal for a reconciliation meeting by 5 pm. Now, what's all that about? Do you remember?---I don't recall the phone call whatsoever.

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You're not asserting that you wouldn't have said these things?---I have no - seriously I have no memory of it.

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Okay?---I mean, if I did I would say one way or the other. 1  
I mean, I just have no memory of this whatsoever.

All right. I'll just show you exhibit 150. This purports  
to be, as far as we can see at the moment, a transcript of  
what was said to you by Ruth Matchett at 4.15 that  
afternoon. I just want you to read through it to see  
whether you recall her ringing you up and saying these  
things. If you don't recall, just say so. 150, yes.  
Could you read that, please, to yourself?---I have no  
recollection of the telephone call.

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Okay?---I do not recall receiving that call.

Well, I'm not saying you received it, but I'm saying that  
was what was said to you in a telephone call. Does it jog  
your memory at all?---Not at all.

Thank you. That can be returned. Now, I suggest to you  
that in fact - and you may have already, perhaps, alluded  
to this, that on 13 February you received a letter from the  
director-general telling you that you were going to be  
seconded to perform special duties in the department for  
six months with classification and salary arrangements as  
at present. Do you recall that?---Yes. 20

Okay, and that in addition you would be paid a special  
allowance of \$188 per fortnight to bring your total  
remuneration to the equivalent of classification I12 1. Do  
you remember that?---Correct.

Now, all of those telephone calls to the department had  
this effect, didn't they, that Ms Matchett did actually  
meet with you on 13 February 1990?---I don't know about  
that. I know that she came and saw me briefly before  
the - - - 30

Okay, and she came with George Nix, didn't she, or George  
Nix was present?---Yes, George or - yes, I think it was  
George Nix. Yes, came with George Nix, told me about that,  
then went to a meeting with the staff.

Did you go to the meeting with the staff?---I think I did,  
yes.

Well, I'd suggest to you - I'd ask you to comment on this,  
that at the meeting with the staff Ms Matchett said,  
apparently, "I have now decided that Mr Heiner's  
investigation will not be resumed and no report will  
therefore be submitted to me or the minister." For the  
record, Mr Commissioner and others, I'm reading from  
exhibit 156. Do you recall her telling the staff that the  
Heiner inquiry had been ended?---Yes. 40

Had she told you that prior to when she told the staff?  
---Yes, immediately before.

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Was that at the time when she gave you your letter - - -? 1  
---Correct.

- - - transferring you?---Correct.

Right. I just didn't hear, sorry?---Yes.

Was that the first time that you had been told the Heiner inquiry was over?---That's my belief, yes.

So your belief is that on February 13, 1990 you were finally told the inquiry had ended?---Correct. 10

Now, I'll get you to look at exhibit 159. This is a file note made by Trevor Walsh to the director-general concerning a phone call that he had at 10.20 am on 14 February with Mr Ian Berry, solicitor, representing you, in which Mr Berry sought assurances from the director-general that the documents relating to the Heiner inquiry would not be destroyed. Did Mr Berry do that at your request or was that something that as far as you can recall he did of his own volition, or can't you say?---I can't - I don't know.

Well, he asserts, Mr Walsh asserts, that Mr Berry said that you were "'Quite devastated' by the decision to second him elsewhere." Do you recall being devastated?---I wasn't - I don't know if I'd say devastated, but I certainly was very, very disappointed and upset by the whole process. 20

Okay, but by the secondment? Were you upset about - - -? ---No, not by the secondment itself, but the secondment was - you know, came at the end of a process about complaints and the inquiry, et cetera, et cetera. So I was devastated about the process.

Mr Berry told Mr Walsh, according to Mr Walsh, that the actions of 13 February had prejudiced your career path. Is that how you felt on 13 February when you were told - or when you went home that night on the 13th and thought about your career - or did you think about your career, first of all, on the night of the 13th?---I don't think I thought about my career on that night, but I certainly didn't think that there was a future in family services. 30

Mr Berry, according to the note, made it quite clear that there was still an intention to proceed to attempt to gain access to the Heiner documents and to any departmental documents relating to the allegations against you and that "They have every intention to pursue the matter through the courts". Was that something you and Mr Berry had discussed?---Yes. 40

When did you have that discussion about being firm in that resolve to continue to try to get these documents?---Well, I don't know the date, but, you know, right or wrong that's what I believed had led to the position that I was in.

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There may have been a number of other factors that contributed to that, you know, in hindsight, however I would have been fairly dogmatic that I wanted to get a copy of those complaints, right or wrong, and respond to them.

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I want you now to look at another file note that Mr Ian Peers made on 2 March 1990. It's exhibit 179. You will see there, Mr Coyne that it is alleged that you phoned Ian Peers at about 9.15 on 2 March 1990 and said that you wouldn't be reporting to work, that your wife had received an upsetting phone call the night before, that you had had enough and that the department had set in train a series of events and as a result you had lost a job that was important to you and that your marriage and home life had deteriorated and that you wanted the department to do something about it. It is said here that you wanted to know what allegations had been made, who had made them and you wanted to sit down around a table with the parties concerned to try to resolve the issues. Do you see that? Do you recall having this conversation with Ian Peers? ---Yes.

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Why did you want to try and resolve these issues even though by then you had been transferred away from John Oxley, so that to an extent whatever relationships had become fractured there were perhaps to be regarded as simply matters of history or matters of regret because you no longer worked there now? Why did you want to go back to all that and have a meeting and try to resolve issues? ---I'm a social worker by profession, I'm a social worker at heart. You know, I have a strong belief in resolving matters. You know, I certainly didn't think that there was going to be, you know, a long-term career in family services, but I would have liked the record to be clear. You know, like, I - the complaints, in my view, were false.

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Were you still worried these complaints would have some effect on your career even though there was no report from Mr Heiner?---The director general made the offer to people on the 13th that if they so desired they could now put in grievances.

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Right. And so were you apprehensive or fearful or concerned that that you would still be required to answer to grievances?---No, I had no concern about the substance of the complaints nor any grievances. You know, like, people make out that there was this negative - you know, like, there was a lot of negative issues between all the staff, but it wasn't, it was some of the staff. The job was important to, I'd put a lot of work in it, put a lot of heart and soul into the place. The bottom line is I would have liked to have left there on a little bit better note, I suppose.

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Okay. The file note goes on to state that you didn't think that you could do the job that had been assigned to you for the next six months; you believe that the department had acted incompetently and insensitively throughout the process; and you said that if the issues could not be resolved satisfactorily you would consider doing things to expose incompetence and insensitivity. But in the next paragraph when Mr Pearce perhaps said, exasperatedly, "Well, what do you want me to do?" You said, "Well, you're my line manager." He then suggested you talk to your solicitor and you said, according to him, that you've wanted the issues to be discussed and in some way resolved outside the legal arena and not in the public arena. So what was it that you were looking for when you make this phone call to Ian Pearce on 2 March 1990?---Well, I think you've got to put it into context with the earlier things. I mean, at this point in time I was upset and I was devastated, you know. I think it needs to be put into that context. I tried everything I thought was reasonable, lawful, within my entitlements within the relevant acts to get a proper result, proper opportunity. At this point in time, you know, I was annoyed. It wasn't up to me to find a resolution. I considered that I'd copped the rough end of the pineapple and now I'm being asked, "Well, what do you want?" Well, actually what I wanted was very clear. I turned it over to them because, you know, essentially this was of the making of, you know, the agency.

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Well, tell me, what is it that you wanted then?---Then?

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Yes, what did you want?---I probably wasn't sure what I wanted, you know, because I was upset. What I would have wanted, even if I wasn't there, is for someone to say, "We would take these complaints, we will have a look at them, we'll let you have your say, we'll come to a determination and that would be the end of the matter."

