

Date: 18.02.13

Exhibit number: 329



**QUEENSLAND CHILD PROTECTION
COMMISSION OF INQUIRY**



Our reference: [eDocs document number]

Statement of Witness

<i>Name of Witness</i>	Pat Comben
<i>Date of Birth</i>	3/5/1950
<i>Address and contact details</i>	Known to commission
<i>Occupation</i>	Former Cabinet Minister
<i>Officer taking statement</i>	Detective Sergeant Fabian Colless
<i>Date taken</i>	18 / 01 /2013

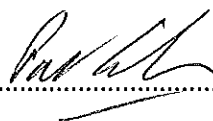
I, The Hon Pat Comben state;

1. My full and correct name is Patrick Comben, I am 62 years of age being born on the 3 May 1950.
2. I am a former Australian Labor Party member of the Queensland Parliament. I was a member of the ALP opposition for two terms until the Goss Government was elected after the state election of 1989.
3. I remember in December 1989 the Labor Government was elected as the Government under Wayne Goss. I was sworn in as a Minister in the Goss Government and also became a member of the Cabinet under the leadership of Goss in 1989.
4. I was sworn in as the minister for Environment and Heritage for the first 3 years of the Goss Government. In 1992 following the 1992 election, I was then sworn in as the Minister for Education. I was member of Cabinet in the Goss Government with the previously mentioned ministerial portfolios.
5. I did not stand for the 1995 election due to the ill-health of my wife.

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6. I remember that it was an interesting time when we were elected to Government as no-one in Cabinet at that time had been in Government before due to the long-life of the previous Government.
7. The running of Cabinet works primarily on the basis of submissions. Submissions are drawn up by the relevant Department, put to the relevant Minister, who then forwards the Submission to the Cabinet Office which is basically a channel and gatekeeper to Cabinet itself.
8. To my memory the Cabinet Office was headed by the Premier Wayne Goss, with Kevin Rudd as the public servant head and other public servants. I recall that initially Mr Rudd was in charge of the Cabinet Office and later became Director General of Premier and Cabinet.
9. My recollection was that Stewart Tait was the cabinet secretary and Ken Littleboy was the principal cabinet officer. These two persons were responsible for the day to day operation of cabinet. As part of Stewart Tait's duties he would attend cabinet meetings and take the minutes and provide advice on administrative matters. He also had some responsibility for the quality of the submissions presented to cabinet.
10. There was pecking order amongst cabinet members, those with Seniority and close to the Premier were given some insight into some issues that other Cabinet members didn't. There is a table of Seniority, the portfolio of Environment was tabled fairly low however by the end of the three years, I would not have been perceived by my Cabinet Colleagues as being low in the pecking order.
11. When the Goss Government was elected there was 18 members including myself. The seating of cabinet ministers was as per seniority and always remained the same unless a member of cabinet had been elevated or demoted. When I first entered the Goss Government I recall I was seated next to Minister Ann Warner during Cabinet meetings. My seating changed when I was moved from the Portfolio of Environment and Heritage to Education.

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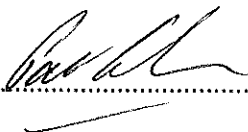


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12. I recall that Cabinet meetings were generally conducted on Mondays between the hours of 10am to 12:30pm. I also recall that there was a Cabinet Handbook which was implemented in about 1990. I don't know if there was a similar handbook prior to this date.
13. Due to time constraints there was always an agenda for the Cabinet meeting. This agenda outlined the submissions for the meeting. The submissions to be presented to cabinet were held in a big heavy leather briefcase and the submissions were contained within a red cabinet folder. Each minister at Cabinet would then have a copy of the meeting's agenda with the relevant submissions. At some cabinet meetings there were up to 20 submissions. Oral submissions to cabinet were rare.
14. The relevant minister at Cabinet would present the submission if it related to their portfolio. This minister introduced the submission. The Premier would then generally lead or control the discussion on the topic. It usually varied on the individual Minister or due to the complexity of the issue as to how much was said and not said.
15. Only ministers would attend Cabinet meetings and present submissions. It was not likely that a Director General or other public servant would attend official cabinet meetings. On occasions a briefing would be given to Cabinet (in an adjoining room) by for example experts on technical matters. Cabinet, I believe adjourned, to see or hear these briefings. It was not unusual for matters to come back to Cabinet for reasons such as; unexpected consequences, further advice or information.
16. The process of preparation of submissions to Cabinet was that the Minister would ask for the department to prepare a submission on a certain policy area, the relevant department would prepare the submission in consultation with the Minister who would then present this submission to Cabinet.
17. I have some recollection of submissions coming before Cabinet in relation to the so called Heiner Inquiry.

