

CRIMINAL JUSTICE COMMISSION

STATEMENT OF WITNESS

Statement No. _____

STATEMENT OF

Name of Witness Linda DELWIJNEN	Date 27/7/98 6. 10. 98
Address of Witness John Oxley Youth Detention Centre	Age 29. 3. 64. 34 YRS
Occupation of Witness Teacher	Telephone Nos. Home: 0754262168 Business:

I am presently employed at the John Oxley Youth Detention Centre as a Teacher with the Education Department. Back in 1991 I was employed at the centre in the capacity of Practical Youth Worker for Family Services. I commenced my work there in December 1990.

I am aware of an allegation that was raised during 1991 following a day trip with staff and students to the Wivenhoe Dam. I had heard the morning after the dam trip that one of the staff members who had come with us, [REDACTED] had been accused of raping Shelly NEAL. There was no formal allegations, that was it. I think that the management confronted him with it that night and he resigned and nobody knew whether he admitted it or not admitted or that it had happened or had not happened.

I was very confused and when I wanted to talk about it to middle management they didn't want to know about it. It was finished with, he resigned and nobody was going to do anything more about it. Shelly never spoke to me about it personally. I was the only female ^{STAFF MEMBER} on the trip and I had a good relationship with her and she never said anything about it.

Signed: *Linda Delwijnen*

WITNESS: *[Signature]*

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I have previously prepared a list of residents who were on the trip. The residents were [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] whose surname I don't know. The staff were myself, Terry OWENS, Alexander MUELENBERG and [REDACTED]. That was it there were no more.

I have supplied a number of photographs which depict some of the children and all of the staff. (These photographs are available as exhibits if required).

This particular trip was very early in my employment, I know I was very nervous about going. It must have been summer so it must have been in summer early 1991 about April. We took one of the buses and everyone was on the one bus. I think Alexander was the driver with Terry in the front and I was in the back with [REDACTED] and the kids. We travelled for about an hour to Wivenhoe Dam. We went not to the main area where the kiosk was but around to the other side. There is not much there, it was very dry as I recall and there was a toilet block there and a couple of picnic tables I think. There were not many people in the area, not more than a couple apart from our group. I would say we arrived there about 10am and we took a picnic lunch with us from the centre. The kids had their swimming suits and towells and a change of clothes.

We had some inner tubes with us for the swimming. I think there were about three tubes. When we arrived, the boys went down to the water pretty early in the piece. I think Alexander (MUELENBERG) was down at the water. Sheena MAGEE was off doing her own thing, laying in the sun. I think Terry (OWENS) was down at the water with them. [REDACTED] and myself for a long time, a couple of hours or till lunchtime sat on the shoreline just under some trees talking and watching where the kids were. Shelly NEAL was at the water with three boys, [REDACTED], [REDACTED] and [REDACTED] and that other fellow, [REDACTED]. They spent

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most of the time down at the water. Sheena spent most of the time alone.

At that stage they had the tubes in the water, I'm not sure who exactly was using them. I know the boys had tubes. I remember when Shelly asked to go to the toilet by herself, I think. At that stage I was sitting with [REDACTED] I think she swam most of the morning, then we stopped and had lunch and then she swam again after lunch. I can't actually remember Shelly having a tube but I do remember her swimming with staff member Alexander MUELENBERG. All I know is that the others had finished swimming and come in and Alexander and Shelly were quite far out in the dam in the middle you could hardly even scream out to them. We had to wait for quite a long time for them to come back in actually before we could go. That's how I remember that she was in the water at the end. I can't remember [REDACTED] swimming at all in the morning but he may have gone in just after lunch but that is not who Shelly ended up swimming with. She ended up with Alexander MUELENBERG. I don't really remember [REDACTED] swimming at all, he may have but I thought Alexander was the only one who went into the water but you know eight years have gone by. I do know that Terry OWENS and I definitely did not swim. In the afternoon [REDACTED] was down by the water's edge, he may have swam. Alexander definitely swam, with the boys when we first got there and then with Shelly after lunch.

I can say that [REDACTED] would have been in my view for the whole day that is why I can't understand when somebody said about Shelly going to the toilet. I remember her going to the toilet and then somebody said about it happening in the water. I don't remember her alone with [REDACTED] in the water but I do remember her alone in the water with Alexander. I was paying particular attention to where the group were, you know, I was responsible for taking this group out and I needed to know where they were at all times. For me it was like, I've taken these kids out of a detention centre, where are they. Three are in the water over there and two are over

SGD - Linda Delwijnen
 WITNESS: M. Smith JP

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there, you know what I mean. I was very aware of where everybody was. That's why the next morning it didn't make any sense to me. I didn't understand how and where it could have happened.

It is possible that a for a short period of time when they were in the water something could have happened that I did not see.

Looking back on it I did not notice anything different in Shelly NEAL'S demeanour during the day, on the trip home, when she got back. I know that it seemed to be a good day and Shelly seemed fine to me. I thought she was fine. That was another thing I couldn't understand. The next morning I heard about it. I never spoke to [redacted] about it. That's when I thought Alexander had said to me something like it had happened up at the, when she went to the toilet. Terry OWENS was the same as me saying when and how it could have happened.

There is one thing, because I was relatively new to the centre and I had never met [redacted] before. When we first got to the dam that day and the kids and the others had gone down to the water and [redacted] and I were sitting together we talked for a long time about the type of clients we worked with and where they came from and their situations and we had a long conversation about the terrible abuse they had been through and then we had also talked about the abuse of carers as well because I had come from a place where ^{CLIENTS} ~~carers~~ had been abused. So we actually spoke about the exact thing that he was accused of. I had never met [redacted] before that trip and I have not met or seen him since.

Shelly NEAL was in my art program every day and she never said anything about it. She may have said something to Shelly CORNWELL who was her case worker at JOYDC.

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WITNESS. [Signature]

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Justices Act 1886

I acknowledge by virtue of Section 110A(5)(c)(ii) of the Justices Act 1886 that:-

(i) This written statement by me dated...*6.10.98*.....and contained in pages numbered 1 to...*4*...is true to the best of my knowledge and belief; and

(ii) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

.....*Linda Delwynn*.....Signature

Signed at...*Wacol*.....this...*6th*.....day of...*October*.....1998.

Witness: *M. Smith JP*

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