Okay. Now, I just want to show you one more document,

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exhibit 195. It bears your signature, doesn't it?---A 1  
fairly poor one.

Well, yes, you wrote it - - -?---Yes.

- - - to Ms McGregor, the state archivist, didn't you?  
Just if you will agree with me or not for the transcript?  
---Sorry, I was - - -

You can read it with a set, just agree with me - - -?  
---Yes, yes, yes. 10

Okay?---I wrote to her, yes.

Right, okay. You can now read the substance of it first?  
---Yes.

Okay. According to the Sun newspaper, you said, published  
on 11 April 1990, all documents and material tended to the  
Heiner inquiry were destroyed. Was that where you learnt  
that allegedly all of the documents and material had been  
destroyed, from the newspaper published on that day?---I  
believe so. 20

Okay. No further questions.

COMMISSIONER: Thank you. Mr Bosscher.

MR BOSSCHER: Commissioner, I will have some questions, I  
believe. It's probably better if I follow Ms Harris.

COMMISSIONER: Mr Harris.

MR HARRIS: Thank you, Commissioner.

Mr Coyne, I want to take you back to the Annette Harding 30  
matter.

COMMISSIONER: Sorry, maybe if you just tell Mr Coyne what  
interest you're representing before the start, so he knows.

MR HARRIS: Fair enough, Commissioner.

Mr Coyne, I'm representing Annette Harding in this matter  
and I just want to take you back to the events that  
occurred around 24 May 1988?---Yes.

Now, as I understand the evidence that you've given, and 40  
mainly it comes from exhibit 242, where you say that on the  
night of 24 May 1988, that Mr Geoff Nasinski told you of a  
suspected sexual assault on Annette. Do you know what he  
actually told him that night?---No. I know that he told me  
he suspected something and he had no direct knowledge of  
what took place or direct evidence. I don't remember  
exactly what he told me.

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Was it enough to get your concerns up with respect to what had happened?---Yes. 1

And what would have led to your concerns being raised at that stage? You know, what caused you to be concerned about it?

---That the boys had absconded. Boys were in the admissions area and they were really playing up and that. It just didn't quite ring true.

So if I said you had a gut feeling that something was wrong, would that be correct?---Yes. 10

All right. Now, from that night there you went and you said you went to Annette's room but she was asleep? ---Correct.

Okay. Did you attempt to wake her or - - -?---No.

What were the reasons not to find out?---It was unfortunate that the boys were playing up in the admissions area and it took an extended period of time to get them quiet and then get them up into the facility. There was only a suspicion at that stage and by the time I got up there is fairly late, around, I don't know, 10 o'clock, and I didn't want to wake Annette to ask her a question that I really didn't have enough information about. 20

Do you know if anybody else from the centre had spoken to Annette on the 24th, to your knowledge?---I think that the issues were raised, because I had a meeting before. I went - the boys were, you know, playing up in the admissions area. I spoke with the staff. I'm pretty sure they asked to get one of the youth workers who were in - I think Annette was in Wentworth, the unit, so one of the staff to keep an eye on Annette, not to approach her about anything but just keep an eye on her, see if she was okay, if she was upset. I don't remember who that was though. 30

You say that Mrs Mercedes and Ms Monahan were there also. Did they give you any indication that something could have happened?---Karen Mersiades - she was an experienced teacher and she thought that the behaviour of the kids was such that she thought something was up, something had happened, but she also didn't have any direct knowledge of that and Sarah Moynihan less so. She just thought that their behaviour wasn't consistent - their behaviour was consistent with something happening. 40

Now, as I understand what was happening, Annette came back in an earlier motor vehicle with Mr Cooper and - - -?  
---Robert O'Hanley.

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Yes, came back with them?---Yes, I believe that's - I believe that's correct, yes.

All right. Did they say anything about her demeanour or anything like that?---No, I don't believe so.

Can I just go on to the next morning, Wednesday the 25th. Now, you have a meeting at about 9 o'clock in the morning with all those that were at the Lower Portals?---Correct; correct.

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Now, Mr Feige, Fred Feige, has given evidence in this commission here that you had everybody sitting down and they were handwriting notes. Is that correct?---At some point in time the staff were told to write a report. There were a limited number of computers in the facility and it was quite common that people would handwrite reports and then get them typed up, but I don't think that the report-writing took place until the next day, the Thursday. I may have asked them to make notes, you know, for the preparation of a report. The meeting was more about looking into: what does everybody know? What do we need to do to go forward?

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At that meeting, did anybody come up with anything positive or anybody come up with evidence or material to say what had happened to Annette the day before?---No, I believe it was all suspicion.

Now, Mr Fremantle - I think it's Mark Fremantle?  
---Correct, Mark.

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He came to you and told you of a conversation he had with some of the boys?---He, I think, came with Wendy Cropp, a senior who was - I think a senior who was a supervising social worker or acting supervisor and then I'm not sure if Mark came directly or Wendy came, but Mark then told me - gave me information about an alleged sexual assault.

And that was the first, if I could say, evidence that you had that a sexual assault had taken place?---Correct.

Can I ask this question: why at that stage the matter wasn't - why was the matter not handed over to the police at that stage?---I think what - there was a couple of things happening here at this point in time, that is, initially there was a concern about Annette's safety and some people were dispatched to try and - just make sure that she was safe and I think this is about morning tea time, 10.30-ish, and I made a decision, right or wrong, that Jenny Foote would talk with Annette and that I would go and talk with the boys and I would collect - you know,

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challenge them about, you know, what Mark had been told or information we had. We did that and then I went and spoke to my superior Ian Peers early in the afternoon. 1

All right?---That doesn't really answer your question.

No?---I just thought I needed to get more information about what had transpired.

So at that stage no complaint had been made to the police. Now, being a child-abuse worker, you would understand the value of evidence, especially physical evidence for some matter like this. 10

COMMISSIONER: Sorry, Mr Harris.

Have you ever described yourself as a child-abuse worker? ---A child protection worker.

MR HARRIS: Sorry.

COMMISSIONER: That might be a better phrase.

MR HARRIS: I will that, a child protection worker. 20

You would know the value of evidence?---I have some understanding of evidence, but in terms of child protection it is often matters that have occurred some time previously. In terms of some active sexual assault or something that has occurred where a person is presented at a hospital, the police always took charge of those - you know, those investigations and certainly at the collection of - but I would've been aware that there is an important issue about time.

Yes?---Correct. 30

As I read the material, Annette did not have a medical appointment until Friday the 27th?---The medical appointment was at the Mater. I believe prior to that we made arguments for her to be seen by the nurse and the consulting doctor or visiting doctor, but the actual medical appointment was organised after liaison with Inspector Jefferies on the - - -

On the Friday?---Friday, yes.

All right. Can I just take you back to the Wednesday? On the Wednesday when Mr Fremantle had told you what had happened, you made a decision then to talk with the boys? ---Correct. 40

And you then asked Jenny Foote to talk with Annette? ---Annette, correct.

And we've got both your reports on that. Now, after those

interviews had finished, do you think it would have been prudent to call the police in at that stage?---I think getting the police in as soon as possible was important, but I phoned my, you know, boss Ian Peers to advise me and also to get some advice from Mr Peers and at that point in time - and I agreed with Mr Peers that it was very important to get Annette's mother involved and to contact Annette's mother, you know, in regard to this incident.

