

Date: 13.2.2013



Exhibit number: 322

**QUEENSLAND CHILD PROTECTION
COMMISSION OF INQUIRY****Statement of Witness**

<i>Name of Witness</i>	George Ernest NIX
<i>Date of Birth</i>	17/02/1940
<i>Address and contact details</i>	Known to Queensland Child Protection Commission of Inquiry
<i>Occupation</i>	Retired
<i>Officer taking statement</i>	Detective Sergeant Fabian COLLESS
<i>Date taken</i>	18 th December 2012

I, George Ernest NIX state;

1. I am the former Deputy Director General (Youth & Community Services) of the Department of Families, herein referred to as the Department.
2. My initial employment with government had been as a clerk (Ipswich Courthouse) and I transferred later to the State Reporting Bureau in Parliament House. There my function was to do short hand and typing which ended up gaining me the position of depositions clerk at the Children's Court. I was employed in that capacity between 1962-1968. At that time the children's court was under Ron Matthews. It involved many children coming through the system. There was no such thing as the Juvenile Justices Act back then. Children who came through were sent to Wilson Youth Hospital if they were young for psychological reports. Children who were sentenced for serious crimes went to Westbrook or detention centres in Townsville or Rockhampton. I was appointed Senior Clerk, Department of Childrens Services, Townsville and then as private Secretary to the Minister for Labour and Tourism. I subsequently was appointed as Administration Officer, Department of Labour and Tourism. I then was appointed Principal Private Secretary to the Treasurer of Queensland. I then

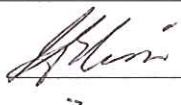
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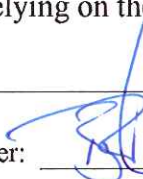
moved on to the Treasury Department where I worked as an administrator for the Community Employment Program.

3. By 1987 I completed my Bachelor of Business, Public Administration, and as a result in 1988 I applied for and was awarded the position of Deputy Director General, Department of Family Services. As the Deputy Director-General I was given two programs. Those being Youth and Youth and Community Service. Under the Youth component I was given all the detention centres to supervise their running.. The community services program was a smaller program that I'd done in Treasury to provide funding to community groups.
4. In my appointment as Deputy Director-General, I was given two executive directors. One was Ruth Matchett, who covered the community services component and came from a social working background. The other fellow was Ian Peers. He was my executive director and my conduit to the detention centres. Alan Pettigrew had been my Director General.
5. During my term as Deputy Director-General, there was a change of government. I recall around that same time I had gone and returned from Christmas leave. Upon my return, approximately mid January, Ruth Matchett had been appointed as Director-General. Allan Pettigrew had been sent else where. When I returned I found that Ruth had reorganised the department in such a manner that my position was no longer there in its entirety. Other persons were forced to apply for their positions too. I continued to work on with the programs and, I believe that I was the only Deputy Director-General whose programs came in under budget.
6. My recollection of the John Oxley Youth Centre during my time as Deputy-Director General was that it had been designed in the main on the recommendations of various social workers. They had a school there; however I know that some of the kids at times could run out. I never worked out there, only paid visits to the centre and when I did everything appeared hunky dory. I didn't know there was mismanagement as such, but I was relying on the word from

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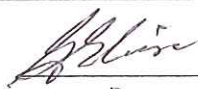
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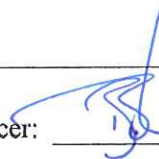
Peers, telling me if there was anything happening or if things went wrong. If there was anything going on, the youth centres contacted Peers and he would either try to solve it, or if not, he'd come to me and work out our solution. We controlled all of Queensland Youth Detention centres and their respective budgets.

7. When I was in the position of Deputy Director General, JOYC's manager was Peter Coyne. When I visited JOYC I gained the impression that there were some staff who Coyne favoured and other staff who he didn't. He didn't speak too highly of them, but he'd keep a close eye on them. I didn't get involved the work politics. I think one of his favourites was Anne Dutney. She used to be his advisor on lots of things and what the kids were doing, however I do not recall what her actual position or role was at JOYC.
8. I have recollection of there being an incident at JOYC which was reported on. It related to an educational program at the Portals on the 24th May 1988 and related to four absconding kids. I received a copy of this memo from Peter Coyne which was dated 27th May 1988. After receiving it I passed it on to the Director General. I believe he had a discussion with the Minister at the time and then sought some Crow Law advice from memory. I remember receiving the memo back from the DG which had noted on it, 'George, noted by Minister and discussed. Please keep me advised of further developments'. From my memory there were discussions as to whether anything was going to happen further and that it had been reported to the police. I recall there being a flood of memos at the time from Coyne trying to explain the thing away. I cannot remember exact details. I recall being briefed that Police had attended, the child [Annette Harding] had not wished to make a complaint, and at the time it had been consensual. The focus at our level from memory was the fact that the outing had to result in failure because the kids had not been under staff supervision at all times. There was conflicting evidence about the actual sexual assault. The way the staff had handled it had been abominable. Police ended up locating the boys almost straight away.

