

Date: 24.1.2013

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Exhibit number: 285

Beryce Nelson

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From September to December 1989 I was the Minister for Family Services in Queensland. I lost my seat in Parliament in the elections held on 2 December 1989 and resigned my ministerial commission accordingly.

Whilst holding that ministerial office I became more aware of very serious problems occurring at the Department's John Oxley Youth Detention Centre - usually designated JOYC. Some of these concerns surfaced in a number of ways, including:

- information from staff members and constituents,
- reports in the press, including reports alleging regular cases of children absconding from the Centre, and committing illegal acts whilst away from the Centre,
- numerous disciplinary reports indicating that some staff were not doing a reasonable job and that they were not being held accountable for their work..

An example of the latter - the one that was the last straw for me - concerned a case where one staff member at JOYC had obviously allowed a group of four detainees (2 boys and 2 girls) to spend a night together and his superiors wanted me to approve his being merely admonished.

Other reports and allegations included the following:

- that some boys and some girls were being forced into sexual activity against their wishes, for the benefit of others;
- that illicit drugs and prescribed medications were being brought into the Centre, sometimes by staff and sometimes by detainees who had simply walked out and returned apparently without any permission;
- that some staff were physically and sexually abusing children in their care.

I knew that I had a duty of care towards the children and I was determined to ensure they were properly protected against abuse, but these persistent reports and indications caused me to ask just what was happening at

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JOYC, and if there were major problems, what were they and how were they to be satisfactorily resolved..

I was also aware of difficulties in the relationships between the JOYC manager, Peter Coyne, and some staff, but saw that issue as less important than the issue of ensuring that the children detained at JOYC were given proper custodial and rehabilitative care, and properly protected against any maltreatment.

There was a meeting with representatives of some of the unions involved at JOYC. I remember that those present included Mr. Lindeberg, Mr. Martindale (POA) and Mr. Laurie Gillespie (SSU) Also present were my Director General Mr. Alan Pettigrew, other senior officers including Mr. George Nix and myself.

These union representatives raised their concerns about the staff/management relationship and JOYC and I gave them my perception of how the department, including JOYC was running (which was that the whole show was badly run down and staff needed proper selection, good training and motivation with ongoing performance monitoring. The union representatives were surprised (perhaps shocked) that I agreed with their views and shared their concerns.

I undertook to institute a short, fixed term, ministerial inquiry, and also to plan for better selection, training and rehabilitation procedures and programs for staff, if the unions would give us a three month period of grace without trying to stir up any further bad feeling against the department or to score any unnecessary political points.

The Director General, Alan Pettigrew and I then had detailed discussions. I set out my requirements that

1. a suitable person from outside should be retained for a fixed fee and be required to report initially within three months, and
2. be given a wide enough brief to encompass all of the issues mentioned above, but also sufficient to allow any other matters which arose during the course of the inquiry to be also brought to light.

I wanted a " real " outcome - so that I knew what actually needed to be done, on the basis of authoritative and reliable arms-length advice.

I also did not want the person conducting the inquiry to be inhibited in any way, so the terms of reference of the inquiry needed to be wide ranging.



I am confident that Mr Pettigrew created files and other records reflecting my wishes and specifications, but I did not have those records, and I understand that they no longer exist . The department simply could not have started the inquiry without such a record being created.

I am also confident that George Nix knew exactly what my concerns were, including the priorities of those concerns. I am sure that the senior department officers knew that so far as I was concerned the internal differences between staff were subservient to the issue of the proper treatment and protection of the detainees at JOYC.

Following the establishment of the Fitzgerald Commission of Inquiry , legislation had been enacted to provide for the conduct of other inquiries. which may be held in the future with corresponding operating guidelines.. There had been serious concern expressed about the length, expense and lack of outcome of some inquiries, and I directed that my Ministerial inquiry into the operation of JOYC be structured to avoid those sorts of difficulties.

Mr. Pettigrew obtained legal advice which I followed, that a ministerial inquiry could be established which would provide ample protection for both witnesses and the person conducting the inquiry. Further, if it became necessary to move to a full inquiry under the Commissions of Inquiry Act, this could be done by way of extension via a cabinet minute without the need to go back and repeat work already done by the initial ministerial inquiry.

Overall I was, and remain satisfied that the inquiry I set up did not place either the person running it, or the people who gave evidence to it, at any risk.

I am shown a one-page document entitled " Terms of Reference for the investigation of complaints by certain members of staff at John Oxley Youth Centre " which appears to contain the terms of reference in eight points - which were the ones I required to satisfy my aims as set out above. Items 5-8 inclusive were the issues of most concern to me and my Director General

Alan Pettigrew actually located Mr. Heiner, a retired Children's Court Magistrate who agreed to conduct the inquiry, and briefed him. I am confident that he was not told that the last seven points were encompassed



within the first one, because the last four were the most important from my perspective and Alan Pettigrew and senior departmental officers knew that. That is to say, Heiner was not supposed to act only in respect of "the complaints received in writing from present or former staff members" of JOYC.

I am told that serving staff were encouraged by the department to come forward and air any issues they wished with Mr. Heiner, and this supports my contention on this point.

Heiner was selected by Pettigrew because of his experience in the Children's Court, knowledge of the juvenile correctional system and knowledge of the law.

The merit or otherwise of Peter Coyne was never a principal issue for me and the inquiry was not set up aimed at him.

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 UNDER A NOTE FOR PUBLICATION ORDER MADE 24/1/13

I believe that "once you are out you stay out", and I am now out of Parliament and out of politics. I have refrained from commenting publicly upon matters relating to my previous portfolio, but this is too serious and the protection of children in custody is too serious a matter for me to stay silent on this subject.

The simple fact is that I set up an inquiry to find out the facts about serious allegations about the operations of JOYC and that children detained there were being seriously physically and/or sexually abused. Evidence was obtained and the newly incoming Government ignored that evidence, destroyed it, and closed down the inquiry. The children remained at risk because their needs were ignored to protect the position of the newly elected Labor government.

I have information that Mr. Heiner saw my successor, Ms. Warner, in early January 1990 and told her that he was discovering evidence of serious malfeasance, and wanted to bring the inquiry under the Commissions of Inquiry Act;. We had set up the initial inquiry to allow for that and it could have been achieved by a brief submission to Cabinet or by Cabinet Minute..

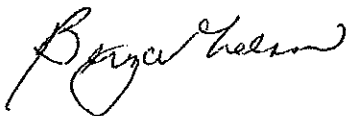
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I have reason to believe that on that date Mr. Heiner gave Ms Warner some form of report, but I do not know what it contained.

Mr. Nix, who continued in employment in the Department after the election, was just one senior officer who knew that the struggles and troubles between Peter Coyne and his staff were just a sideshow in the Heiner inquiry, and that there were more serious issues at stake - essentially whether the children in the Centre were at risk and if so in what way or ways.

I remain satisfied that neither Heiner nor his witnesses were ever seriously at any risk from litigation. Even if I am incorrect on that, they could quickly and easily have been given complete protection, made effective retrospectively if necessary.



Statement taken and signature witnessed
by me at Newstead on 15 May 1998.



N.R. Newnham