



SPARK AND CANNON

TRANSCRIPT OF PROCEEDINGS

Telephone:

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

THE HONOURABLE TIMOTHY FRANCIS CARMODY SC, Commissioner

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

IN THE MATTER OF THE COMMISSIONS INQUIRY ACT 1950
COMMISSIONS OF INQUIRY ORDER (No. 1) 2012
QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY

BRISBANE

..DATE 21/01/2013

Continued from 17/01/2013

DAY 12

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 10.07 AM

1

COMMISSIONER: Good morning. Mr Copley?

MR COPLEY: Good morning, Mr Commissioner. Today we return to the subject matter of paragraph 3E of the order in council. There are some witnesses to be called today, but before I call any of them I propose to tender a report which was prepared by Ms Sarah Moynihan on or about 24 May 1988 relevant to her observations of the excursion to the Lower Portals at Mount Barney and I'd ask you to make it an exhibit. So I hand up a copy to be made the exhibit and a copy for you, Mr Commissioner. The parties have been provided with a copy.

10

COMMISSIONER: Thank you.

MR COPLEY: I think we would be up to exhibit number 256 now.

COMMISSIONER: Thank you. The report relating to the walk to the Lower Portals on 24 May 1988 will be exhibit 256.

20

ADMITTED AND MARKED: "EXHIBIT 256"

MR COPLEY: Thank you. I call Pamela Sylvie Douglas.

COMMISSIONER: Can that be published, Mr Copley, that report?

MR COPLEY: Yes, it can be.

COMMISSIONER: It looks like it's been redacted.

30

MR COPLEY: Yes. That was the form in which we received it. We didn't make those obliterations.

COMMISSIONER: Well, can I leave it - can Mr Woodford have a look, see if there's any reason not to publish and if he gives me the nod I'll order it be published?

MR COPLEY: Thank you, yes. He'll have a look at it now.

COMMISSIONER: Thank you.

DOUGLAS, PAMELA SYLVIA sworn:

40

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Pamela Sylvia Douglas. I'm a general practitioner.

Please be seated.

COMMISSIONER: Good morning, Dr Douglas?---Good morning.

21/1/13

DOUGLAS, P.S. XN

50

MR COPLEY: Could Dr Douglas be shown her statement, the original statement, please? 1

COMMISSIONER: Sure.

MR COPLEY: Could you just look through that document to ascertain whether or not it's the statement that you provided to the police on 14 January 2013?---Yes.

It is?---I'll have a look. Yes, that's the statement.

All right, thank you. I'll just get you to hold onto the statement for the moment?---Yes. 10

There are some annexures or attachments to it, aren't there?---Yes.

Dr Douglas, you're currently a general practitioner and a lecturer, a senior lecturer, at the University of Queensland?---Yes, I hold an adjunct appointment at the University of Queensland with the discipline of general practice.

Right, thank you. You state in paragraph 4 of your statement that you began working for the Department of Family Services at the John Oxley Youth Centre in 1989? ---Yes. 20

Do you remember when in 1989?---No, I'm not clear exactly when, but I know that I was there for about 12 months and I do know that I left at the time of Peter Coyne's departure, which was early, I think, 1990.

Well, documents that we've received as exhibits in this matter would suggest he was moved on in February of 1990. Does that accord with your recollection?---Well, yes, certainly I know that I left at the time that he moved on, and I know that I was there for about 12 months and the body of that was in 1989. 30

Your departure or leaving John Oxley, was it connected with Peter Coyne's leaving?---It was. I resigned in protest and indeed despair.

Had Peter Coyne been the person who had appointed you? ---That's right.

Thank you. In your statement you report how when you were interviewed and appointed by Peter Coyne he communicated to you that he wanted a new or more modern approach taken to the healthcare needs of the inmates at the centre. Is that the case?---That's the case. 40

All right, and his approach, or the approach that he was looking for, was one that you were willing and able to provide. Is that the case?---Yes, that's right.

21/1/13

DOUGLAS, P.S. XN

All right?---Even by virtue of being a general practitioner rather than a paediatrician with an interest in preventive care and health promotion, health education, as well as providing for the medical needs of the young people. 1

You state at paragraph 9 of your statement that as time went on you became aware that Mr Coyne was meeting some opposition to his agenda or his plans for the John Oxley Centre. Is that the case?---That is the case.

Where did that opposition seem to be coming from, do you remember?---Yes, so Peter had recruited new staff, including myself, as his management progressed, but there was also, if you like, staff who one might refer to as perhaps the old guard, or staff who had been working with youth in detention prior to Peter Coyne's management and who found his progressive desire to make a custodial institution not only a secure institution but an institution that perhaps had opportunity to transform the young people's lives. So he had a vision that the old guard, if you like, some of the staff who had been there prior to his management, actually found very difficult, and so all of us were aware that there were problems. 10

Did you become aware of the problems from things that were told to you or just from things you overheard or observed? ---So I visited once a week for a session but carried a pager. Kym Yuke was the registered nurse who was on the ground. She was there full-time, so she contacted me by the pager if she needed me to come in or if she needed authorisation or if she needed advice, and it was through Kym that I was informed, in large part, of the events and the problems within the John Oxley Youth Centre, but also when I joined, when I took up the job, I knew through Peter that there had been something of a culture of perhaps force but also the medical management of behaviour of the young people in detention and this was one of the things that he wanted to change under his watch. So I had, you know, intermittent conversations with Peter throughout the time of my employment and it would have been in conversation with him. I also had some contact with other staff working within the John Oxley Youth Centre, although I couldn't bring to you details of those conversations now. I do recall conversations with Marian Drew, the social worker at the time. Also I would say that when I arrived I was astonished to find the kind of stock that was there in the cupboards, medical - - - 20

Okay, well, you're moving on now to a reference in your statement to what you regarded as old-fashioned or past its use-by date medicines in the medical area, aren't you? ---Yes, that's right. 30

Yes, or medicines that you didn't regard as being appropriate to be prescribed perhaps any more?---Well, I think what was surprising was the quantity of them and the lack of accountability for their use and that we couldn't find protocols and certainly it was Kym Yuke on the ground who had these medications and sat down and presented them to me, but I do recall that we were concerned and we certainly set about modernising, rationalising, setting up medical protocols so that any use of medications even down to a Panadol was accounted for.

1

Okay. Now, you were working or assigned and appointed to the centre at the time of the Heiner inquiry, investigation, weren't you?---Yes.

10

Were you aware of Mr Heiner coming to do the investigation at the time he was doing it?---Yes.

Did you speak with Mr Heiner or anyone associated with him to convey your views about how the centre was functioning? ---I don't believe I was called up to speak to Mr Heiner.

You may not have been called to speak to him, but did you seek him out?---I don't believe so. I don't have a memory of speaking with Mr Heiner. I couldn't say that I'm absolutely certain I didn't, but I believe it's something that I would have remembered, particularly as the issue surfaced repeatedly in the press over the years. So I do not believe I spoke to Mr Heiner.

20

At the time that Mr Heiner was doing his investigation, did you have an understanding about what the nature of his investigation involved?---My understanding was that it was effectively an investigation into Peter Coyne's management. That was as I understood it as I - that was the sense I had of it.

30

Okay. During the time that you were working - well, in your statement you state at paragraph 11 that you have no knowledge of any allegations of sexual abuse at John Oxley and have no needed to report any allegations of sexual abuse to any person in relation to your period of employment at John Oxley?---Yes.

Is that the truth?---Yes.

Right. Now, in paragraph 14 of your statement you state that in May of 1998 you and Ms Yuke decided to write an article for the Courier-Mail in response to some reports in the Courier-Mail at the time concerning the John Oxley Centre?---Yes.

40

You said, "We wrote this because the reports in the paper were discordant with our own experience at JOYC"?---Yes.

All right. Now, attached to your statement are a number of documents, one of which is headed "Submitted to Perspective Section of Courier-Mail Thursday, 28/5/1998". Now, that document is the document that you're referring to in the body of your statement that you and Ms Yuke drafted?---Yes.

1

But it didn't ultimately get published?---It didn't.

Okay. We understand that now. On the second page of that document - if you would care to open it, you're welcome to - in the fourth paragraph down you stated:

10

Then came the Heiner inquiry. It was considered by everyone I spoke to at the time an inquiry into Peter Coyne's management instigated by disgruntled youth workers with political connections.

Then you go on to say that the government changed, the inquiry folded and Peter Coyne was transferred out?---Mm.

Why did you have that paragraph included in this article in 1998? Do you remember what motivated you to put that particular paragraph in the article back then?---Look, I can't say that I have memories of my exact motivations at the time, but I can speak to why I think I would've included that.

20

Yes, if you would?---We were watching in the media the most extraordinary allegations against a man, a manager, whose tenure as management was in fact deeply committed to exactly the opposite of the allegations that were being levelled against him so from what I could see on the edges we were witnessing public scapegoating in a very destructive way and with this paragraph - now, it may be, of course, that the people that I was speaking with and had access to was limited and that I was speaking with people who shared my perspective and shared my value systems around the function of youth in detention - of detained - facilities detaining youth, but it was clear that there was a very powerful movement amongst people who were very angry with Peter Coyne to have him discredited and moved aside and the status quo again returned to so - - -

30

Can I ask you though to just focus on the sentence, "It was considered by everyone I spoke to at the time an inquiry into Peter Coyne's management"?---Yes.

Why did you write that sentence in this article? Were you attempting to respond to or reply to some suggestion that the inquiry concerned something else or something different?---Possibly; I'm sorry, I don't recall exactly. I guess what I could say is that in this article in a way - in this article we were simply attempting to write down our experience so to write some sort of report of our experience as two professional women at the John Oxley

40

Youth Centre in that period of time. So I think we tried to cover everything that we thought would be relevant to the issues that were being raised in the newspaper at the time. So I'm afraid I can't respond more sensibly to your specific question about why I included that sentence, but what I can say is that the sentence would be an accurate reflection of what I understood about the Heiner inquiry.