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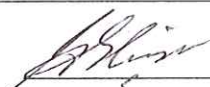


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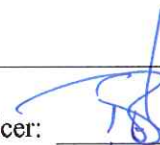


9. On the 18th December 2012 I was shown a copy of a memo 'Re Annette Harding, John Oxley Youth Centre' submitted by me as Deputy Director General. This would have been a briefing I supplied to the Director General about the incident. I do not recall writing that memo but believe it contained all the information I knew about events and informants. I would imagine that Mr Pettigrew would have in turn advised the Minister of it.
10. After reviewing the dates on documents shown to me it appears it may have been approximately a year and a half later when I believe the Director General had a yarn with the Minister and got some advice from Crown Law. They decided to seek some inquiry in to the circumstances of what was happening at JOYC. The Director General contacted the Chief Stipendiary Magistrate, who recommended Mr Heiner, who had recently retired and had experience with Children's Court matters. So as a result, Heiner came in and he was interviewed by Alan Pettigrew. I took the notes during that meeting and as result we drew up a list of terms of reference for the inquiry. I remember this being billed to my budget and that's the reason I know about it and how it was paid for in the first month or so. During this conversation I remember the Harding incident was mentioned because four kids had escaped and the staff had done the wrong thing. This incident was often raised as it was an example of a major breach of staff responsibility and trust, taking kids on a picnic and four of them absconding.
11. I recall later on Mr Heiner raised a question as to whether the Inquiry had ministerial approval. It was established that it was a ministerial appointed committee inquiry, not, as it should have been, set up by the cabinet. It started off as a small inquiry into why staff at the centre hadn't kept an eye on all the kids and allowed some of these things to go on, and that's what it started off in simplistic terms. After advice had come back that it wasn't a properly appointed Inquiry, Mr Heiner wasn't prepared to go on with it. I recall there having been quite a few meetings that I had taken notes in and had later typed up. Those being the Terms of Reference and the like. Alan [Pettigrew] asked me to keep

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everything relating to the matter in a separate folder and in a locked drawer in my desk. No one was to know about it, so that's what I did.

12. As a result of the change of government and Ruth Matchett becoming Director General, she sent Trevor Walsh in to my office one day at which time he asked for all the papers in relation to the Heiner matter. That being the interviews or anything else.

I said, 'What for?'

He said, 'Oh Ruth's asked me to get it. The Premier's Department, the cabinet secretary rather has been in touch and she [Ruth] wants to brief them.'

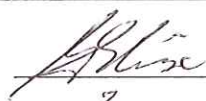
'Oh', I said. 'Righto, well there's the folder there now'. 'Do I get my notes back or what's the story?'

He said, 'I don't know what Ruth's going to do'.


So I gave him the folder with all the typed stuff I had done, plus all my shorthand notebooks (which were not full) which had been contained in the folder. That's the last I ever saw of them.

13. On the 18th December 2012 I was shown a photocopy of a document dated 14th December 1989 which indicates that a meeting with the Queensland State Services Union took place. I note that the following persons were listed as being present. Those being Mr A Pettigrew - Alan Pettigrew; Mr G Nix - that being myself, Mr C Thatcher - Col Thatcher, Mr D Herbert - David Herbert, Mr E Clarke - Ted Clarke, and Miss J Walker - Janine Walker. I do not recall that meeting. I had to attend so many meeting in the course of my duties that I joked that it should be called the department of committees.
14. On the 18th December 2012 I was shown a photocopy of a document dated 17th October 1989 titled the Honourable Minister. It's a memo to the Minister from Mr Pettigrew, Director-General. I have not seen this memo before however after reading its contents I believe this was a follow up memo as a result of the meeting

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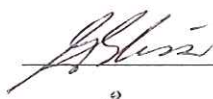
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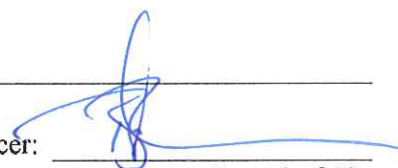
held with Janine Walker on the 14th as it addresses inconsistent handling of staff. I remember Alan Pettigrew gave a commitment to Miss Walker that I would investigate any complaints which were put in writing. I later received complaints in writing from JOYC staff which I filed in the folder I refer to in paragraph 10 of this statement. The memo also mentions a Mr Viv Gillingwater who was initially supposed to conduct the investigation, as he was in charge of the Children's Court at the time, however it ended up being Mr Heiner.

15. There were two unions which became involved in the dispute. The QSSU [Queensland State Services Union] and the POA [Professional Officers Association]. The QSSU submitted nine complainants upon behalf of the staff, and the POA backed Coyne. Mr Lindeberg was with the POA. I was never aware that Mr Coyne raised issues of the inquiry itself with Mr Heiner, the process or complainants that I can remember.
16. On the 18th December 2012 I was shown a photocopy of a document dated 23rd January 1990. Upon review of that document I confirm it is a document authored by me as Deputy Director General, Community and Youth Support to Ruth Matchett relating to issues for consideration with JOYC. I do not recognise the initials on the document that appear in the bottom right hand corner.
17. From my own recollection I do not have any memory as to when the actual Inquiry commenced or terminated.
18. I do not have any knowledge of the whereabouts or contents of any documents that were said to have been forwarded by Mr Heiner to the department at the conclusion his inquiries. I do not believe at any time that any of the materials produced contained any sexual abuse allegations either in relation to the staff or children of JOYC. Documents contained information relating to management issues and staff issues at JOYC which had come about due to the bad behaviours of staff.