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Can I just go back? Annette was still within John Oxley at that stage and you were concerned about her safety within John Oxley. Wouldn't it have been better to get her out of John Oxley as soon as possible after knowing that this incident happened to a safe and secure place?---Well, I think the issue was about ensuring her safety. Her moving from there wouldn't have been easy. The case is that, you know, the youth worker staff in terms of Wentworth as well as the senior youth worker were advised to ensure that she was kept safe from other children.

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And how did you keep her safe, by keeping her locked up in a cell?---No.

Is that correct?---Sorry?

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How did you keep her safe?---Well, in Wentworth at the absolute - there would have been a maximum of eight children. There's two youth workers and the floater on the floaters' roster would have been allocated some tasks of being in there. So the senior - the youth worker - the senior youth worker and at least two staff would have been present with eight children so there's one staff to four children. They would have been given specific instructions, you know, to care for and keep Annette safe and the children were also spoken to about, you know, making threats to Annette because that was always possible within the institution.

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And it did happen in this case, didn't it? Some threats were made to Annette?---I believe that is the case.

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Now, on the Friday, we've heard evidence from Mr Cox and he says that a Dr Forbes contacted the centre on your instructions to give Annette a pill that was called Sequela ED. Can you tell the commission about that, what that was about?---I didn't do it. 1

You didn't contact - - -?---I didn't give him that direction at all. I've never given a doctor a direction in my life about - certainly I've never given a direction about medication. I've never heard of the drug.

All right. Can I just now just go back to what Mr Fremantle told you. Now, he was very clear in what he told you and in his report which was dated - - -?---The 31st. 10

- - - the 30th - - -?---30th.

He wrote in that report on page 2, he said, "Annette had gone crying to the staff after this incident," and he had overheard the staff saying how distressed they were, feeling for Annette and her situation. Now, as I understand what Mr Fremantle has written there, this had happened out at the Portals, from what Mr Fremantle is saying here. 20

MR COPLEY: Can I just interrupt there for a moment and just draw my friend's attention to something?

MR HARRIS: I'll just correct something there for the record, Mr Coyne. I'll read the last paragraph out so it's quite clear. Mr Fremantle writes in the last paragraph, "At this stage my direct involvement ceased until 5 pm Tuesday, 31 May 1988 when Peter Coyne asked me to complete this report and this report took a few days to complete." I just want to put that in the record. So when I said 30 May I was wrong, okay?---Yes. 30

Now, I just want to take you back to what Mr Fremantle described about Annette there. Now, when you received this report did you question any of the staff about what Mr Fremantle had written in this report with respect to Annette being in a distressed state?---No.

So you didn't question them about it at all?---No.

Okay?---I received a written report.

You'd received the written report?---I believe so. 40

As I said understand, this report came in after the written reports?---Well, there were a number of written reports and that was one that came in at a point in time, I think.

As I understand, Ms Mersiades' report had been written prior to your report to the - - -?---George Nix on the



27th.

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To George Nix on 27 May?---Yes.

So Mr Fremantle's report had come in after that. That's what I just wanted to know, if - - -?---That's my understanding.

Yes?---I don't remember the exact dates. I do admit that I saw that report on the commission's website. Had you asked me without seeing it I wouldn't have known the date.

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That's no problem?---To be fair.

But you can say that you never asked the staff or questioned the staff with respect to Annette being distressed and talking to them at the Lower Portals?---Yes, that is the - that is correct. I think there's two - that report indicates that one of the children spoke to Mark, gave him some information and that information is different probably to what is in the reports from other staff.

I'll just be in a minute. Now, you weren't present when the police attended on the Saturday?---No, I don't believe I was.

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You've already said with respect to the report of the 30th, or the memo of the 30th, that - "Mr Coyne also advised that one particular staff member was saying that there had been a cover-up." So you don't know anything about saying that? ---That's right. I mean, the focus very much was on about was Annette sexually assaulted and what should we do about that and to engage the different parties in terms of supporting her and investigating the matter and involving the family. There was less focus on, you know, whether staff had done the right thing or the wrong thing.

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The decision to call the police in on the Friday, that was a decision made by you or had it come from higher up? ---There would have been a discussion about that on the Wednesday with Ian Peers in the afternoon. Ian wanted the family contacted first. I think most of us were biting at the bit to - you know, wanted to see the police involved as soon as possible, but we endeavoured to contact the family, et cetera.

Thank you, Mr Coyne?---And as soon as the family did come in we immediately contacted the police and I suspect that I probably already had an earlier discussion with the police, but I'm really not sure, you know. Like, it's 25 years ago, I'm sorry.

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Thank you. No further questions, commissioner.

COMMISSIONER: Thanks, Mr Harris. Mr Bosscher?

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MR BOSSCHER: Thank you, commissioner.

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Mr Coyne, I'm appearing with authority of the commission to represent Mr Lindeberg. I'm going to take you back to the incident on 24 May 1988 as well and ask you some questions about that, if I may. First of all, as I understand it - and, commissioner, I'm referring to exhibit 242. It may assist the witness if he has that with him while I'm asking him some questions.

Do you have that with you?---Yes.

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As I read the first paragraph of that document it seems as though there were five members of staff that went on this particular trip?---That's correct.

You're looking at a document, I take it, that doesn't have the names of the children who went blocked out there?---Yes, the names are here.

You can read them?---Correct.

Could you just count how many children went on the trip? ---Yes. Seven children.

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So you've got seven children and five staff?---Correct.

So it's a reasonably good ratio from a supervision point of view, I would expect?---Correct.

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You became aware there was a little bit of a problem so far as this outing was concerned later on, on that particular day, on 24 May. Is that right?---Yes. 1

You were aware initially that some of the boys had effectively absconded?---Correct.

And the primary concern as I understand it was for their safety, to make sure they weren't lost somewhere in the bush?---That was the concern of the staff at the Lower Portals, that is correct. 10

Now, fortunately all that ended well, but later on that particular evening you had a meeting with Manitzky, Mersiades and Moynihan and discussed the events of that day?---Correct.

And they expressed concern to you about the fact that they had a suspicion that Annette had been sexually assaulted? ---Correct.

At that point in time you made a decision could not go and speak to Annette?---At that time I was - I hadn't made that decision. I was preoccupied at that time with an incident that was occurring in the admissions area with the boys that had returned, you know, had previously absconded. 20

As I read this report that you did - and I'm now on page 2, paragraph 2 - there was a meeting that went on for about an hour between the four of you?---Correct.

The sum outcome of that was the decision - again, as I read it - to have another meeting the following day at 9 o'clock?---Correct.

This meeting has taken place around about 7 pm or thereabouts. The time reference, if you just look up a paragraph?---Yes, I arrived there at about 7 - approximately 7.15. I've come in, I've spoken to people. You know, I think it's probably more like a bit before 8 o'clock than half 7. 30

Now, the boys that were carrying on in the admissions area had been carrying on that entire time. In fact, that's one of the reasons you came in, wasn't it?---Correct.

So while this meeting was taking place between the four of you the issue of the boys in the admissions area was an ongoing issue?---Correct. 40

You made a decision at the end of that meeting - other than to have another meeting you made a decision to go and deal with that rather than go and speak to Annette?---Yes, because the situation, I believe, had deteriorated and the boys weren't settling, which was part of the original strategy.

The following morning at 9 am a meeting was held between yourself and another of other staff members. That's right? ---That is correct, but in terms of the decision not to speak to Annette, that was made probably much later, at about 10 o'clock that night, just to round that off. But yes, there was another meeting at about 9 o'clock the next morning.

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I didn't ask you about that again because you've answered that several times. She was asleep and you make the decision not to wake up?---Correct, yes.

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Whether that was the right or wrong decision, we all very smart in hindsight, of course?---Yes - - -

So I don't need you to comment. But there was a meeting conducted at 9 am the following morning on 25 May between yourself, Foote, O'Hanley, Cooper, Manitzky and Mersiades and Moynihan?---Correct.