1

COMMISSIONER: At the time you wrote the article, had there been a link drawn in the media or elsewhere between the Heiner inquiry and something else other than Peter Coyne's management of the centre?---You know, I'm sorry, commissioner, I can't answer that because I don't remember exactly what details were covered by the media throughout May and indeed in other periods of - - -

10

Were you a keen watcher of the media reporting and the commentary on the John Oxley Centre inquiry and Mr Heiner's involvement in it?---When it was on the news, if it was in the Courier-Mail, but in those years I had two small children and a professional life and was very busy so I can't say that I sought out information but it was very public at times and was there for me to read in the Courier-Mail and on the news.

20

And your position was that Mr Coyne was being unfairly treated by the reporting and the allegations that were being made weren't true, as far as you were concerned? ---Well, I guess all I could say was that it was very discordant with my experience so there were allegations that seemed - I could not understand how that could have happened when Kym Yuke as the registered nurse and myself knew nothing about it. So, for instance, there were allegations, I believe - and, as I say, I don't have a good memory for the details even of what was raised in the media, but I believe there were allegations around medical management of children's behaviour that was just incomprehensible for me because Kym was there every day from 8.30 till 5.00, knew those - you know, there were only about 30 kids; had a great relationship with them around the clinic every morning. Kym Yuke was a very good registered nurse, very sociable, had good relationships with all the staff, as I understand it, so I couldn't understand how she would not have been aware of some of the allegations that were in the media and she would then have informed me because this was very relevant to a child's health. So I guess all I can say is that there was a discordance that was incomprehensible to me.

30

40

So from your point of view not only did you not believe the allegations but from your experience you knew them not to be true?---I certainly had no experience of these events that were being reported in the media and it didn't fit with the kind of culture that Peter Coyne was very actively creating within the John Oxley Youth Centre.

21/1/13

DOUGLAS, P.S. XN

50

21012013 02 /CES(BRIS) (Carmody CMR)

Okay, thanks, doctor.

1

MR COPLEY: I have no further questions.

COMMISSIONER: Thank you, Mr Copley. Mr Hanger?

MR HANGER: No questions.

10

20

30

40

21/1/13

DOUGLAS, P.S. XN

12-8

50

COMMISSIONER: Mr Bosscher.

1

MR BOSSCHER: I'll follow Mr Harris, if I may.

COMMISSIONER: Mr Harris.

MR HARRIS: I just have a couple of small questions, Commissioner.

Ms Douglas, you say in your affidavit at paragraph 7 that you:

10

Helped Kim rationalise and modernise the range of drugs available; write medical protocols for the use of pharmaceuticals and devise medication records for the staff to check.

Do I take that that prior to your arrival there the records weren't really up to date?---Yes. Our impression was that there was not good accountability for the use of medications and we were determined to change that.

Okay. Now, if I can take you to paragraph 14, you say:

20

We had strict protocols in place for the administration of medication.

Are you talking about your time there or the entire time as a whole at John Oxley?---I can talk about my time there with Kim Yuke on the ground as the registered nurse, so we were very committed to proper and accountable use of medications.

And that came from the time you arrived there?---Indeed.

Okay. Thank you very much?---Thank you.

30

No further questions, Commissioner.

COMMISSIONER: Mr Bosscher.

MR BOSSCHER: Thank you, Commissioner.

I see from your statement that you hold a certificate in sexual and reproductive health from Family Planning Australia?---I do.

I also clearly see from your statement that you're a very experienced medical practitioner?---I am.

40

Yes. You also in your statement make reference to the fact that at the time you were at John Oxley you didn't prescribe the morning after pill to any of the inmates or residents at that facility?---I have no memory of that. It was a different formulation back then. I believe I would

21/1/13

DOUGLAS, P.S. XXN

50

remember doing that because of the implications. The implications of course would be very grave. 1

My next question to you was given that it's in your statement, what are the implications in relation to prescribing a morning after pill to a child back in 1988 or 89?---Well, firstly of course why does a young person within a facility such as the John Oxley Youth Centre present with that request? So that's, you know, what sexual activity is occurring? So major problem. And then secondly the whole issue of prescribing an oral contraceptive pill to a minor whose parents - this young person is now in the care of the state. So in general practice of course there are protocols that we follow; there's the Gillick competency ruling. 10

Could you explain that?---If we have a young person under the age of 16 who comes in to request an oral contraceptive pill then I would firstly seek to involve the parents, seek that young person's permission to - or ask that young person whether she's spoken to her parents; to what extent are her parents involved; does she feel she can talk about this with her mum? But also the bottom line is that if that young person is competent to make decisions about her own health then I will prescribe the oral contraceptive pill because the consequences of not doing so for a sexually active young person is very often a pregnancy. Also of course young people under the age of 16 may need oral contraceptive pills for the management of female gynaecological problems. So - - - 20

That doesn't apply to the morning after pill, though, does it?---No. but you can see that I believe I would remember if that had ever arisen in the context of the John Oxley Youth Centre because this would not be a trivial event, it would be a very significant issue that I would expect to remember all these years later. 30

And this is applying modern day thinking back to that period of time, back to 1990, as to how you would approach it if you had been requested at the time; you would have taken a detailed description as to why it was required, involved the parents if possible, certainly recommended the involvement of the parents if possible, and all the other things you've given evidence about?---I would consider that to have been good practise in the 1980s.

Thank you, doctor. 40

COMMISSIONER: Can you just explain - I know what Gillick competency is. Could you explain it for the record, though?---It arises out of a case that I think was in the UK originally concerning the rights of minors to give permission for a medical intervention without parental involvement. And the ruling was that indeed if the medical officer was happy that that young person was intellectually

21/1/13

DOUGLAS, P.S. XXN

and emotionally competent to make decisions about their own wellbeing then they had the right to do so. 1

And that decision couldn't be overridden by their Parents to a contrary position?---Yes.

And you start looking at whether a child is Gillick competent at about what age or stage?---Certainly we're talking adolescence.

15 onwards?---In terms of the prescriptions of contraception these days - - - 10

I was guessing?--- - - - with young women it can be earlier.

Earlier than that, so around puberty or something like that. All right.

MR HANGER: I'd like to ask something arising from that.

COMMISSIONER: Yes, sure.

MR HANGER: Doctor, the suggestion is that before your watch, I think, one of the girls in the centre had had sex - possibly rape - but certainly at the age of 14 and obviously being in the detention centre it would be unlikely that she would be appropriate as a mother at that age and stage of her life. Correct? That's my question? ---Are you asking me? 20

Yes?---Well, it would certainly be a deeply fraught situation, would it not?

Yes. And if you were in that situation you would talk to the girl and very likely prescribe the morning after pill. We're not talking, as they were in Gillick, about contraception for the future, we're talking about something that's already happened?---You know, in that situation I think I would be seeking advice. I think the decision would need to be a team decision. 30

Okay?---There'd need to be a number of medical practitioners and people involved in that child's care involved, as well as that child.

And possibly even the parent?---Well - - - 40

Indeed, the parent?---That's it. So I would think this would be a major event and should be very well documented with a number of professional people involved. And it certainly hadn't arisen as far - I'm sure I would remember if something like that had arisen - - -

I'm sorry, I'm not suggesting it arose on your watch. I think it was possibly just before you were there?--Right.

1

And how long was that nurse that you were talking of there? ---Kim Yuke was employed prior to me but I don't believe she had a long period of employment before I joined. I can't give you the details of that. And she departed at the same time as I did.

Okay. Thank you very much.

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

10

COMMISSIONER: Yes. Thank you, Dr Douglas. Thank you for coming and giving us your evidence. We appreciate the time?---Thank you, Commissioner.

MR COPLEY: If you could leave all those documents that I gave you there, please?---Yes.

(THE WITNESS WITHDREW)

MR COPLEY: Mr Commissioner, I tender Dr Douglas's statement together with the annexures that she has specifically referred to as well as the other annexures that are attached to it. The relevance of the other annexures she hasn't referred to simply show the context in which she came to write the Perspectives Piece, as I was called, which was never published. And perhaps ask that they all be made one exhibit.

20

COMMISSIONER: Sure. The statement and the annexures together will form exhibit 257.

ADMITTED AND MARKED: "EXHIBIT 257"

30

COMMISSIONER: And they can be published?

MR COPLEY: It can be.

COMMISSIONER: And the previous exhibit?

MR COPLEY: Yes. Mr Woodford has checked that and there's no reason why it can't be published as it is.

COMMISSIONER: Thank you. Exhibits 256 and 257 will be published.

40

MR COPLEY: I'll now leave it with Mr Woodford.

COMMISSIONER: Thank you. Yes, Mr Woodford.

MR WOODFORD: Mr Commissioner, I call Roy Dorian Short.

SHORT, ROY FLORIAN affirmed:

1

ASSOCIATE: For recording purposes, please state your full name and your occupation?--Roy Florian Short, retired.

Please be seated?---Thank you.

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

Yes, Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner. May Mr Short see a statement which I understand that he's prepared to assist the inquiry?

10

Mr Short, you've had placed in front of you a three-page document. Is that the statement that you supplied to this commission of inquiry?---Yes.

There are just a couple of matters I want to summarise with you from your statement. You, as I understand it, worked at the John Oxley Youth Centre shortly after it opened?
---That's correct.

20

You were working, you note, as a child care officer. Is that what we would understand as - - -?---I believe that's what we were called at the time.

Or a youth worker? Would that be the same sort of function?---No, the youth workers were involved in the direct care of the young people in the centre. The child care officer was like a social worker, case worker. So we did a different sort of job.

I see. You were there at JOYC for about 12 months all up. Is that right?---12 months or maybe slightly less.