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19. On the 18th December 2012 I was shown a photocopy of a document dated the 8th February 1990 authored by Peter Coyne relating to a proposed visit by Mr Peers and me to JOYC. Although I can confirm that the proposed visit took place at 10:30am on the 13th February 1990, I can not recall the purpose or outcome of that meeting. I do not recognise the initials PP noted on that document.
20. On the 18th December 2012 I was shown a copy of a statement authored by Beryce Nelson and I confirm that she sent me a copy of that statement. Contained in that statement is reference to allegations of sexual activity amongst the children and illicit drug and prescribed medications being brought into JOYC. Further, she stated that some children were able to leave the centre and return without permission and some staff were physically and sexually abusing children in their care. I had and have no knowledge of any of those allegations stated by Nelson. Should such incidents have occurred they would have been reported from the manager of JOYC to Mr Peers, then to me, which I would have then forwarded to Mr Pettigrew. All matters and allegations of sexual abuse would have been reported to the Director General and Deputy Director General. The only document I ever recall receiving was the memo relating to Annette Harding which related to sexual activity between the children. Nelson's statement also makes reference to the maltreatment of children. I do not recall having any conversations with Mr Pettigrew about that issue. Later the document makes reference to an inquiry to be instituted in order to 'plan for better selection, training, rehabilitation procedures and programs for staff' and that thorough discussion with Mr Pettigrew a suitable person would be retained or a fixed fee and make report within three months. That statement is the forerunner to the Heiner Inquiry. I believe the response was the formulating of terms of reference.
21. I do not recall having conversations previously with Nelson in response to her comment contained in her statement, 'Mr George Nix knew exactly what my concerns were, including the priority of those concerns'. It could have been the case of the meeting with the Minister, Mr Pettigrew and her before the terms of reference were drafted.

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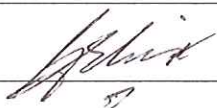


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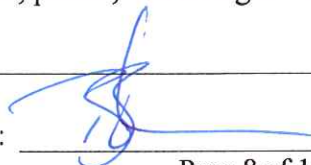


22. I was not personally aware that Mr Pettigrew had sought legal advice for this ministerial inquiry; however I have recollection of such notation contained in my notes. I believe legal advice at that time had been through Crown Law.
23. Ms Nelson also states in her statement, 'The simple fact is that 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'. I do not what she was referring to in relation to the comment 'sexually abused'. As Deputy Director General I can think of no children being sexually abused and do not know where she obtained such information from.
24. Ms Nelson states that, 'Mr Nix, who continued in employment in the department after the election, was just one senior officer who knew the struggles and the troubles between Peter Coyne and his staff, was just the sideshow in the Heiner Inquiry and that the more serious issues in stake, essentially whether the children in the centre were at risk and if so what way or ways'. I would not say it had been a sideshow. The terms of reference covered exactly what the Heiner Inquiry was about. I do not now where she formed that opinion.
25. I do not recall ever being approached by Mr Noel Newnham.
26. I do not have any recollection of ever being approached by any media or seeing any media releases in relation to the Harding matter, however I recall being advised about it.
27. On the 18th December 2012 I was shown a copy of a document which appears to be a briefing to the minister. I can confirm that the notation 'GEN' on the bottom of it are my initials and 'ACP' was Alan Charles Pettigrew's.
28. From our perspective, that is the department's, there was no cover up of the Harding incident. There was a response by the manager, police, a briefing to Mr

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Peers, myself, the Director General and later the Minister. I wouldn't have thought that that was any sort of cover up.


29. On the 18th December 2012 I was shown a copy of my previous statement referring to attachments which I outlined I had never seen. It also states 'before, and in my role as a Deputy Director General in charge, it would have been protocol for me to get an opportunity to provide to any reply – input to a reply. I believe this letter was drafted by others and not by Noel Heiner, as it clearly contradicts the formal arrangement between the department and Mr Heiner'. I wrote that as I had not seen the correspondence to which it related as I had been on holiday. I do not believe it was written by Mr Heiner, rather it was prepared on his behalf by Ruth Matchett.
30. I am unable to provide comment in relation to Public Service and Management Regulations during my term as Deputy Director General, as on such matters, legal advice and interpretation would have been sought from Crown Law should the need have arisen.



George Ernest NIX

Declaration

This written statement by me dated 18/12/2012 and contained in the pages numbered 1 to 9 is true and correct to the best of my knowledge and belief.

 Signature

Signed at Riverview this 18TH day of JANUARY 2013

Signature of Officer


Signature

Name B. BARBER Rank DSS Reg. No. 6382

Signature of Witness: _____

Signature of Officer: _____

QCPCI Reference: Authors initials / eDocs document number

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