Again, prior to 9 am that morning you hadn't gone and spoken with Annette?---No.

You hadn't arranged or any medical care for her by that stage?---No. I think the only thing that had been done at that point in time was for the staff to keep an eye on her and talk to her if necessary. There was no - I don't - yes, that's - - -

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Was it your recollection she was being directly supervised one-on-one at that stage?---It's my recollection that a female youth worker was asked to keep a close eye on her.

So that meeting was held, the one I'm referring to act 9 am, which is the second-last paragraph on the page were at?---Yes.

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And was a concern raised again that Annette Harding had been sexually assaulted - - -?---Correct.

- - - but no direct evidence was available?---That's correct. That is correct.

Without trying to seem flippant, but we would you get direct evidence of that particular matter?---If any of the staff had seen the incident or seen some evidence or been told something.

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Or perhaps someone go and ask Annette?---Yes, absolutely. And that's what Jenny Foote was sent to talk with Annette.

But she was certainly present in that meeting that went from at least 9 am until your next meeting at 10.30 am, wasn't she?---Correct.

Now, straight after the second meeting in relation to this

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particular issue another meeting took place at 10.30 with a Mr M. Fremantle, as you've been asked about?---Correct. He received some information and came down to see me directly. 1

And he told you that Annette Harding - sorry, one of the boys had told him that another one of the boys had had sexual intercourse with Annette Harding?---I believe that is correct.

Annette Harding was, as you probably recall, 14 years of age at this time?---Correct. 10

The boys involved were older than her? If you don't recall, please say so?---The main person was. I'm not sure about the other boys.

So as a result of this particular meeting with Mr Fremantle you now had direct evidence at least of the fact that Annette Harding had been involved in sexual activity with one of the boys from the centre?---Correct.

Additional to that we have suspicion of a number of your employees who had been on the field trip or on the excursion, that they had a suspicion that she had in fact been sexually assaulted?---Correct. 20

Again, at this point in time - so we must now be getting close to lunchtime - Annette Harding still hasn't been spoken to by you?---I basically wasn't going to talk to Annette, I was going to talk to the boys and I got Jenny Foote to go and talk to Annette because, you know, she was a female, she was highly regarded by the children, and that she essentially looked after the social work areas.

And no medical attention had been sought yet, despite now having direct information that there had been sexual activity?---I'm not sure about that. I think that we got in touch with the doctor through the nurse, but I'm not sure what time that occurred. I'm talking about the Doctor that visited the centre. 30

So that occurred sometime on that particular day but you don't recall when?---I believe so.

Did you speak with that doctor after he'd examined Annette? ---I did speak with the doctor, yes. 40

Did you ask him what, if anything, he prescribed for her? ---No, I don't believe so. I think he indicated to me that he had prescribed something and he wanted that medication given to Annette.

But he didn't tell you what it was for?---I can't recall.

You didn't ask him?---I can't recall.

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If I was to suggest it may have been in relation to contraception, does that jog your memory at all?---I can't recall the medication.

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You then had a number of conversations with the boys throughout the course of that day. That's correct?---I had discussions probably from quarter past 11, something like that, through to 1.30.

Once again, as a result of those conversations you became aware that - or it was confirmed to you that sexual intercourse have taken place with two of the boys?---I was convinced as you could be without knowing, yes.

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Now, by this point in time you decide to take up directly with Annette. That's correct? After those interviews with the boys?---Yes.

Go to page 4?---Yes, that's correct.

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And she told you at that time that she wanted the boys to be charged by police?---That's correct. 1

You also shortly after that, it would seem - and I'm now onto the next page - contacted Mr Peers and after speaking with Ms Foote you convened another meeting, this time with Mr O'Hanley, Mr Cooper, Ms Mersiades, Mr Manitzky and Moynihán and you advised them - and these are your words, "I believe Annette had been sexually assaulted"?---Yes.

So having spoken to all of the boys who were present, some of them on multiple occasions, and having spoken to Annette, you then were of the opinion - and it's just your opinion, but you're the manager at the centre. You were of the opinion that she had been sexually assaulted?---I was of the opinion that she was sexually assaulted, that is correct. 10

So not that sexual intercourse had taken place consensually, but that she had been sexually assaulted? ---Well, she was 14. I believed from the information that was gathered that she'd been sexually assaulted.

So right then and there clearly that's a police matter?---I believe it's a police matter, yes. 20

And in fact, although no complaint was made right at that point in time, arguments were made for her parents to attend and they came the following day?---That is correct. I spoke with Ian Peers. Ian wanted the family contacted and there was difficulty contacting the family. I spoke to Ian a couple of times. He ultimately suggested that I contact the local area office. I contacted the local area office without success and I believe on the Thursday evening Trevor Cox got the contact details for the family and I spoke to them. He spoke to me and I spoke to them from home and we arranged for a youth worker, I believe, to go out and pick them up and bring them to the centre. 30

And then on the Friday they attend at 12.30?---Correct.

And you spoke at length with Mrs Harding about the incident with Annette?---With Jenny Foote, that is correct.

So the two of you and Mrs Harding discussed what had taken place in relation to Annette?---And Annette was there.

Annette was present as well?---Correct. 40

And Mrs Harding was also very much of the opinion that a complaint should be made?---They wanted a complaint made.

So that was what they both told you?---I believe so.

Annette had already told you this, but you've now confirmed it with her mum?---With the mum present, yes.

Yes, and then you make inquiries with the police?---I immediately contacted the police because I was wanting to contact the police.

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So that all occurred by middle of the day Friday or thereabouts. You made contact with the detective inspector, advised him what had happened and were awaiting no doubt for police to attend at their earliest opportunity?---Yes, I contacted the inspector; yes, detective inspector.

Now, you weren't there on Saturday?---I don't believe so.

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I take it you came back to work on the Monday?---I believe so.

So when you'd left work that particular day, your understanding would have been that Annette had effectively made a complaint to you and to others. You had discussed the matter with her mother with her present and that a joint decision had been made, conveyed to you, that a complaint to police should be made and that you've acted upon that and contacted the police?---Correct.

20

And that would have been your understanding as you left work on that particular Friday?---The report doesn't go past, you know, that point in time, to the point where I've contacted Inspector Dave Jefferies, but there would have been some arguments made for whatever, you know, for the police to attend. I can't remember.

So they certainly didn't attend on the Friday while you were still there?---I don't believe so. I don't recall.

Now, there's some evidence before this commission that in fact they attended on the Saturday?---Yes.

30

And you weren't there on that particular occasion?---I don't believe so.

So going back to my question, when you left on Friday evening to go home, you were of the understanding that police were going to attend and that Annette and her mother had been very clear that they wanted a complaint made to police about the sexual assault?---Yes, I believe that is the case. I'm not sure about the timing but it was certainly that they wanted a complaint made.

40

Now, at some stage you must have become aware, probably, I suggest to you, when you came back to work on the Monday, that all that had changed. Annette had decided that she didn't want a complaint made?---I became aware of that. I don't know if it was on the Monday. I believe I would've spoken with people on the weekend.

So you believe you would've been contacted?---I would've



been contacted or I would've contacted the centre. It was common for me to do that. 1

As a result of that change occurring, you made a telephone call to Mr Nix, deputy director-general, on 30 May 1988 which was a Monday?---Correct.

Commissioner, could the witness see exhibit 246?

COMMISSIONER: Yes.