30

When you started out you were working under Mr Terry McDermott, the manager?---Terry, that's correct.

Later on you worked under Mr Coyne?---Peter Coyne, correct, yes.

When you had done your 12 months or thereabouts at the John Oxley Youth Centre you went back to Sir Leslie - - -?---Sir Leslie Wilson Youth Detention Centre, yes.

When you went back there you occupied a position of the deputy manager, didn't you?---Yes.

40

It's in that context in paragraph - about 13 of your statement, that you - or 12, 13, thereabouts, that you provide us with what your response would be to particular situations?---Yes.

21/1/13

SHORT, R.F. XN

50

Looking at paragraph 8 of your statement, when you were working at the John Oxley Youth Centre you yourself had no knowledge whatsoever of any sexual abuse?---No, I had no knowledge of that.

1

You've heard of an inquiry at the John Oxley Youth Centre by a gentleman by the name of Heiner. Have you heard of that?---I have heard of that.

Do I understand from your statement that you had no involvement in that inquiry?---No input at all.

10

Yes, I don't have any further questions for Mr Short.

COMMISSIONER: Thank you. Thanks, Mr Woodford. Mr Harris?

MR HARRIS: Thank you, commissioner.

Mr Short, just a couple of very short questions. As I understand it, you were at John Oxley from 86 for 12 months. Is that correct?---I'm not sure if it was 86. It was certainly the first - within the first 12 months.

20

It was only a short period of time then?---Correct.

Now, in that time, and in paragraph 9 of your affidavit, you say there was a manual that was used - had been in use prior to 1984. That manual, what did that actually outline, in general terms?---I have very vague recollections, but to the best of my knowledge it was a manual that was departmental wide application and that referred to certain procedures and practices that were required to be followed within the department. So it wasn't specifically a detention centre manual, it was more departmental operations.

30

A departmental - and that was made to cover the John Oxley Centre and other centres the same. So it was an overriding manual?---Yes, and for other sections of the department as well.

All right. I have no further questions, commissioner.

COMMISSIONER: Thank you. Mr Hanger? Mr Bosscher?

MR WOODFORD: No questions? Thank you, Mr Commissioner.

40

Just returning to that issue Mr Harris was asking you some questions about, Mr Short, you seem to have made a concession there that that manual was in use for the John Oxley Centre at the time that you were there. Are you in a position to give that evidence?---No, look, my recollection isn't that clear about the period that that manual covered.

21/1/13

SHORT, R.F. XN
XXN

50

More particularly, I guess, you moved on to be the deputy manager of a centre when you left JOYC?---Yes. 1

Were you the deputy manager of a centre prior to going to JOYC?---No.

You had no hand in the management of JOYC per se?---No.

I have no further questions, Mr Commissioner. May Mr Short be excused?

COMMISSIONER: Yes, thanks, Mr Short. We appreciate your coming. You're excused?---Thank you. 10

MR WOODFORD: If that statement could remain there. Thank you, Mr Short.

(THE WITNESS WITHDREW)

MR WOODFORD: Mr Commissioner, that statement - I tender that statement. There is nothing contained within it which would prevent its publication in its entirety.

COMMISSIONER: Thank you. I'll accept Mr Short's statement and mark it exhibit 258 and direct it be published. 20

ADMITTED AND MARKED: "EXHIBIT 258"

MR WOODFORD: I call Damian Lionel Butler.

BUTLER, DAMIAN LIONEL affirmed:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Damian Lionel Butler and I'm a schoolteacher. 30

Please be seated.

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

MR WOODFORD: Mr Commissioner, may Mr Butler see the original of his two-page statement, please?

Mr Butler, I've had placed in front of you there a document of two pages. Does that carry your signature?---Yes, it does. 40

That's a statement that you've supplied to this commission of inquiry?---Yes.

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

21/1/13

SHORT, R.F. XXN
BUTLER, D.L. XN

Did you start in around 1991, 92 and finish up in about 2005?---In that period of time, yes. 1

During that period you worked at the John Oxley Youth Centre. When you started there a gentleman by the name of Peter Coyne, he was a former manager, was he?---I'm led to believe he was a former manager before I arrived.

You've never met the man?---No.

Just in your statement if you could go to paragraph 5. That's a correct statement, is it, that you while you were working at the John Oxley Youth Centre had no first-hand knowledge of any sexual incident?---That's correct. 10

You have not previously been involved in giving any evidence or any statement to any other inquiry in relation to the John Oxley Youth Centre?---No.

Thank you, Mr Butler. I have no further questions.

MR HARRIS: Nothing, thank you.

MR HANGER: I have nothing, commissioner. 20

COMMISSIONER: Mr Hanger. Mister - - -

MR BOSSCHER: Nothing, thank you, Mr Commissioner.

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

COMMISSIONER: Yes, thank you, Mr Butler. You're excused, with thanks?---Thank you.

(THE WITNESS WITHDREW) 30

MR WOODFORD: I tender that statement. There is nothing in there that would prevent its publication in its entirety.

COMMISSIONER: Mr Butler's statement will be 259 and published.

ADMITTED AND MARKED: "EXHIBIT 259"

40

MR WOODFORD: I call Maurice Crothers.

1

CROTHERS, MAURICE sworn:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Maurice Crothers, currently working as principal adviser with Queensland Corrections Rehabilitation Management.

Please be seated.

COMMISSIONER: Good morning, Mr Crothers. Thanks for coming?---Good morning.

10

Yes, Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner. May Mr Crothers see his two-page statement, please?

Mr Crothers, I have had placed in front of you there a two-page document carrying the date of 7 December 2012. Is that the statement that you have supplied to this commission of inquiry?---Yes, it is.

20

From that statement we understand that you were at the John Oxley Youth Centre for a brief period of around about four months - - -?---That's correct.

- - - in the latter half of 1989?---That's correct.

You were employed as a youth worker at that time?---Yes, that's correct.

A gentleman by the name of Mr Coyne - was he the manager while you were working there?---Yes, he was.

30

From your statement, do we take it that there were some staff tensions that you were at least aware of at the centre?---Yes, I think that would be accurate to say that was my observation, but I would say it's more around HR matters that the tension was.

HR matters?---Yes.

Would you elaborate on that for us?---I think a number of the staff who were there were staff who had been at Wilson Youth Detention Centre. Some were and had come across from Wilson Youth Detention Centre. So I think my recollections were that the length of tenure at the Wilson Youth Detention Centre and the positions that they were in at John Oxley - they probably felt that they were, you know, more senior in role.

40

That was your appreciation from the sidelines, if you like, seeing what was going on?---It was and I guess my short

21/1/13

CROTHERS, M. XN

50

time there was under a redeployment activity which was HR related so I think my focus was probably predominantly around the HR. Those were the issues I was picking up. 1

I would say from the sidelines because from your statement I understand that you didn't yourself become involved in any of those matters?---No, I don't think I was - I think I was the new face in the crowd, so to speak; you know, there were a number of staff from Wilson Youth Detention Centre. There were a number of staff already at John Oxley who were established and knew each other in teams. I don't think I was in the inner circle, so to speak. I was a new employee. 10

Okay. You were aware of an inquiry out at - some sort of investigation out at the centre by a gentleman by the name of Heiner?---I wasn't aware of that, no.

Okay?---Not at the time.

Sorry, you have subsequently become aware of that?
---Subsequently become aware of that, yes.

But at the time you had no involvement whatsoever in that inquiry?---No. 20

You never previously supplied any evidence or statements in relation to your time at the John Oxley Youth Centre?---No, not at all.

Thank you. Paragraph 11 of your statement - referring to that, from your time at the John Oxley Youth Centre you were never aware of any sexual abuse taking place there?
---No, not at all.

Thank you, Mr Crothers. I have no further questions. 30

COMMISSIONER: No further questions, Mr Crothers.

MR HARRIS: Nothing, commissioner.

COMMISSIONER: Thank you. Mr Woodford?

MR WOODFORD: May Mr Crothers be excused, Mr Commissioner.

COMMISSIONER: Thank you.

Mr Crothers, thank you for coming?---Thank you, Mr Commissioner. 40

We appreciate it. I'm sorry, it was so short. It was probably a long time to travel for such a short stint, but we appreciate it anyway?---Thank you.

(THE WITNESS WITHDREW)

21/1/13

CROTHERS, M. XN

MR WOODFORD: I tender that statement. There's nothing in it that prevents its entire publication. 1

COMMISSIONER: Mr Crothers' statement will be exhibit number 260 and it can be published.

ADMITTED AND MARKED: "EXHIBIT 260"

MR WOODFORD: Thank you, Mr Commissioner.

COMMISSIONER: Mr Copley?

MR COPLEY: Commissioner, I call Sarah Moynihan. 10

MOYNIHAN, SARAH affirmed:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Sarah Moynihan and the executive director of an arts and cultural organisation.

Please be seated.

COMMISSIONER: Good morning, Ms Moynihan. Thank you for coming. 20

MR COPLEY: Could the witness see the document there? ---Thank you.

Is that a statement that you provided to the police and signed on 10 January 2013?---Yes.

Okay. Ms Moynihan, you worked at the John Oxley Youth Centre, didn't you?---Yes.

And you were employed there to teach the subject of art, weren't you?---That's right. 30

At the time you were employed at that centre, were you a Department of Education employee or a Department of Family Services employee?---Department of Family Services employee.

And were you a teacher who had graduated and had the accreditation of the Board of Education?---No; no, I have an artist's background so I had been - I'm an arts and cultural worker so I was trained as an artist.

Okay. So you were literally teaching the children about painting and drawing and things of that nature?---Yes. 40

Now, you were involved in an outing to the Lower Portals at Mount Barney, weren't you?---That's right.

Okay; and you state in paragraph 8 of your statement that during the course of that outing after there had been a

separation between some of the children you were with and some of the children other teachers or staff were with you spoke with a man called Jeff?---Jeff Manitzky?