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18. Prior to this however whilst I was in opposition, the suburb of Windsor was in my electorate and located in this suburb was the Sir Leslie Wilson Youth Centre. At that time I had an interest with both the Sir Leslie Wilson Youth Centre and as I recall it shared some similar issues with the John Oxley Youth Centre. I recall that there were issues concerning the requirement for more staffing at both centres, adequacy of training and treatment of residents. I was also conscious of the then Minister Beryce Nelson had been critical of the John Oxley Youth Centre at Wacol. I recall her concerns were about inadequate numbers of staff and inadequate training of the staff and allegations of the mistreatment of residents by both staff and other residents. I have some recollection that these concerns by Nelson were raised in 1988.

19. I believe that I was conscious of these sorts of issues and concerns for a couple of years before I came into Government in 1989.

20. Whilst I was member of the Cabinet in the Goss Government I was present at a cabinet meeting when a submission was presented in relation to an inquiry conducted by Noel Heiner. For me I can recall the major issue from this submission was defamation. I also recall that there was conflicting views about where Cabinet could go or not go.

21. I recall that it came to Cabinet on three occasions and on the 3rd occasion and I leant over to Ann Warner, the then Department of Families Minister and said to her words to the effect of "What's it all about". She said they are all having a go at each other and accusing each other of abusing kids and all that stuff. I remember that this bolstered the view that I already had as discussed above when I was in opposition and having an interest in the Sir Leslie Wilson Youth Centre and John Oxley Youth Centre.

22. My understanding and recollection was that the major concern was about defamation and about people who were in dissent and putting evidence before Heiner who were not protected by privelege. There was not to my knowledge any specific sexual abuse or abuse allegations put to Cabinet. Even the comment by Ann Warner was very broad in that there were "all having a go at each other". It was along the lines of 'all the staff are having a go at each other and accusing each other of abusing the kids and all that stuff'. I cannot state exactly what she said to me but I recall it was said in broad terms not specific allegations or incidents. She did not say anything more about this.

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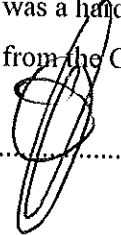


23. On Thursday the 17th day of January 2013 I met with detectives Colless and Mison of the Queensland Child Protection Inquiry. During this meeting I was shown a number of cabinet submissions relating to the issue of Mr Noel Heiner. I was shown a Cabinet submission dated the 12th February 1990 - Decision number 00101. I recall this as being the first cabinet discussion I was involved in regarding this matter. After viewing this document I can state that the main focus of the cabinet meeting was about fear of defamation and the indemnification of Mr Heiner. I recall throughout the process it was always the about the issue of defamation. The cabinet decision was under the hand of then Minister for Family Services and Aboriginal and Islander Affairs, Ms Ann Warner.
24. I was then shown a Cabinet decision dated 19th February 1990 – Decision number – 00118. This appears to be a supplementary submission to the previous submission of 00101. The submission related to the material obtained by Mr Heiner. A number of options were canvassed in the submission by Cabinet in options numbered 1 to 4 of this submission. I take note that there was no mention in the submission of referral to the State Archivist as an option. The decision of Cabinet was that the advice of the State Archivist should be sought. My recollection is that it was during discussion of this submission that the issue of referral to the State Archivist was raised and that this was Cabinet’s decision.
25. It is possible that the Minister Ann Warner could have raised this option in cabinet or possibly another member of cabinet may have raised this option. I don’t recall either way. This supplementary submission was under the hand of by the Acting Director General of the Department of Family Services and Aboriginal and Islander Affairs Ruth Matchett however signed by M. A. Carrick. It is my understanding this submission would normally be signed by the Minister however I cannot comment as to why it wasn’t. If the Minister was away or unavailable submissions could be signed by others such as the Director General.
26. I was then shown a cabinet submission dated the 5th March 1990 – decision number 00162. This is the second supplementary to submission of 00101 and 00118. After viewing this document my recollection of this third and last cabinet meeting about the Heiner material was that there was more discussion about whether material could be destroyed when representations had been were received from a solicitor of certain staff members. I remember in the Cabinet meeting it was not easy to decide what to do and there was some angst around the table of Cabinet because it was a hard decision not because of any improper motives. I recall there was advice from the Crown Solicitor and State Archivist