MR BOSSCHER: Now, this is a memorandum of a telephone call that's purported to be held between you and Mr Nix and it's his recollection of what was said, but I want to take you to certain parts of it?---Yes. 10

It will become clear why. First of all, in the first paragraph about halfway down it says this, "The police investigating the matter and on Saturday police again interviewed Annette Harding." What I'm focusing on there is the word "again". That implies that she had already been spoken to by police prior to that meeting on Saturday. Do you recall that happening?---No, I do not. 20

Is it the best of your recollection that she met with the police on that one occasion, on that Saturday?---I have a recollection of meeting the police and that seems incongruent with not being there on the Saturday but - in terms of the documents the only thing I can remember is essentially that the police came on the Saturday, but I still have a recollection of meeting the police. I'm sorry I can't shed more light on that.

I don't remember what I had for lunch last week, let alone something that happened 20-odd years ago. So the best of your recollection is that on one occasion in relation to this matter you have a recollection of meeting with the police yourself?---Yes. 30

Despite what the documents might say, that's your best recollection?---It is, yes.

Now, if I just take you to the second paragraph of this phone memo, Annette's mother was then contacted and brought to the centre where she spent a couple of hours with her daughter. Initially Mrs Harding was upset that her daughter had made this decision. Now, was that something you were aware of first-hand or had that been communicated to you?---I believe that that was part of what happened with the meeting with Jenny Foote and myself on the Friday meeting. 40

Again this happened a long time ago so I'm going to posit something else to you?---Yes.

It seems to be the case that, as I read this, the police came on Saturday and interviewed Annette who indicated she didn't want to make a complaint. As a result, effectively, of changing her mind, somebody contacted mum and brought her out to the centre and she was upset that Annette had changed her mind but after a period of time she calmed down and I think the words were, "Happy for her daughter not to make a complaint." That seems to be a very separate incident to the one with you and Mrs Foote, because at the end of that incident, as I understand it, from reading your memo, Annette had made a decision that, with her mother, she was going to make a complaint?---Yes.

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So there was no reason for mum to be upset that she'd changed her mind?---I take your point.

Now, is it the case that you were present at that time or is that something that's been conveyed to you or do you not recall?---I don't recall. It's obviously a matter for the commission, but I believe that Rudi Pekelharing was the person that was on, on the Saturday. There's usually a principal youth worker on and he may - there may have been, you know, a meeting between Annette and her mother. Sorry, I don't know.

20

You also said something else a little bit earlier which is reflected here in this memo that shortly after this incident had occurred there were threats made against Annette and you were concerned for her safety. That's correct?---Correct.

Do you know why those threats were made?---No. I surmised that the boys did not want her making comment.

I imagine that the prospect of one of the residents making a complaint either to staff or to police would be regarded in a very similar fashion to a prisoner making a complaint about another prisoner to staff or police?---Similar, but less significant.

30

Yes, I accept that?---But it becomes harder as people grow up, yes.

So was that the issue that you foresaw there in relation to the threats, that she was being threatened to keep her quiet by other residents?---I believe so, yes.

For obvious reasons, those that had participated didn't want her talking to people in authority?---Correct.

40

That was something very much on your mind as the manager, (a) to make sure she was safe, first?---Was safe.

But secondly, of course, to provide an environment as best as you were able to enable her to make a complaint if she felt she'd been sexually abused?---I certainly wanted her

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to make a complaint if she'd been sexually abused. 1

Because after speaking with her that was your opinion, wasn't it?---That she'd been sexually assaulted?

Yes?---Yes, absolutely. Yes.

Were you then concerned when you learnt that there had been a change of heart in relation to the complaint?---I was not necessarily concerned. I was disappointed. I felt that Annette had been sexually assaulted and I didn't think that that was something that ultimately should have been allowed to be made, a decision made by a 14-year-old girl. I think - - - 10

Just to stop you there, the decision to not make a complaint?---Yes.

I don't think there's anybody in here that would disagree with you so far as that's concerned. Did you, to follow on from that, follow up with her yourself to discuss the matter with her further?---No. No, I very much wanted the female staff - I can't remember the nurse. It might have been Lorraine at that stage, Lorraine McGregor, Wendy Crop, the social worker, and Jenny Foote to have the contact with Annette, because they were female staff. 20

But after you became aware of her decision to not make a complaint to police did you ask those ladies that you just referred to, to go and speak with her further and counsel her further or was it the case that once you learnt she wasn't making a complaint, despite your reservations it just got left alone?---I would have asked them - well, I did ask them to follow up with her, but that would have been in terms of support, counselling. It wouldn't have been about influencing her further to make a change - to change her mind. That may come out of some sort of counselling with her, but no, I didn't get the staff to go and see her to further influence her in terms of making a complaint to police. 30

Now, you may have been asked this already. If you have, I apologise. What disciplinary measures did you take in relation to the staff who went on that particular outing that particular day?---I didn't take any.

You didn't believe it warranted in the time that five staff members couldn't watch seven children?---I believed that I was involved in the making of the decision, not the actual doing of the escort, the excursion, and I believe that I was involved in the follow-up, and I presented as much information to the agency. I was probably more interested in ensuring that - what follow-up occurred in terms of Annette's care. 40

You didn't recommend to those above you in the department

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that the fact that five staff members could leave seven children unsupervised long enough for a sexual assault to occur on a 14-year-old girl should be followed up?  
---There's - - -

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MR COPLEY: There's no evidence that the five staff left seven unsupervised, all seven.

MR BOSSCHER: Left a certain number of people unsupervised for that sexual assault to occur?---I didn't make a recommendation to the agency. I certainly was very clear about what transpired and that there were a number of people, including myself, involved in that process.

10

You keep lumping yourself in with that. Is that because you approved the outing? Is that what you're saying?  
---Correct.

So you felt somewhat compromised by the fact that you had approved the outing initially?---Not only that, but also the fact that I was - I had followed the matter up. I had directed the staff to do certain things, I had spoken to the children. My view was that there, you know, should be somebody external if there was to be any follow-up.

20

What disciplinary action, if any, was taken in relation to the boys involved in this incident?---The boys weren't - the boys weren't prosecuted for anything. That's my understanding. Essentially some of the boys, from memory, were shifted to Westbrook.

So at the highest relocation to another facility?  
---Correct.

I'm assuming sexual activity between inmates was prohibited at the time?---The consequences for a behaviour would have been very minor by comparison. They were behaviour management approaches. The most significant thing above that would have been transfer to Westbrook. The most significant thing above that is that they would have been charged with some offence.

30

Was this information put on their files?---I don't know.

Is that something you would attend to, or should attend to?  
---Documents would go from me to administration or from, you know, Jenny Foote to administration, or to the social work files. I wouldn't put that material directly on files myself.

40

I appreciate that, but as I understand the system as it operated back in those days, you had a considerable influence on the date that a person may or may not be let out of the centre?---I don't believe so.

Now, clearly this was a matter that was well-known - or this incident was well-known by staff at the centre? ---Correct. 1

There were a number of staff, and I think as you indicated earlier, the sexual activity would have been something that would be very hard to keep quiet, given the number of people who knew about it?---That is correct.

Now, those people at the centre also would have been able to see how the matter was dealt with by you and by management?---No. Some staff would, not all. And not all staff - even the staff that were involved would not see everything. 10

I presume John Oxley operates like any workplace in that there is a gossip vine or chatting amongst other members of staff?---I think that that would be a fair - more than fair comment.