1

Yes?---Yes.

Yes, and he told you that some of the children had absconded?---That's right.

And you say, "He also said something about sex but I can't recall the exact words he used"?---That's right.

10

At the time you provided that statement or indeed subsequent to providing the statement, have you been able to - are you able now to remember what Mr Manitzky said? ---No, I'm not sure.

Okay. In any event, you were asked the following day by Mr Peter Coyne, the manager, to prepare a report?---That's right.

Could the witness see exhibit 256, please?

We will just show you the one that we have made the exhibit?---Sorry.

20

Now, I know that there have been some things obliterated from that?---Yes.

We didn't do that so I can't tell you what's under them? ---Yes.

But looking at that document, exhibit 256, is that the report that Mr Coyne asked you to prepare?---Yes, I think that's the one I was asked to prepare; yes.

30

All right. Did he explain to you why he wanted you to prepare that report?---I don't remember.

Did you prepare it in conjunction with others or did you prepare it on your own?---On my own.

Did you type it out or did you handwrite it out?---I handwrote it.

Did you type it or did somebody else type it?---No, I didn't type it.

40

Okay, but there's a signature on that report, isn't there? ---Yes.

Is that your signature?---Yes.

So did you read over the typewritten version to see if it was accurate?---I don't remember but I must have.

Now, you state in your statement that you were aware that there was the Heiner inquiry conducted into John Oxley but that you became aware of it after it had occurred?---That's right.

1

Were you still working at the centre when the Heiner inquiry occurred?---No.

So the position is therefore that you did not give any statement or letter to the Heiner inquiry and you did not attend it to give any evidence to anyone at it?---No.

10

No further questions, thank you.

MR BOSSCHER: I have no questions.

20

30

40

50

COMMISSIONER: Mr Harris? 1

MR HARRIS: Thank you, commissioner.

Ms Moynihan, can I just take you to exhibit 265 there, the report that you did on the day after the incident there?
---Yes.

MR COPLEY: 256.

MR HARRIS: 256, sorry, my apologies. 10

About halfway down the page you say there, "We arrived back at the cars" - then it's blanked out?---Yes.

And then it says - "were apparently in the toilets. At this point Jeff told the group Annette may have been assaulted?---Yes.

What did you understand of him saying about "may have been assaulted"?---I can't remember, really, that they - kids had had sex up there, I don't know.

So you could take that that the assault could have been Annette was hit or that Annette had some sort of abuse committed on her up there?---Yes. 20

All right. No further questions, Commissioner.

MR BOSSCHER: Nothing, thank you.

COMMISSIONER: Mr Copley, over to you.

MR COPLEY: No further questions. May Ms Moynihan be excused? 30

COMMISSIONER: Yes. Ms Moynihan, you're excused with thanks?---Thank you.

We appreciate you coming.

MR COPLEY: We'll have that document, thanks.

(THE WITNESS WITHDREW)

MR COPLEY: Could Ms Moynihan's statement be made an exhibit, please. 40

COMMISSIONER: I'll make it exhibit 261 and order that it be published?

MR COPLEY: Yes.

COMMISSIONER: Thank you.

ADMITTED AND MARKED: "EXHIBIT 261"

1

MR WOODFORD: I call Ouida Rose Ratapu.

RATAPU, OUIDA ROSE affirmed:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Ouida Rose Ratapu, senior youth worker, Brisbane Youth Detention.

COMMISSIONER: Good morning, thanks for coming?
---Thank you.

10

MR WOODFORD: Mr Commissioner, may the witness see a document under her hand dated 28 November 2012.

I've placed in front of you there a four-page document. Could you just check that that is the statement that you've supplied this commission of inquiry?---Yes.

That's correct?---That's correct

You are presently still working as a youth worker?---Yes.

20

A senior youth worker now?---Senior now, yes.

You started your career out in that regard in about 1989 or 90 at the John Oxley Youth Centre. Is that correct?---I was a youth worker at John Oxley Youth Detention and then when we amalgamated with Sir Leslie Wilson and John Oxley to Brisbane, I then became a senior youth worker.

Okay. So that's from about 1989, 90-ish through to 2001 at John Oxley Youth Centre. Is that correct?---Yes.

Or thereabouts. Okay. When you started at the John Oxley Youth Centre you initially worked under Mr Peter Coyne?
---Yes.

30

Looking at paragraph 6 of your statement, is it that there were some issues between staff and management while Mr Coyne was the manager?---Yes, I believe there were.

From what I understand of your statement you yourself stayed away from those issues and didn't become embroiled in them. Is that correct?---That's correct.

Okay?---Not my business.

40

While you were working there at the centre there was an inquiry underway, 89, 90, was there, by a gentleman by the name of Mr Heiner?---I didn't recall at the time, but later on heard that there was, but was never involved with it.

Okay, yes. From that you never met Mr Heiner?---No.

21/1/13

RATAPU, O.R. XN

50

And you never gave any statement or letter or any other evidence to him?--No. 1

Right. This statement that you've given us for this commission of inquiry, that's the first time you've given any evidence before any public inquiry in relation to the John Oxley Youth Centre?---Yes.

Okay. In paragraphs 10 through 13 of your statement you've detailed some matters. You've provided some detail there. Apart from those matters you're not aware of any sexual abuse taking place at the John Oxley Youth Centre during your employment there?---No. 10

Yes, I have no further questions, Mr Commissioner.

MR BOSSCHER: No questions.

MR HARRIS: Nothing from me, Commissioner.

COMMISSIONER: Mr Woodford.

MR WOODFORD: May the witness be excused, Mr Commissioner? 20

COMMISSIONER: Thanks for coming. Your evidence is over and you're excused. Thank you?---Thank you.

(THE WITNESS WITHDREW)

MR WOODFORD: There are some matters in this statement or this - what will become exhibit - that I'll take you to, Mr Commissioner. Paragraph 11, there's a name there, the name that appears for the first time on the second line. That, in accordance with previous rulings, will not be published; similarly, all of the names in paragraph 12 save for the name of the manager would also not be published; and moving into paragraph 13 as well, the same name there. 30

COMMISSIONER: All right. What exhibit number for this one? I'll accept the statement and mark it exhibit 262 and direct that the nickname in paragraph 11 be deleted before publication; likewise the nickname and all other names in paragraph 12 except for the name of the manager; and similarly where the nickname appears in paragraph 30, be deleted prior to publication.

ADMITTED AND MARKED: "EXHIBIT 262" 40

MR WOODFORD: Thank you, Mr Commissioner.

COMMISSIONER: Mr Copley.

MR COPLEY: I call Irene Kathleen Parfitt. We have heard from this witness before.

COMMISSIONER: Yes.

21/1/13

RATAPU, O.R. XN

MR COPLEY: But since she was last here we have discovered that she was interviewed by people connected to the Forde Inquiry and I just wish to ask her some questions about that and what impact that might have on the testimony she gave in December. 1

COMMISSIONER: Righto. So just giving context here, with dates the Heiner Inquiry was 1989?

MR COPLEY: No, 1989 into 1990.

COMMISSIONER: Into 1990. 10

MR COPLEY: Yes.

COMMISSIONER: And Forde was 1999.

MR COPLEY: Yes.

PARFITT, IRENE KATHLEEN sworn:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Irene Kathleen Parfitt, administration officer, corrective services (indistinct). 20

COMMISSIONER: Good morning, Ms Parfitt. Welcome back.

MR COPLEY: Ms Parfitt - the statement can stay with Ms Parfitt?---Thank you.

Ms Parfitt, you came and gave evidence in December, you'll recall?---Yes.

Yes. And you told us on that occasion that after leaving the employ of John Oxley Youth Centre you went and gave some information to - whether you call it evidence or whatever - but you went and were interviewed by a gentleman and you were sure it was the Heiner inquiry but you weren't - and what you said was, "An older gentleman. I'm sure it was the Heiner inquiry, I think." Do you recall that? ---Yes. 30

Okay. Now, since last seeing you in the witness box it's the case, isn't it, that the police have been in contact with you and provided you with a transcript of an interview that a person called Irene Kathleen Colmer had with a man called Hobson. Is that the case?---Yes. 40

All right. And Irene Kathleen Colmer was your maiden name, wasn't it?---My previous married name.

Your previous married name, okay, sorry. That interview that you had with Mr Hobson occurred, according to the transcript, on 3 March 1999. Do you agree?---I don't - the transcript looks familiar but I don't recall going.

You don't recall going, okay. Do you recall Mr Hobson? 1
---No.

Do you recall his female assistant Glenys Smith?---No.

Do you recall a building called Forbes House situated at
30 Makerston Street, Brisbane?---No, I don't.

Okay?---But may I say, at that time I had just returned
from New Zealand. My father had died.

Yes?---I had, like, just - I would have just come back 10
around that time, so I'd say that anything that happened
would have been a bit emotional at that time.

Yes, but you don't dispute at all that you did in fact on
3 March 1999 go to Makerston Street to Forbes House and be
interviewed by Mr Hobson?---I don't remember any of it. As
I said, the document supplied to me is familiar but I don't
recall going - - -

Okay?---The dates, or recall going there.

Do you recall saying the things attributed to you in the 20
document - not word for word, but in terms of the subject
matter?---Yes, they're familiar to me.

COMMISSIONER: How many times did you have an official
conversation with somebody about those matters?---I can
only recall one.

MR COPLEY: Which occasion can you recall?---The one that
I believed was held at the Children's Court.

You see, in your statement that you gave to the police 30
which was exhibit 42 in this proceeding - and I think
you've got as copy of it there?---Yes.

In your statement you said that shortly after finishing up
at JOYC you were made aware of and asked to participate in
an inquiry relating to JOYC. You do not have a
recollection as to how or who approached you but you
believed you may have been working for corrective services
at the time and you said this may have been some time
around March or September of 1990. Do you remember that?
---Obviously I wrote it.