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stating the material could be destroyed. As a result of this advice Cabinet made a decision for the destruction of the Heiner Material.

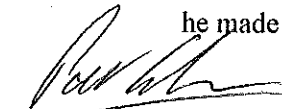
27. I do not recall to my knowledge any oral submission being given in relation to this matter extending past the written submissions known to me. I don't recall during that time that there were many oral submissions at all. You must remember that the final submission was on the 5 March 1990 and we had only been in power since early December 1989. I know of no out of Cabinet meetings or briefings on this matter.
28. During these cabinet meetings, cabinet was not aware of allegations of any sexual abuse. As stated to my knowledge it was all to do with the issue of defamation. There were no specific incidents discussed at these cabinet meetings in relation to allegations of abuse or sexual abuse.
29. I had no further dealings with this matter after the final submission to Cabinet on 5 March 1990.
30. I remember being interviewed by a reporter from Channel Nine's Sunday program who was seeking a comment from then government's point of view in relation to the destruction of the Heiner Material. I was aware that part of my interview was played in this Sunday program, however not my entire interview featured. On the 17th day of January 2013 detectives Colless and Mison showed me footage of my interview with the reporter from the Sunday Program. This footage included the comments made on the Sunday program as well as footage not shown. To my knowledge this was the entirety of the interview with the channel nine reporter.
31. When I made the comment to the Channel Nine program using the words, 'In broad terms we were aware there was material about child abuse' that was in reference to a broad knowledge of what had happened before hand for example the period of time that Beryce Nelson was Minister and the background scuttlebutt of institutional abuse and low standards. This was never part of the discussion in Cabinet.
32. I was asked by Detectives on the 17th day of January 2013 whether I was aware of the controversial incident connected to Heiner and Cabinet. I stated I am aware of this incident in that it relates to a 14 year old girl. I only became aware of this incident many years later. This matter was not brought up in or out of Cabinet and I was not aware of it at that time. I don't believe I was even in Government when I first heard about it.

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33. On the 17th day of January 2013 detectives Colless read to me a partial transcript of my interview with an ABC reporter Carolyn Tucker. This interview with Carolyn Tucker aired the following day after the Sunday program was on television.
34. I agree with the following comments made to Carolyn Tucker, 'We were talking about getting rid of these documents because they were defamatory between staff members, accusing each other of all sorts of things about their professional lives'. "It was not about child abuse in any way, there is nothing in any way that could be constituted as evidence". "There is nothing there above common scuttlebutt, rumour, at a very low level as a matter of fact stuff as you pass in the corridor".
35. I agree with the following comment made on an AAP article as read out to me by Detective Colless. "Former Goss Labor Minister Pat Comben said today that there was never any evidence of child abuse, allegations of the Heiner Inquiry documents before the Cabinet of the day ordered them destroyed. Minister Comben said while there had been rumour of their contents this did not amount to evidence, he was startled and amazed to see comments he made to the Nine network taken totally out of context".

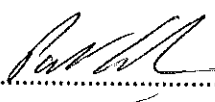

P.COMBEN

Declaration

This written statement by me dated 18/1/2013 and contained in the pages numbered 1 to 7 is true and correct to the best of my knowledge and belief.


Signed at Coffs Harbour this 18 day of January 20 13
Signature

Witnessed:

Name F.G.COLLESS Rank Det/Sgt Reg. No. 9632
Signature

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