It would be fair to say that a number of - I put to you that a number of the people who worked for you at that centre were not satisfied in the way that the Annette Harding incident was dealt with and they believe it was covered up?---Yes. 20

You'd agree that that was the view of - - - ?---No, no. I can't imagine - there's a rumour and people concentrate on the negative. They always do. I've never seen too many rumours about positive things. The staff that were directly involved, I think were very appreciative of the sensitivity of the matter. And I include youth workers in that and senior youth workers and principal youth workers; not necessarily the people that I always got along with, for want of a better turn of phrase. But I don't think that there was anything that would suggest it was covered up. 30

The question I'm putting to you is that some of the staff at the centre were of the opinion that it had been covered up?---I don't know. There may have been.

Just take the exhibit in front of you, second-last paragraph. This note records you telling Mr Nix about one particular staff member who had that very view that I put to you?---Correct. But as I said, I had no recollection of that particular individual. I knew that there were people that were talking about Annette and the boys and what had happened, and I spoke with a number of people, but I had no recollection of, you know, a concern that the matter was being covered up. 40

COMMISSIONER: How long after the actual event was the suggestion of cover-up made, or were you talking to Mr - - -?---This would have been on the Monday, I think. The date is 30 May, which would have been the - - -

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MR BOSSCHER: It was a Monday?---The Monday.

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I looked it up a moment ago. It was a Monday?---So the police had been in on the Saturday, the 28th.

COMMISSIONER: So what was being covered up in the 48-hour period in the meantime?---I think it's very early for a cover-up. There's a lot of activity. I take people's point about timing and how quickly things may have been done or not done, but this outing was on the Tuesday the 24th, things happened on the Wednesday, Thursday, Friday, the police were in on the Saturday, Annette went to the hospital. I mean, it's just not conceivable that there's a cover-up in the midst of that. People form their own - you know, there's 55 staff there at the time. I don't know what all their views were, but it is usually the people that are not involved that have a view and know very little facts of the matter.

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MR BOSSCHER: First of all, so far as what I'm putting to you, as I see it, your own words - and I'm putting to you from this file note, because that's what's recorded by the acting deputy - - - ?---They're not my - - -

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The deputy director general?---They're not my - well, it's not my letter.

No?---It's Mr Nix's. And I've said consistently that I had no knowledge of that. I have knowledge of the fact that there was talk around the centre, not about a cover-up, but about the boys and about Annette and I spoke with people about that.

Okay. You've told us that. Let me take you back to that paragraph?---Correct.

30

Do you deny saying that to Mr Nix?---I don't recall saying that at all.

You simply don't recall?---Well, I would have had no interest in somebody saying that it was a cover-up, because it was a nonsense. I mean, we're in the middle - for want of a better word - of a sexual assault by a number of boys on a 14-year-old girl. We're trying to get social workers - we're getting social workers involved, we're getting support in terms of teachers, support in terms of youth workers, senior youth workers. We're getting people interviewed. The whole concept that there would be somebody saying there's a cover-up would have just been complete nonsense to me.

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So that particular sentence is something that you don't recall saying to Mr Nix?---Correct.

And as I understand your evidence now you believe it highly unlikely that you would have said such a thing to Mr Nix?

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---Correct.

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And that however that got in the memo, you're unable to say?---Mr Nix would have to say.

The other relevant and important piece of information in this memo was you informing Mr Nix that you had information already that it was unlikely that Ms Harding would fall pregnant?---Yes.

That's something that had been conveyed to you by the doctor?---Correct.

10

And something that amongst everything else going on, as you said, social workers, et cetera, and you felt important to convey to Mr Nix in that conversation?---I'd spoken with the doctor and it was something that was raised - that particular matter was something that was raised with me by Mr Nix previous to this and when I spoke with the doctor I asked the question and I conveyed that information to him. Whether it was Mr Nix or from Mr Nix through Mr Pearce, I'm not sure.

COMMISSIONER: Sorry to interrupt, Mr Bosscher. Apparently security need to know if we're sitting beyond 4.30.

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MR BOSSCHER: I'm going to be two, three questions, and I need to leave at 4.30 in any event.

COMMISSIONER: Okay.

MR COPLEY: It will be necessary today to sit beyond 4.30 to hear the evidence of two other witnesses, Ms Mariana Pearce and Mr Les Morrison.

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COMMISSIONER: Right, okay. So the answer is yes.

MR BOSSCHER: My friend had told me about that. I'd forgotten about that. I'll only be a couple of minutes with this witness. Whilst we're stopped for a moment, if I could be excused at 4.30?

COMMISSIONER: Yes.

MR BOSSCHER: Thank you.

Mr Coyne, you gave some evidence earlier that the last time you spoke to Mr Lindeberg was at the completion of the Connolly-Ryan inquiry. Is that - - - ?---It was - - -

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MR COPLEY: No, he didn't say that. He said it was in the late 1990s, or 15 years ago.

MR BOSSCHER: I suggest to you that you believed it was shortly after the Connolly-Ryan inquiry that you last spoke

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to Mr Lindeberg?---It was - - -

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MR ROLAND: I object, your Honour. I believe it was the Howard-Morris report. He stated it - - -

COMMISSIONER: Yes. I think he called it the Morris-Howard report.

MR BOSSCHER: Actually, that may be correct.

COMMISSIONER: Yes.

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MR BOSSCHER: Let's come at it a different way. When was the last time you recall speaking to Mr Lindeberg?---There was Morris-Howard, then there was the Connolly-Ryan, and I believe it was after the Connolly-Ryan inquiry that I had a discussion with Kevin. It was late 1990s. I can't be certain of the exact date.

Okay. Let me put it to you this way, then: it was certainly before 2001?---There was a senate select committee hearing in 2001. I made a submission to that. But I don't recall speaking to Kevin.

20

And was it before the Forde inquiry, which was - - - ?  
---Absolutely.

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So the last time you spoke to him was definitely before the Forde Inquiry?---Absolutely. 1

And if I were to suggest to you that my note of that is that that was in 1998, that helps put a time frame on it? ---Yes, I think it was late nineties so somewhere around there. I didn't speak to Kevin before the - at the Forde Inquiry or around that time.

Now, you indicated when you gave your evidence that your last conversation involved Mr Lindeberg suggesting to you that you knew about - and I'm going to ask you to confirm this - child abuse at John Oxley?---Yes. 10

Was it child abuse or child sexual abuse or both?---I believe it was child abuse and sexual abuse.

And I think you indicated that you believed what he was intimating was in relation to the Annette Harding incident? ---It's the only matter that I was aware of or am aware of in terms of sexual assault of a person.

Now, it's my understanding that the Annette Harding incident didn't become public knowledge until about 2001, many years after you spoke to Mr Lindeberg?---I don't know. 20

COMMISSIONER: Sorry.

MR COPLEY: That suggestion my learned friend might wish to consider in the light of exhibit 251. He may wish to just refresh his memory from that document before he puts that proposition. He may still wish to put the proposition but - - -

COMMISSIONER: I think the witness has already said he doesn't know. The answer doesn't confirm the date and the witness doesn't know the answer and no doubt the exhibit will prove it. 30

MR BOSSCHER: I'll put it to you this way: could it have been the case that the conversation you had with Mr Lindeberg was simply in relation to child abuse, in particular handcuffing, et cetera, and had nothing to do with the Annette Harding incident?---I don't think so. The reason for that is that Kevin and I discussed long before this the matters related to the handcuffing because the handcuffing was raised by a person in the Heiner inquiry and that that - we had a number of discussions about the handcuffing. I was of the belief that the matters that I was involved in with the handcuffing were justifiable, but I had numerous discussions with him and lawyers that something would be made of that by somebody at some point in time and I was prepared to accept the necessity of answering those questions. So the concept of bringing up the handcuffing would have been nothing significant to me whatsoever. 40

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But what was brought up, although very general in the terms that you gave, seemed to be significant to you?---Yes, it was involving child abuse and sexual abuse. 1

And to be clear, that was before the Forde Inquiry?---That is correct.