Yes?---I don't remember saying March, but it would have 40
been - I can't remember, to be honest.

See, it's a coincidence that you said March or September of
1990 and the interview with Mr Hobson occurred in March of
a year, isn't it?---Yes.

It occurred in a building with Mr Hobson proximate to the Children's Court, didn't it, near to the Children's Court? ---I don't even know where Forbes House is. I didn't look it up before I came. I'm not familiar with it.

1

You know where Makerston Street, don't you?---No, I don't.

You don't, okay.

COMMISSIONER: Just having a look at it, though, you only spoke to somebody in an official capacity about these matters once and we know from this document that on this date you clearly did speak to someone in authority about those matters?---Yes.

10

There's no evidence that you spoke to anybody, other than your faulty recollection, about those matters at any other time, any other place or with any other person, is there? ---No.

MR COPLEY: What I want to suggest to you is that if indeed you spoke with somebody after you left the John Oxley Centre it cannot have been a man called Noel Heiner, it must have been this man called Mr Hobson. I want to put that proposition to you - - -?---It could very - - -

20

- - - for you to comment upon that. You can either accept it, reject it, say you don't know, whatever you like?---I really don't know. I mean, it's - you're making me question my own sanity in relation to what I believe and I don't believe. I can't specifically remember, and that concerns me.

Well, it's not my intention to question your sanity at all, it's just to question your recollection?---And I'm doing the best I can.

30

Yes, and you - - -

COMMISSIONER: I wouldn't stretch too much - I mean, 1999 is 13 years ago and 1990 was 23 years ago?---Yes.

So not remembering things in chronological order or detail isn't something that - isn't uncommon after that lapse of time.

MR COPLEY: Out of fairness to you I'll just put this to you, that when you were here last December to give evidence you were positive that you had raised with this man the Annette Harding incident?---Yes.

40

Do you remember saying that?---Yes.

Would you agree with me - and I'm putting this to you in fairness. Would you agree with me that in this interview

with Mr Hobson there's a reference to a lot of incidents but the name Annette Harding isn't referred to and the incident involving Annette Harding, even if her name wasn't mentioned, doesn't appear in the transcript, does it?--No, it doesn't.

1

In the interview with Mr Hobson you said to him that you could not understand why male and female children were confined in such a small area together. Do you remember saying that?---I'm sure I would have, because I probably said it a few times to family members or friends.

10

You said to Mr Hobson, "You've got teenagers, you've got hormones, which I think escalated a lot of the problems that they had." Do you remember saying that?---I'm sure I would have said that, because that is my thoughts.

You said to Mr Hobson that there were situations that would occur from time to time when the male inmates would want to show off to the female inmates?---Yes.

That there were situations where the male and female inmates tried to sneak off so that they could do whatever teenagers did?---Yes.

20

You related to Mr Hobson an occasion or occasions when there was a particular boy who used to expose his penis to you and other staff?---Yes.

And make lewd suggestions about it?---Yes.

You mentioned an occasion when you were assaulted, that is to say, attacked from behind by a male inmate who jumped onto your back?---Yes.

Does this refresh your memory at all if I put this proposition to you, that it was in fact you who contacted Mr Hobson at the Forde Inquiry to initiate that interview? ---I can't remember.

30

Okay, well, I'll just read to you this document which says, "I wish to advise that at 8.55 am today," and the date was 24 February 1999, "I was contacted by Ms Irene Kathleen Colmer, post office box 314, Mount Ommaney, Queensland, an employee of Queensland Corrections presently working at Lawtonby Correctional Centre. Ms Colmer told me that she was previously employed by the Department of Families from 1986 to 1990 prior to obtaining employment with Queensland Corrections, that she was employed at Sir Leslie Wilson from 1986 for a little over a year and thereafter until August 1990 at John Oxley. She stated that she had been motivated to call the inquiry following the recent press reports for the public hearings undertaken by the commission and she was willing to make an objective contribution to the commission." Do you remember now, me

40

21/1/13

PARFITT, I.K. XN

50

having read that out to you, that you initiated contact with the Forde Inquiry?---I don't remember, honestly, but it's possibly something I would have done. 1

All right. Do you remember stating to this gentleman that you were not prepared to go public at the risk of suffering a career disadvantage but you were willing to provide information by way of a tape-recorded interview to commission staff?---No, I don't. No, I don't remember.

After being interviewed by Mr Hobson did you hear any more about it from him? Did you ever have to see him or anybody from the Forde Commission again?---I wouldn't think so, because it's not familiar to me. 10

No further questions, thank you, Mr Commissioner.

COMMISSIONER: Thank you. Any questions, Mr Bosscher?

MR BOSSCHER: Yes, commissioner, I do have a number of questions. I can ask some preliminary questions now if it assists, but I am going to need to be able to read that transcript that Mr Copley was just referring to prior to concluding some further questions of this witness. I'm happy to ask some preliminary ones now and then adjourn, or whatever suits, commissioner. 20

COMMISSIONER: Well, I would have a break now, if you like, for 15 minutes. Will that be long enough to read it?

MR BOSSCHER: I don't have a copy.

COMMISSIONER: Mr Copley - - -

MR BOSSCHER: I haven't seem how long it is, but I assume so. I read quickly. 30

COMMISSIONER: What do you think?

MR COPLEY: I'll provide Mr Bosscher with a copy of it as soon as we adjourn.

COMMISSIONER: Yes, and what about the timing of the adjournment? Is it best to do it now or keep going, because either way - has anyone else got any questions?

MR HARRIS: I'll have no questions, Commissioner. 40

MR HANGER: No.

MR COPLEY: It would be best to - if we could have a 20-minute adjournment.

COMMISSIONER: Now?

21012013 07 /RMO(BRIS) (Carmody CMR)

MR COPLEY: Now, so that Mr Bosscher could hopefully then resume and deal with Ms Parfitt once and for all today. 1

COMMISSIONER: Yes, I agree. All right, we'll adjourn. Mr Bosscher, I'll say 20 minutes tentatively, but if you need more time obviously let's us know.

MR BOSSCHER: Thank you, commissioner.

COMMISSIONER: Thank you.

THE COMMISSION ADJOURNED AT 11.24 AM 10

20

30

40

21/1/13

PARFITT, I.K. XN

12-30

50

THE COMMISSION RESUMED AT 11.51 AM

1

COMMISSIONER: Mr Bosscher?

MR BOSSCHER: Thank you.

COMMISSIONER: Are you okay to go on?

MR BOSSCHER: I believe I am. I have had a very quick read of the material that Mr Copley was referring to.

10

COMMISSIONER: I don't want to force you on if you're not happy that you know everything you need to know to frame your questions in your line of examination.

MR BOSSCHER: I believe I'm good to go.

COMMISSIONER: Excellent.

MR BOSSCHER: Thank you.

Ma'am, what years were you married to Mr Parfitt?---1994 to 2010.

20

To 2010?---My divorce was final in 2010.

My friend has referred you to some documents obviously this morning of transcript, et cetera, where you're referred to as Irene Colmer?---Yes.

That particular name - how does that fit into the chronology of events?---Previous husband to Brad.

So he was prior to Brad?---Yes.

30

And then after you separated from Brad, did you revert back to that name or did you keep a maiden name?---No, I kept Parfitt.

You kept Parfitt?---Yes.

So in February 1999, were you married to Brad at that time?---Yes.

You didn't use the name Colmer at the time?---Yes.

40

You did use it?---Yes.

Sorry, I must have misunderstood. When you were married to Brad, you kept the name Parfitt?---For work purposes I was always Colmer.

So you have always been Colmer for work purposes?---Yes, until my return to corrections in 2011.

21/1/13

PARFITT, I.K. XXN

50

In 2011?---Yes.

1

So even though you married Mr Parfitt in 1994, you used the name Colmer right throughout?---Yes.

Now, my friend has again referred you to some documents and he has referred you to an interview that seems to have taken place at Forbes' house. Do you recall that?---I don't recall it.

No, do you recall my friend referring you to it?---Yes.

10

You don't know where Forbes' house is, do you?---No, I don't.

You also don't know, I think you said, where Makerston Street is?---No, I don't.

You also indicated to us that in 1999 you went through a particularly traumatic experience with the passing of your father?---Yes.

Back in New Zealand?---Yes.

20

I assume you were over in New Zealand for a period of time? ---Back and forth for a year, yes.

You do know though, however, where the Children's Court is, don't you?---Yes.

So that's a landmark you can identify?---Yes.

Then let's talk about some things - rather than what you don't remember let's talk about some of the things that you do remember. You do have a memory from what you told us last time of talking to a man who was in his 50s or 60s? ---Yes.

30

You do have a recollection of talking to him at the Children's Court?---I believe that's where it was, yes.

That's your recollection, isn't it?---Yes.

In the statement that you gave to the police in relation to this matter you actually took the trouble to describe where you spoke to this man in his 50s or 60s as follows: "I entered a room which I remember having softwood furnishings." That's in your statement?---Yes.

40

So that's obviously something else that you remembered as well?---Yes.

You also say that when you spoke to this man, you recall telling him about an incident that occurred at JOYC involving a female child Annette who was 14 or 15 years of age?---Yes.

21/1/13

PARFITT, I.K. XXN

50

That's something else you have a specific memory of?---I know I spoke to someone in an official capacity and I'm sure that's where it was, yes.

1

So perhaps I'll ask you two questions: one is you have a specific memory of telling someone in an official capacity about Annette Harding and what happened to her?---Yes.

Not general information about misbehaviour or misconduct but a specific memory of telling somebody about Annette Harding?---I'm sure I do because I found it a little traumatic.

10

MR HANGER: My learned friend should clarify now whether he's referring to a statement given to the Forde Inquiry or another because I'm lost.

COMMISSIONER: Yes. I'm not sure. I think Mr Bosscher is framing his question on the basis of there being uncertainty as to which of those two options occurred and which of those, if either, was the occasion on which she spoke to some 50 or 60-year-old man about Annette Harding. Is that right?

20

MR BOSSCHER: That's so, commissioner. I have read that material that Mr Copley was referring to but also take some comfort in the fact that he has informed me that there is no specific reference to Annette Harding in that interview with Mr Hobson.

COMMISSIONER: I would appreciate you - and you don't know. You're not suggesting or implying in your questions that you have established for the purposes of your future questions that the information about Annette Harding was given to Mr Heiner. You may ask me to draw inferences from proven facts to that effect, but your questions are not framed on the basis of that assumption, are they?

30

MR BOSSCHER: My questions are framed on the basis that she has a specific recollection of mentioning Annette Harding to a person at the previous times she gave evidence here.

COMMISSIONER: Yes.

MR BOSSCHER: With the assistance of you, commissioner, she identified that person as to whom she believed to be Mr Heiner. Now, that may not be the case.

40

COMMISSIONER: Sorry, Mr Bosscher, I might - would you mind stepping outside for us, please? I would rather not talk about you in your presence. I suppose it's not much better talking about you in your absence either - - -

(THE WITNESS WITHDREW)

MR BOSSCHER: It's streaming outside there,
Mr Commissioner. 1

COMMISSIONER: Sorry?

MR HANGER: It will be on the screen outside.

COMMISSIONER: Yes, she won't go in the room. I don't
mind other people seeing it. It is just the witness I
don't want to hear. I don't want her being influenced by
the conversation I'm about to have. 10

MR HANGER: No, but isn't that - - -

MR COPLEY: A police officer will take her to a room.

COMMISSIONER: She will be escorted somewhere else.

MR HANGER: Okay.

COMMISSIONER: I don't want her being contaminated by what
either of us say. 20

MR HANGER: Yes.

COMMISSIONER: I'm assuming that your position is that you
would like to end up in a position where there was
sufficient evidence or circumstantial evidence for you to
put an argument that I should conclude that this witness
did speak to maybe Mr Heiner about Annette Harding because
by exclusion, if I accept she did speak to somebody about
Annette Harding, it wasn't Mr Hobson or at least it didn't
make it into the statement which you would have expected it
to, therefore by a process of negative reasoning if it
wasn't Mr Hobson, it must have been Mr Heiner even though
she says that there was only one man in an official
capacity that she spoke to about these matters. Is that
right? 30

MR BOSSCHER: In a roundabout way, yes, that's right.

COMMISSIONER: Okay. It's a sort of roundabout business,
circumstantial reasoning. Now, that's fair enough. It is
a perfectly legitimate, reasonable position to have. We
need to know, I think, before any of us can start
speculating about that is to know how old Mr Hobson was and
to know what the furnishings in Forbes' house was. 40

MR BOSSCHER: They were two questions I had for Mr Copley.
I have no idea Mr Hobson was. There are other
circumstantial pieces of evidence in her statement and also
evidence she has previously given to this commission which
would indicate fairly strongly that it was Mr Heiner and
not Mr Hobson that she told about these matters.

21/1/13

COMMISSIONER: Right. And that's your angle? 1

MR BOSSCHER: Yes.

COMMISSIONER: Now, what you want to do with that is say: well, there's enough there to say that it was Mr Heiner; that it was about Annette Harding.

MR BOSSCHER: Yes.

COMMISSIONER: And therefore it was about child sex - well, it was about sexual abuse of a child by children. 10

MR BOSSCHER: Yes.

COMMISSIONER: And that that would fit within the terms of reference and that - the first limb of the term of reference.

MR BOSSCHER: Yes.

COMMISSIONER: And it would fit in the second term because if - sorry, not because - if the material about Annette Harding given by Ms Parfitt to Mr Heiner was in the archived material that was destroyed. 20

MR BOSSCHER: In relation to this witness, yes.

COMMISSIONER: So at this point in time am I right in thinking that the only apparent sexual abuse of a child evidence that we have relates to - that could have been part of the shredded material relates to Annette Harding?

MR BOSSCHER: That's my understanding.

COMMISSIONER: And is your position that there is any other evidence to emerge or may emerge or that you expect to emerge? 30

MR BOSSCHER: It's hard to say, Commissioner, in that we've had some evidence from other witnesses that suggests that Mr Heiner was told about the Harding incident.

COMMISSIONER: Yes, but the interest you represent - namely, Mr Lindeberg, he must know what child sex material he's been referring to all these years as having been destroyed and that it's limited to Annette Harding or someone else, possibly? 40

MR BOSSCHER: Child sex material of which we're aware, the only matter would be Harding. That doesn't mean there weren't others, but they're the only ones which we've been made aware of.

COMMISSIONER: Yes. So that when it's claimed in the media or elsewhere that child sex material was shredded

21/1/13

MR BOSSCHER

with cabinet knowledge, the only material in that category as far as you and the interests you represent are concerned is the material relating to Annette Harding and no-one else. 1

MR BOSSCHER: As I stand here now that's so, yes.

COMMISSIONER: Thank you. All right, well, I just didn't want to have that conversation in Ms Parfitt's presence, that's all. Anything arising from that before I get Ms Parfitt back? Would you ask Ms Parfitt to return to us. Where is Forbes House? I know it, but where is it? 10

MR BOSSCHER: I don't believe it exists any more. It might be Queensland Tourism building now, from memory.

COMMISSIONER: (indistinct).

MR BOSSCHER: The one that was - - -

COMMISSIONER: Furniture might have been changed.

MR BOSSCHER: I suspect that's the case. 20

COMMISSIONER: The chairs might have been changed.

MR BOSSCHER: The old police headquarters, Mr Harris informs me.

COMMISSIONER: We'll have to subpoena Mr Hobson to give a statement to be an exhibit.

MR BOSSCHER: Perhaps. And I suspect the furnishings haven't changed in the Children's Court, so we're probably okay there. 30

COMMISSIONER: Do you want to have a view? I haven't been in there ever.

MR BOSSCHER: No, I don't think a view is probably necessary.

COMMISSIONER: I think we need a better description from the witness if she can of soft wood furnishings.

PARFITT, IRENE KATHLEEN on former oath:

MR BOSSCHER: I can ask her, "Can you give a better description than that or is that the extent of your memory?" 40

COMMISSIONER: What do you mean by it?---Not dissimilar to this; soft, like, a lot of wood.

Right, so what's soft, the wood or the surroundings because of the wood?---Yes, the surroundings. 1

All right.

MR BOSSCHER: So a lot of timber and timber panelling and that type of thing. Is that what you mean?---Yes.

Like an old-style court might look like?---Yes.

That you'd see - - -

10

COMMISSIONER: - - - old court looks like?

MR BOSSCHER: That you'd see on television in old TV shows, for instance.

MR HANGER: Which countries?

MR BOSSCHER: I could show her the Gympie Magistrates Court. That's the one that springs to mind.

COMMISSIONER: Where were we? All right, let's just forget TV shows. When you say "a lot of wood", on the walls; on the floors; in the furnishings? What?---Desks. 20

Desks, like wooden desks?---And structured.

The desks were one behind the other?---Yes, like a structured - - -

And how many desks would there have been in the row? Were they in rows?---I can't remember, but it just seemed structured.

What about the walls?---Soft colours. 30

Soft, painted colours?---Yes.

Okay. Righto, over to you, Mr Bosscher.

MR BOSSCHER: Thank you, Commissioner. When you gave evidence here before you were asked some questions by the Commissioner in relation to your recollection. I'm just going to put them back to you and just ask you to confirm because they might provide some assistance so far as dates are concerned. Is it still your recollection that at the time that you spoke to this gentleman who was in his 50s or 60s that you were with Brad but not married to him?---Yes. 40

So that would have to predate 1994, wouldn't it?---Yes.

Because you were with Brad prior to 1994, clearly?---Yes.

But you didn't formally get married until that date? ---That's right.

COMMISSIONER: What did the - the 50 or 60-year-old, was he clean shaven?---I can't remember. 1

Was he tall? Well, sorry, tall, what's that? Was he six foot or more?---I can't remember.

No? Fair skin or dark skin?---Caucasian.

Caucasian. Did he have hair, or not much of it?---No, he had - I remember looking and thinking he was old because he had - I'd say he had hair. 10

Grey?---I'd say grey.

You'd say grey because you remember it was grey or because that's what you'd expect an old man of his age to have? ---Yes, exactly.

Okay. What about glasses, did he wear glasses?---I can't remember. I don't know.

How long were you there with him?---I don't recall. I really can't remember. 20

Sorry.

MR BOSSCHER: Thank you, Commissioner.

To summarise it, is it fair to suggest that although you don't remember specifically why you do recall that the person that you spoke to and told about Annette Harding was a man in his 50s or 60s?---Yes.

But as to his facial features, glasses, beard, whatever, that's evaporated over the course of time?---That's correct. 30

But the distinct impression that he was of that age period is something that's remained?---Yes.

COMMISSIONER: What do you think - when you say 50s or 60s, that's a sort of - that could be a 10-year time span or it might even be 20 years if you go low 50s to late 60s. Whereabouts on that continuum do you think he fell closest to?---60s.

More 60s than 50s, because - - - ?---Just seemed really old. 40

Okay. So I suppose to you; how old were you then? ---Early 20s.

Okay, fair enough?---Even though I know I'm up there now.

Yes, 60 gets a lot younger the closer you get to it? ---Exactly.

21/1/13

PARFITT, I.K. XXN

21012013 09 /ADH(BRIS) (Carmody CMR)

How old do you think Mr Bosscher is? 1

MR BOSSCHER: Settle down?---Mid-50s.

How old do you think the Commissioner is?---Sorry?

How old do you think the Commissioner may be?

COMMISSIONER: I'll let you have that one?---I'd say mid-50s too.