Thank you, Commissioner.

COMMISSIONER: Thank you.

MR ROWLAND: No further questions. 10

MR COPLEY: Just one question.

Mr Coyne, having told Mrs Harding that there was a problem and having had Mrs Harding brought to the centre and being aware that Mrs Harding was supportive of Annette making a complaint to the police, why didn't you just step back and say, "Well, Mrs Harding, I'll leave the matter with you now. Presumably you'll ring the police"? Why did you take it upon yourself to contact the police?---Because Annette was subject to a care and control order, as I recall, and that the guardianship rested with the director-general. 20

From your observation of her, that is, Mrs Harding, did she seem to be a woman who was intelligent and understood the things that she was hearing from Annette when you had the meeting?---I think she understood and I think the other thing that - even though we went and made the complaint, we were very, very cognisant that this was care and control because of a criminal offence, if I remember correctly, and that relationship between the mother and the daughter was very, very significant even though technically the director-general had become the guardian, but I think that she understood what had transpired, what was being said and they were communicating with each other. 30

No further questions, your Honour. May he witness be excused?

COMMISSIONER: Yes, thanks, Mr Copley.

Mr Coyne, thanks for coming and spending so much time in the witness box and answering so many questions about something that happened so long ago. It's appreciated. You're formally excused from your summons. 40

WITNESS WITHDREW

COMMISSIONER: Yes, Mr Woodford?

MR WOODFORD: Mr Commissioner, I call Mariana Katherine Pearce.

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COYNE, P.W. XXN  
COYNE, P.W. REXN

**PEARCE, MARIANA KATHERINE** sworn:

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ASSOCIATE: For recording purposes, please state your full name and your occupation?--Mariana Pearce and I'm retired now.

Thank you.

COMMISSIONER: Yes, thank you, Mr Woodford.

MR WOODFORD: Thank you, Mr Commissioner. May the witness see exhibit 44, please?

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Mrs Pearce, I've placed in front of you a statement there. It has five pages?--Right.

Could you just briefly cast your eye over that document and confirm for the commission that that is the statement that you have supplied in relation to these proceeding?--Yes.

That's your signature that appears on the fifth page?--It is, yes.

I just want to ask you some questions this afternoon just to clarify some matters in your statement. Firstly, you started at the John Oxley Youth Centre when it first opened. Is that correct?--On the very first day.

20

You continued working at the centre until your retirement? --Yes.

Are you able to tell us when that was, what year it was that you left?--Look, I was 55 at the time and I'm 69 now so - - -

That's okay; we will do the maths at another time. It's a little late in the afternoon for that?--Okay.

30

Your position when you were at the centre - what was it? --I was a youth worker.

Right. Now, in your statement at paragraphs 5 to 7 you set out your views concerning Mr Peter Coyne?--Right.

Now, as a result of your experiences at the centre working under Mr Coyne, did you write certain correspondence? --Yes.

40

Okay. In particular, did you write a report for something called the Heiner inquiry?--I did, yes.

Before we go to that document, at that time there was other correspondence that you wrote?--I guess so.

Is it the case, looking through your statement at paragraph 11 - sorry, looking through your statement, is it

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PEARCE, M.K. XN

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the case that the other documents that you authored you  
threw out a number of years ago?---Yes. 1

Okay. Mr Commissioner, may Mrs Pearce see exhibit 72D,  
please?---Thank you.

I'm going to get you to read that for us in a moment, but  
before you do you've already indicated that that's the  
document that you wrote for the Heiner inquiry?---Yes; yes.

Now, from paragraph 10 of your statement, is it your  
recollection that staff were invited to write any such  
report that they wanted to for being supplied to  
Mr Heiner?---Yes. 10

Right. Now, the statement is - the letter, sorry, is  
four pages?---Right.

What I would like you to do for us this afternoon, if you  
can, is just to read that letter into the record for us?  
---Right.

Just take your time and if you could do that for us word  
for work?---Okay. 20

When you're read?---"Statement by Mariana Pearce of  
harassment by boss Peter Coyne," and I've got in brackets  
"social worker":

*Late last year perhaps October, November or December  
Peter Coyne, by boss, started to frequently call me  
down to his office, perhaps every day or every other  
day, for lengthy interviews, sometimes lasting some  
hours. At times Peter narrowed his eyes; sometimes  
glaring and speaking in angry tones; at times  
appearing to spit and hiss his words out. At other  
times his manner was one of ridicule. His interviews  
often reduced me to tears and left me feeling  
emotionally battered and worthless. After a while I  
became tearful as soon as I was directed to go and  
see Peter before I had even entered his office.* 30

*About this time I felt my emotional health suffering  
and put myself under the care of Peter Stoker,  
psychologist, of Toowong Village and Dr A. Unwin,  
psychiatrist, of 40 Annerley Road, Woolloongabba.  
Both of these professionals wanted to write to Peter  
Coyne instructing him to stop harassing me. I  
declined both their offers as I feared it might  
inflame the situation and I was hoping to placate  
Peter.* 40

Peter Coyne, that is:

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*Eventually at this time I found it necessary to book myself into Rosemount Psychiatric Hospital as I had lost touch with reality and wasn't coping with any area of my life. Peter has given many of my colleagues the treatment I've got, even joking about it with two of them who have since resigned about harassing them out of their jobs. Many people have left after being harassed.*

*At that time I did have some personal family problems which I shared with Peter expecting some empathy and understanding, perhaps even support, him being a social worker. Instead his persecution intensified. I distinctly gained the impression he was sticking the boot in while I was down. At one stage when my 21-year-old daughter was sitting crying some miles from her home with her baby after a traumatising experience and waiting for me to pick her up which Peter knew he made me stay at work and write statements about things that had happened months beforehand. I gained the impression he wanted me to throw in my job and walk out and go to my daughter which was very tempting but I wanted my job.*

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20

*Recently, 31 August 1989, on the 3 pm to 11 pm shift Peter undermined me completely to the children I worked with. We had some trouble in my wing Blaxland as we had recently admitted a 12-year-old girl who needed protecting from the other older more sophisticated, streetwise children. She had previously been suicidal. Two of the boys became particularly angry that I would not let them physically, verbally or emotionally batter her and wrote to Peter saying she was receiving preferential treatment.*

30

*On 31 August 1989 Peter entered our wing and invited the children to write to him at the end of the shift and let him know how the shift went and give these letters sealed to my partner as he knew the two boys were angry with me in particular. This undermined my authority in the wing completely with three of the boys taunting me all shift about writing to Peter Coyne. The three girls declined to be part of this.*

*This has freaked me out completely. It rocked me, my boss giving young people who have at times lived on the streets, are very damaged and aren't in the place for their honesty this kind of power over a worker. I believe as a social worker he had to realise that this would undermine me completely and I wondered if he intended to use these letters as an excuse to start up the harassing treatment again.*

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*At one time when Peter suggested my health wouldn't stand up to the job, I asked him what did he foresee if I stayed. He said he would foresee me making mistakes and him charging me and then me making more mistakes and him having me charged again and then they would be after my job. I have been very careful not to make mistakes.*

And that's the end of it.

And that's your name signed at the bottom there. I think on the very bottom of that page - - -?---It is, yes.

10

- - - you can half see your signature?---Sorry.

You can see your signature or half of it there?---Yes.

That exhibit 72D can be returned to the custody of the commission.

Now, Mrs Pearce, you wrote that document for Mr Heiner?  
---Yes.

20

We've established it was given to Mr Heiner. Correct?  
---Yes.

You did have a meeting with Mr Heiner?---I did.