Very close. I thought you were going to say mid-40s there for a moment. 10

MR BOSSCHER: She's very close with you.

COMMISSIONER: Way off with you?

MR BOSSCHER: It's okay. When you spoke to us last time I've already suggested to you that you told us that you had a specific recollection of telling us elderly gentlemen about Annette Harding and what had happened. Can you agree with that?---Yes.

20

30

40

21/1/13

PARFITT, I.K. XXN

50

You were also asked by Mr Copley whether you remembered the name of the girl concerned and you do remember the name? 1
---Annette.

Yes?---Yes.

You agreed when you spoke to us last time that this was the girl that you told the man at the Children's Court about?
---Yes.

Although you don't recall the specifics of what you told him, as I recall your evidence and as I look at some transcript now, you were asked this question, "How much interest did he show in it?" to which you replied, "Seemed quite interested. If I - well, we got to that point, so I thought to myself and I think now that for it to have got to that point there would have been - there would have to be some interest." So do you now have a specific recollection of the man - of when you were speaking to this man that he was interested in the Annette Harding incident and what you were telling him about it?---I'm sure that that's what the whole issue of me being there was about. 10

But just focus on my question. Do you still have that independent memory that he was interested in the Annette Harding incident and you telling him about it?---I'm saying yes, but you're making me question myself. 20

Sorry, say again? I missed the last bit?---I say yes, but you are going to make me question myself.

Well, you're questioning yourself, aren't you, because you've been referred to some documents which suggest that you've spoken about John Oxley and some things that went on there a lengthy period of time after what was known as the Heiner Inquiry?---Yes. 30

You're questioning yourself because you have no recollection of that occurring at all?---No.

You don't remember the man or the building. You don't know now where that building is, et cetera?---No, that's right.

But you do have a memory of telling somebody about the Annette Harding incident?---Yes.

You do have a memory of the age of that person?---Yes. 40

Approximate age. You do have a memory of where you spoke to that person?---Yes.

You do have a very clear memory that at the time you were not married to Mr Parfitt?---Yes.

Whether or not you spoke to other inquiries or people in officialdom about John Oxley, the pieces which you do remember are those which I've just taken you to?---Yes.

1

Can I put a hypothesis to you? My friend suggested that you spoke to a Mr Hobson in February 1999.

MR COPLEY: March.

MR BOSSCHER: March 1999, apologies. You heard him put that to you?---Yes.

10

That that interview was transcribed?---Yes.

I suggest to you that in that transcribed conversation that you had, therefore recorded and transcribed, that you didn't mention Annette Harding?---No.

Assume that to be the case. That could not then have been the time that you met and spoke with this elderly gentleman, could it?---No.

Thank you, commissioner.

20

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

MR COPLEY: When you spoke to the elderly gentleman and told him about Annette Harding where were you working?---I can't remember. I specifically remember walking in the back of what I recall is the Children's Court, because the entrance didn't face the river, it faced the back.

Yes?---And - sorry, what was your question again?

My question simply was where were you working at that time? ---I can't remember. I honestly can't remember.

30

Because last time you said your gut feeling was that you had finished at John Oxley by then?---Yes.

Yes, and you finished at John Oxley in August 1990, didn't you?---Yes.

Because you started at corrective services in September 1990?---Yes.

Do you remember how you came to be there to see this man? ---No, I don't.

40

No recollection at all?---No.

You don't recall contacting Mr Hobson, do you?---No, I don't.

No further questions. May the witness be excused? 1

MR HANGER: Can I just ask one - - -

COMMISSIONER: Yes, Mr Hanger?

MR HANGER: Where you saw this person, how many levels did the building have?---I can't remember.

More than one?---Definitely.

More than two?---I can't say. 10

Thank you.

COMMISSIONER: Did you catch the lift?---I can't remember.

MR BOSSCHER: There is something just arising out of that, if I may, with leave of the court. The building where you met this gentleman in his 50s or 60s you describe as the Children's Court. That's your recollection?---Yes.

You said a moment ago that you didn't go in the part of the building that faced the river?---No. 20

You went into the other part of the building, the back of the building, which didn't face the river?---That didn't face the river.

Yes?---That's right.

So the building that you met this gentleman in his 50s or 60s, one façade of it looked over the river. Is that correct?---Yes.

The other façade of it where you entered had its back to the river, effectively?---Yes. 30

Thank you, commissioner.

COMMISSIONER: Thank you. Ms Parfitt, thanks very much for coming back. I appreciate it. I know it's a bit of an inconvenience but it does help the inquiry. You're excused now?---Thank you.

(THE WITNESS WITHDREW)

MR WOODFORD: Mr Commissioner, I called Geoffrey Russell Gallas. 40

COMMISSIONER: You mean literally call him.

MR WOODFORD: Sorry, Mr Commissioner, it's by telephone.

GALLAS, GEOFFREY RUSSELL affirmed:

1

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Yes, my name is Geoffrey Russell Gallas and I'm a psychologist by occupation.

I'll now pass you over to Mr Woodford, thank you?
---Thank you.

MR WOODFORD: Mr Gallas, can you hear me okay?---Yes, I can.

10

My name is Woodford. I'm one of the counsel assisting this commission of inquiry. Do you have with you there a two-page statement?---I do.

Just going to the last page of it, is it dated 6 December 2012?---Yes, it is.

It has 10 paragraphs?---It does.

You started working as a casual youth worker at the John Oxley Youth Centre in around about 1988. Is that correct?
---That is my understanding. It's a little hard remembering exactly when after 25 years.

20

Sure. You were working two or three shifts a week. Is that right?---On my recollection, yes.

You don't make any note in your statement how long you actually worked there at JOYC. Can you recall how many months or years it was?---I actually can't. It wouldn't have extended into years. I commenced studying full-time back at the University of Queensland the following year, so it wouldn't have been any more than one year, on my recollection.

30

Do you recall during that - let's call it year or thereabouts?---Yes.

Do you recall who the manager of the centre was when you were there?---I do now. My recollection is that it was Peter Coyne. I remember that primarily because of other reports I've read more recently in the media.

40

I see. Looking at paragraph 6 of your statement, when you were there you had an awareness of some staff intentions, did you?---I did. It was a fairly generic kind of feel. I just assumed it was because of the nature of the work itself and workplace.

1

Right. You yourself were not involved in any of those matters?---No, not that I can recall anyway.

You make reference in paragraph 7 of your statement of the Heiner inquiry?---Yes.

10

As I understand it, you yourself were not involved in that inquiry?---No, I was not involved.

And you never gave any statement or any other evidence? ---No, I didn't.

Finally, in paragraph 10 of your statement there you note - and I'll quote you, "The only information that I have gained about sexual abuse at JOYC is via media reports." That's a correct statement?---Yes.

All right. I have no further questions for you, but some other people might. Will you hold on there, please? ---That's fine.

20

COMMISSIONER: Mr Hanger?

MR HANGER: I have no questions.

MR BOSSCHER: Nothing, commissioner.

MR HARRIS: Nothing, commissioner.

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

30

COMMISSIONER: Yes.

Thanks, Mr Gallas, for appearing by phone. We appreciate it. We will terminate the conversation now.

(THE WITNESS WITHDREW)

MR WOODFORD: Mr Commissioner, I tender that statement of Geoffrey Russell Gallas. It may be published.

COMMISSIONER: Mr Gallas's statement will be exhibit 263 and it is for publication.

40

ADMITTED AND MARKED: "EXHIBIT 263"

MR WOODFORD: I call Linda Marie De Cocq van Delwijnen.

DE COCQ VAN DELWIJNEN, LINDA MARIE affirmed:

1

ASSOCIATE: For recording purposes please state your full name and your occasion?---Linda Marie De Cocq van Delwijnen and I am a teacher with the Education Department.

I will now pass you over to Mr Woodford?---Okay.

MR WOODFORD: Ms Delwijnen, can you hear me okay?---You're a little faint but I'll tell you if I miss anything.

Okay. I will try and speak up for you?---That's better; I hear, thank you.

10

Right. Do you have with you there a copy of a statement? ---Yes.

Now, does it have four pages?---It has four pages, yes.

16 paragraphs?---16 paragraphs - 16, yes.

On the last page under the declaration, is it noting it was dated 4 December 2012?---Yes.

20

And that carries your signature?---Mine's just a copy but yours, yes.

Okay?---Well, mine's just a printed out copy before I signed it but I did sign it with Denise Parer.

Very well. Turning to the John Oxley Youth Centre, you started working there around about Christmas 1990. Is that correct?---Yes.

You were working as a practical youth worker?---Yes.

30

Were there different types of youth workers, were there, at that time?---Yes, there were.

Your position involved arts and crafts, that field?---Yes.

You worked there at the John Oxley Centre up until 2001? ---Yes.

When it closed down, you moved to the Brisbane Youth Detention Centre. Is that correct?---Yes, that's right.

Now, a gentleman by the name of Mr Peter Coyne we understand was the manager at the centre at some state. He had left the centre before you arrived?---Yes, it must have been just before I arrived.

40

Right. Also from paragraph 5 of your statement you had an awareness that there was something called a Heiner inquiry conducted in relation to the centre. You have that awareness now?---Yes; yes.

21/1/13

DE COCQ VAN DELWIJNEN, L.M. XN

50

You yourself had no involvement in that at all?---No. 1

Moving through your statement to paragraph 7, you detail there a certain matter?---Yes.

From what I understand there, you had no involvement in the response to those allegations that had been made?---No.

Your appreciation was that it was handled by the management at JOYC?---Yes.

Now, apart from that matter in paragraph 7 you have no other awareness of any other such incident taking place at the John Oxley Youth Centre during your time there?---No. 10

Right. Look, I don't have any further questions for you but some others may?---Okay.

Would you just hold on?---Yes.

COMMISSIONER: Yes, Mr Harris?

MR HARRIS: I have a few short questions, commissioner? ---Yes. 20

Could I take you to paragraph 7 of your affidavit there or your statement to the commission?---Yes.

Now, you say in that there, "I had been asked to be an extra person on the outing." So you were actually in attendance at Wivenhoe on that day - at Wivenhoe or Atkinson Dam on that day?---Yes.

And you say there were approximately six staff members - six students. How many staff members were there on that day?---I think that there was - I think there was four. I think there was four, and when I go back to a previous statement I had given which I had thought I had given a statement that a Constable Denise Parer had done - had found it for me and she emailed it to me and in that one I state the staff members and it was in - I think it was April so years after the event, but the staff member - the staff members were myself, a staff member by the nickname of Barney, Terry Owens and Alexander Muhlenberg and at that stage I state four and I think that that's probably the same - I think that would probably - you know, what I said then is probably what it was. 30

You say in that statement you did a previous statement a few years after?---Yes. 40

What was that statement for?---I think that I was - somebody came - you know, they came to see me and wanted to discuss the statement. It was obviously many years after and I think that they had - it was a tape-recording just by

21/1/13

DE COCQ VAN DELWIJNEN, L.M. XN
XXN

the way that - you know, the language used in the statement and I - do you have a copy of that statement dated 98, the 6th of the - dated 27 February 98 and it's been crossed out. It's 6/10/98.

1

6/7/98?---Okay. So I don't know who it was but - Criminal Justice Commission. "Statement of Witness" it says.

Okay, thank you?---On that one I tried to reflect back and it had been, you know, many years later, obviously eight years later, but I was able to give some description of who was where at different times but now when I think back, I can't remember if that was all correct or not because I don't really remember who was there now and who was, you know, driving the bus, et cetera, but on this statement I give more descriptions about who was when and where and who was it, you know.

10

All right. Now, that statement was done some years after? ---Years after, yes.

Can I take you now back to that event that occurred, you say, at either Wivenhoe or Atkinson Dam?---Yes.

20

Did you do a report to the management at John Oxley on that day when you got back?---No, and it was - you know, not at all. In fact I was unaware that anything had occurred until the next day when I had kind of heard from other staff members, you know, who came to me to say, "What happened?" and I said I didn't know what happened and I then - I remember that I went to management. In both statements, the one back in 98 and the one you have in front of you, I did go to see - it was either middle management or the manager at the time. I don't remember who it was.

30

40

50

But I know that I inquired and asked if I needed to be involved in it and give a statement because I've been working in youth work for years and I knew that incidences required us to - you know, to give a statement, but I was told, you know, that I didn't need to give any statement at all and I was also told not to discuss anything.

1

All right?---Mm.

Do you recall if you were ever spoken to by police around that time?---No, not at all. Nobody ever spoke to me. It was just nothing ever until that eight years later when - you know, when somebody did come and talk to me. And I also had dug up some photographs from on the day because we had a camera and I had - you know, I'd taken some photographs, as you do at outings, and I - in this statement I must have handed those photographs over or the negatives, or whatever.

10

And that's to the Criminal Justice Commission?---Yes.

Okay then?---And that was the only time that I spoke to anybody or anyone came to talk to be about that incident, was that many, many years later.

20

All right. Thank you very much. I have no further questions, Commissioner?---Okay, thank you.

MR HANGER: Just one or two.

I'm representing the state. If you had been asked for any statement the statement you gave would have been along the following lines, as you've said in paragraph 7, "I was watching the water. I saw them all in the water and I saw nothing whatsoever untoward happen"?---Yes, that's right.

30

Yes, thank you.

MR WOODFORD: Yes, I have no further questions. May this witness be excused?

COMMISSIONER: Yes. Thank you very much for appearing by phone, taking the time out of your day to help. I appreciate that. We'll disconnect the phone now. Thank you?---Okay, thank you.

(THE WITNESS WITHDREW)

40

MR WOODFORD: Just turning to that statement which I'll tender, in terms of publication, Mr Commissioner, I'll just take you to paragraph 8. There is a nickname there on the second line. Previous orders have been made in terms of that not being published. That is the only matter that I can see in that statement.

21/1/13

DE COCQ VAN DELWIJNEN, L.M. XXN

50

COMMISSIONER: Okay. Apart from the exclusion of the
nickname in paragraph 8 Ms Delwijnen's statement, which
will be exhibit 264, can be published. 1

ADMITTED AND MARKED: "EXHIBIT 264"

MR WOODFORD: Can I just clarify, Mr Commissioner,
Ms Delwijnen's statement does not include anything supplied
to the CJC, it was just her four-page document. Is that
correct?

COMMISSIONER: Yes, that's all I think that I had. Does
it include anything from the CJC? 10

MR COPLEY: I just wanted - - -

COMMISSIONER: Yes, okay.

MR COPLEY: It does include another document but we're
only tendering the statement provided to Constable Denise
Pera.

COMMISSIONER: All right. In that case only the four-page
statement. 20

MR COPLEY: But if my friend Mr Harris wants the statement
provided to the Criminal Justice Commission tendered as a
separate exhibit then we can do that.

COMMISSIONER: Yes. First of all I'll make the statement
signed on 12 December 2012 exhibit 264. Mr Harris?

MR HARRIS: Yes, I'd seek that Criminal Justice Commission
statement - - -

COMMISSIONER: Any objection? 30

MR WOODFORD? No.

COMMISSIONER: Any objection from anyone else? All right,
we'll make the statement from Ms Delwijnen taken on 6
October 1998 by the Criminal Justice Commission exhibit -
what's the next exhibit number - 265.

ADMITTED AND MARKED: "EXHIBIT 265"

COMMISSIONER: Any names to be excluded from that? 40

MR WOODFORD: Yes, I think we will have some difficulty.

COMMISSIONER: Raft of names? I'll hand this to you,
Mr Woodford, ask you to take out the names in consultation
with other counsel, with leave, before the CJC statement is
published.

21/1/13

MR WOODFORD: Yes.

1

COMMISSIONER: Do you want to do that out of session, or you want to do that now?

MR WOODFORD: If I could have 30 seconds now?

COMMISSIONER: Yes, no problem.

MR WOODFORD: Rather do it now, Mr Commissioner. I have a copy. That can go back up, perhaps, as I'm working through it. I can read that into the record as I'm going through it if that's convenient.

10

COMMISSIONER: Sure.

MR WOODFORD: On page 1, the second paragraph, the names in the third line, that's the only matter for that first page. On the second page of the document, all of the names of the residents in the first paragraph save for Shelly, that name has already been published and there's been no opposition to that; that's in the first two lines. Then in the fourth line of that first paragraph on page 2, the name that appears there. In the fourth paragraph of page 2, that's the last paragraph of that page, the name at the end of the fourth line. Then on the last line of page 2 a number of the residents are named there, they should not be published, there are four of them in all.

20

On the third page, the first new paragraph, three lines down, six words in, that name should not be published. Nine lines down in that same paragraph, the same name, that should not be published. And again, 11 lines down, the same name. On the second paragraph on page 3, the name in the first line should not be published. Then on page 4 on the third new paragraph the name starting at the end of the first line, that should not be published. Then again on the third line in that paragraph, the same name. Then again in the second-last line of that paragraph, the same name.

30

Those are all the matters that I've identified. They've been read into the record. Just excuse me for a moment, Mr Commissioner.

COMMISSIONER: Yes.

MR WOODFORD: On the third page, the first new paragraph, on the third-last line, the last word, that will not be published. On page 4, the second new paragraph, on the fourth line down, the same name. Yes, I thank Mr Blumke. Mr Commissioner, those are all of the matters.

40

COMMISSIONER: Thank you. Well, subject to the exclusion of the names that have been read into the record by Mr Woodford I will - subject to those names being excluded or deleted I will order the publication of Ms Delwijnen's statement to the CJC on 6 October 1998, which is exhibit 265.

1

MR WOODFORD: Thank you. Those are all the witnesses that we have for today, unfortunately, Mr Commissioner.

COMMISSIONER: All right. Sorry, yes, Mr Bosscher.

10

MR BOSSCHER: There is another matter before we close, if I may raise it now.

COMMISSIONER: Sure.

MR BOSSCHER: I raised with you, Commissioner, during the last sittings the issue of my availability from time to time. I'm not going to be available at least for tomorrow, Wednesday and Thursday. I may be back by Friday. In those circumstances I make application on behalf of Mr Lindeberg that he be given leave to appear directly in relation to this matter.

20

COMMISSIONER: All right. I don't see any reason not to accede to that request. Anybody want to be heard?

MR COPLEY: No, Mr Commissioner.

COMMISSIONER: In that case Mr Lindeberg will represent his own interests until you return.

MR BOSSCHER: Thank you, Commissioner.

COMMISSIONER: Which you expect will be Friday.

30

MR BOSSCHER: At this stage, yes.

COMMISSIONER: All right. If that creates any difficulty for Mr Lindeberg and something happens, wants to consult you, that will be accommodated if it can be.

MR BOSSCHER: Yes.

COMMISSIONER: If you just make sure you're available to him by phone, that would be helpful.

40

MR BOSSCHER: Yes, I'm - - -

COMMISSIONER: If you're sort of on call.

MR BOSSCHER: I'm in trial out of the state for that period of time, but I will be available at the usual times throughout - - -

21/1/13

50

21012013 12 /ADH(BRIS) (Carmody CMR)

COMMISSIONER: Yes, if you just check - keep your - I'm sure everything will be okay, but, you know, you never know. 1

MR BOSSCHER: Thank you, Commissioner.

COMMISSIONER: All right, anything else from anybody else? All right, thanks, gentlemen. We'll adjourn to 10 am tomorrow morning.

THE COMMISSION ADJOURNED AT 12.44 PM UNTIL TUESDAY, 22 JANUARY 2013 10

20

30

40

21/1/13

50