When you had that meeting with Mr Heiner, that letter was in existence at the meeting?---It was, yes.

The meeting that you had with Mr Heiner - was that at the John Oxley Youth Centre?---Yes, it was.

I'm just referring to these matters from paragraphs 12 and 13 of your statement. Now you don't have any recollection of the discussion that you had with Mr Heiner?---No, it was all - it was all limited to what was in my letter.

30

Okay, yes, the relationship between management and staff and those other matters that you have referred to?---Yes.

Okay. At paragraph 15 of your statement you note that during your meeting with Mr Heiner you didn't have any discussions at all about any sexual abuse at the centre?  
---No; no, I didn't.

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You make mention in your statement about an incident or some documents concerning Mr Hamson. Is that correct? 1  
---No, that doesn't - - -

Sorry, my mistake. You make mention of an incident concerning a child in paragraph 17. If you just turn to that and you will see the name Shelly there?---Right.

My question for you is that you didn't have any direct knowledge of that incident, in the sense that you didn't see anything?---That's right. 10

These were matters that you just heard on the grapevine, if you like?---Exactly.

Similarly, just moving down, you refer to an incident concerning Annette Harding. Similarly there, you didn't have any direct knowledge of that incident?---No. I just heard it on the centre grapevine.

The only other matter that I wanted to raise was that you note in paragraph 14 of your statement that you made an allegation, if you like, about two staff members having had attended your house?---Yes. 20

Is it the case that you subsequently withdrew that allegation?  
---I did withdraw it, and I'm still puzzled about it.

Is it the case that you'd heard some information from someone who is not said to have attended your house and had some second-hand information that was conveyed to you?  
---That's true, yes.

Well, I don't think - that had no sexual component to it, of course?---No. 30

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

COMMISSIONER: Thank you.

MS LARCOMBE-WEATE: Mr Bosscher has no questions for this witness.

MR HARRIS: I have no questions, commissioner.

MR SELFRIDGE: No questions, thank you. 40

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

COMMISSIONER: Yes, thanks very much for coming this afternoon to give your evidence?---Thank you very much.

We appreciate your time and you are formally excused - - -?  
---Do I go now?

11/12/12

PEARCE, M.K. XN

- - - from the obligations in your summons, Mrs Pearce? 1  
---Sorry?

Thank you for coming?---Thank you.

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, there is nothing contained 10  
in Mrs Pearce's statement that cannot be published. There  
are some names on paragraphs 17 and 18, but as I have been  
reminded earlier today, at least one of those names has  
already been published, and I note that the other has.

COMMISSIONER: All right, as that's the case I'll order  
that exhibit 44 be published.

MR WOODFORD: Thank you. I call Leslie Owen Charles  
Morrison.

**MORRISON, LESLIE OWEN CHARLES** affirmed:

ASSOCIATE: For recording purposes please state your full 20  
name and your occupation?---My full name is Leslie Owen  
Charles Morrison and I'm an old age pensioner.

MR WOODFORD: Thank you, Mr Commissioner.

May Mr Morrison see exhibit 35, being his statement?  
Mr Morrison, do you have some trouble hearing, do you?---A  
little, yes.

If I speak with this sort of volume can you hear me okay?  
---Yes, that's right.

Good. I've placed a document in front of you there. Can 30  
you just have a look at it and confirm for us that that's a  
copy of the statement that you supplied for the purposes of  
this inquiry? No need to read every word of it,  
Mr Morrison, just if you can cast your eye over it and  
assure yourself that your mark appears on the bottom of it  
and your signature is on the last page?---That's correct.

Now, we're interested in the John Oxley Youth Centre. You  
worked there from 1989, did you?---I believe that's when I  
started.

You were working as a casual youth worker?---Correct. 40

Do you know how long you remained in employment there?---It  
would have been 10 or 11 years.

When you first arrived at the centre Mr Coyne was the  
manager, was he?---That's correct.

Did he leave some short time after you arrived?---Yes, he  
did. I couldn't say exactly when.

11/12/12

MORRISON, L.O.C. XN



Are we talking weeks to months, that sort of time frame?  
---I have no idea, really.

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Looking at paragraph 5 of your statement, do I understand from that that what you observed to be a major source of conflict at the centre was a clash between Mr Fred Feige and Peter Coyne?---That's correct.

In fact, you note that Mr Feige was "a thorn in Peter's side". That's how it appeared to you?---That's correct.

From your statement also is it true to say that there appeared to you to be some tension between the staff as to what sort of approach was best to be taken towards the children?---I do believe there is often that sort of conflict, being the different professions. Like, psychologists think differently to social workers on how they're going to do something, and I think there was always something like - always got to be give and take.

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COMMISSIONER: It's called creative tension, I think.

MR WOODFORD: Yes, creative tension, perhaps?---Yes. Possibly, yes.

20

You yourself were never asked to provide any statement in relation to Joyce prior to that statement?---I don't believe I was.

You can't recall ever being approached to attend any other inquiry into the John Oxley Youth Centre?---Never.

In your statement, and this is paragraphs 11 and 12, you make reference to some certain matters there. Is it the case that you yourself have no direct actual knowledge of those matters, in the sense that you didn't see anything yourself?---I saw nothing.

30

So the matters that you set out are things that you've heard?  
---Correct.

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

COMMISSIONER: Thank you. Anyone else, questions?

MS LARCOMBE-WEATE: Mr Bosscher has no questions.

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MR HARRIS: No questions, commissioner.

MR SELFRIDGE: No questions, Mr Commissioner.

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

COMMISSIONER: Yes, certainly. Mr Morrison, thank you for

11/12/12

MORRISON, L.O.C. XN

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attending and giving your evidence. It's much appreciated. I know it would have been inconvenient?---Thank you, sir. 1

You're formally excused from your summons.

WITNESS WITHDREW

MR WOODFORD: In terms of publication, Mr Commissioner, there are some details there. If I could take you to paragraph 11.

COMMISSIONER: Yes. 10

MR WOODFORD: There is a nickname there that you've made rulings already to date in relation to in terms of non-publication and I seek the same order in relation to that matter, and then moving forward, if you have paragraph 12 there. Just in the third line where it says, "Only that he was about 21 years old." My submission is that perhaps the eight words following that should not be published as it may expose the identity of that individual.

COMMISSIONER: Eight or nine? 20

MR WOODFORD: Eight or nine, did you say?

COMMISSIONER: Yes.

MR WOODFORD: Yes, eight.

COMMISSIONER: Starting with "this".

MR WOODFORD: Starting with "and". Are you on the third line of paragraph 12?

COMMISSIONER: Yes. 30

MR WOODFORD: Yes. "21 years old" - - -

COMMISSIONER: Where his family lives.

MR WOODFORD: Yes.

COMMISSIONER: Okay. Anyone want to be heard on that? All right, I direct that exhibit 35 be published but for the removal of the nickname beginning with D on the third line appearing - sorry, where it appears twice on the third line of paragraph 11, and the - wherever it appears in paragraph 11. 40

MR WOODFORD: Thank you.

COMMISSIONER: And in paragraph 12 delete the eight words after the word "old" commencing with "and" and finishing - - -

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MR WOODFORD: That will do. The eight words after "and". 1

COMMISSIONER: With the words before the full stop.

MR WOODFORD: Thank you, Mr Commissioner. That's all we have for today.

COMMISSIONER: All right. What's happening tomorrow?

MR WOODFORD: 10 am tomorrow, Mr Commissioner.

COMMISSIONER: 10 am tomorrow. We're adjourned until then. Thank you. 10

THE COMMISSION ADJOURNED AT 4.59 PM UNTIL  
WEDNESDAY, 12 DECEMBER 2012

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