

Date: 23.4.2013Exhibit number: 352

**QUEENSLAND CHILD PROTECTION
COMMISSION OF INQUIRY**

Statement of Witness

<i>Name of Witness</i>	Fabian Colless
<i>Date of Birth</i>	
<i>Address and contact details</i>	Queensland Police Service
<i>Occupation</i>	Police Detective
<i>Officer taking statement</i>	
<i>Date taken</i>	

Fabian Colless states:

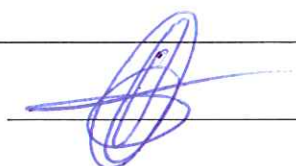
1. I am a Detective Sergeant of Police, registered number 9632, currently assigned to the Police team assisting the Queensland Child Protection Commission of Inquiry (QCPCI).
2. My duties with the Inquiry have focused on gathering information in relation to the original terms of reference 3(e) for consideration by the Commissioner in reviewing the adequacy and appropriateness of any response of, and action taken by, government to allegations, including any allegations of criminal conduct associated with government responses, into historic child sexual abuse in youth detention centres.
3. Upon commencement of these duties I conducted a review of information and documentation relating to the following matters.

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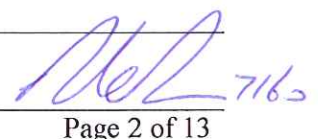
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4. In relation to term of reference 3(e) it was determined that a departmental investigation commonly known as the 'Heiner Inquiry' conducted at the John Oxley Youth Centre (JOYC) in 1989 by retired Magistrate Noel Oscar Heiner was possibly relevant to term of reference 3(e). I commenced to gather information in relation to this matter.
5. In relation to an incident commonly known as the 'Harding incident' (involving former child detainee Annette Harding) which occurred on the 24 May 1988 at the Lower Portals, Queensland it was determined that this matter was possibly relevant to term of reference 3(e). I commenced to gather information in relation to this matter.
6. In relation to an incident which occurred on the 4 April 1991 at the Wivenhoe Dam involving a then child domiciled at JOYC, it was determined that this matter was possibly relevant to the original terms of reference 3(e). I commenced to gather information in relation to this matter.
7. The QCPCI Police team sought and obtained a large number of documents from a number of government departments and some non government organisations which were considered relevant to the gathering of information to investigate all three nominated matters.

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8. A large number of persons were subsequently identified as possibly having relevant information for the Commission and inquiries were conducted to identify each person's current address and contact details.
9. The Police team systematically interviewed and or obtained statements from over 200 persons. In some instances persons were interviewed but no statements were obtained. The majority of persons were shown relevant documents which form part of the exhibits at the Commission. A number of persons were later summoned to appear before the Commission at respective term of reference 3(e) hearings.
10. Police inquiries revealed that a number of persons were now deceased. These persons were confirmed as deceased through inquiries with the department of Birth Deaths and Marriages. The relevant deaths certificates were obtained confirming same. The deceased witnesses (date of death) are:
 - Russel Lloyd Cherry (15/08/2000)
 - James Daly Douglas (19/07/2005)
 - Bruce Goggins (10/01/2011)
 - Noel Oscar Heiner (23/06/2008)
 - Darryl Anthony Hood (27/09/1993)
 - James Kenneth Ingham (22/09/2007)
 - Cheryl Ann Long (25/06/2009)
 - Dr. Ronald O'Reilly (13/09/2010)
 - Terence John Owens (9/06/2010)

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QCPCI Reference:

- Rudolf Carl Pekelharing (09/06/2010)
- Alan Pettigrew (16/12/1993)
- Earl Vincent Ramsden (12/07/1999)
- Gordon Teasdale (14/01/2009)
- Colin Adolph Venz (10/07/1994)
- Nicholas Porteous (10/07/1991)
- Genevieve 'Dawn' Webb (21/09/2004)

11. Inquiries were also made into the make-up of the Goss Cabinet as it existed in February 1990 and March 1990. During these inquiries it was determined that a number of Cabinet members had since died. These deceased persons (date of death) are as follows:

- Andrew George Eaton (22/05/2011)
- Thomas James Burns (04/06/2007)
- Kenneth Hamilton Vaughan (22/06/2011)
- Edmund Denis Casey (01/05/2006)
- Ronald Thomas McLean (13/02/1999)


12. Police inquiries were unable to locate a number of persons and, as a result, no interview or statement could be obtained. These persons were considered to be persons who may possibly have had information relevant to the Commission. Significant efforts were made to locate them but to date they have not been interviewed or located. These persons concerned are:

- Ken Brian Gerke
- Christopher John Edwards
- Eric Joseph Humphries

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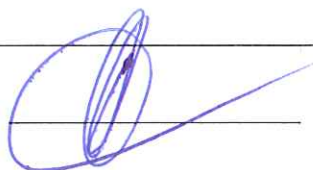
- Anthony Van Vlimmeren

13. It is believed that Christopher John Edwards is deceased but at this time confirmation has not been ascertained. Inquiries to locate Anthony Van Vlimmeren reveal that he is currently living in Holland and inquiries have failed to contact him. Eric Humphries was identified as a person with interstate links and therefore maybe residing interstate. Inquiries to locate Ken Gerke have proved negative.

14. The Police team contacted a number of persons who were interviewed but were not called to the Commission hearings. Details of conversations with these persons were documented by the police team. All these persons advised that they did not give evidence to Noel Heiner or an inquiry at JOYC. These persons were:

- Colin William Dillon
- Agnus Hornery aka Kit Mountany
- Margaret Hure
- Todd Schultz
- Stephen Linneweber
- Ted Gozowski
- Arthur Muckan
- Helen Neville
- Carmel Belford
- Noel King
- Des Marriage
- Neville Mather

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QCPCI Reference:


- Patrick Kendall
- Scott McKnight
- Gordon Hopps
- Valarie Quinn
- Bruce Read
- Ken Semph
- Peter Williams
- Trudy Notley
- Marie Coyne
- Mark Freemantle

15. On 22 March 2013 police located the whereabouts of Mr Mark Freemantle and made contact with him. Mr Freemantle stated that he did not attend any inquiry conducted by Heiner, he did not speak to Mr Heiner or any other person nor did he give any statement in relation to the Inquiry (Heiner). Mr Freemantle believed that he was not employed at JOYC at the time and was overseas during that time. Mr Freeman also stated that he had read some of the Commission transcripts and was aware of the nature of the Inquiry (QCPCI). Mr Freemantle was asked about his knowledge of the Annette Harding incident and he stated that he has read the document (exhibit 248) and could offer no further information other than what is contained within this document.

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16. A number of persons were identified as being possible employees whilst reading and reviewing JOYC documents, however, only limited identifying particulars were able to be obtained from these documents. Inquiries were conducted to identify and locate these persons but these inquiries have been unsuccessful to date. The particulars of these potential employees are:

- Fran
- Shaun
- Carrick, D
- Clark, Dean
- Effie Dyer
- Field, Dianne
- Ford, L
- Gibson, Guy
- Griffith, M
- Hearn, M
- Hedly
- King, Dorothy
- Knight
- Mills, S
- Palmer, Bradley
- Parker, T L
- Porter, David
- Russo, Josie
- Sweetland, Paul
- Thompson, Barry

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QCPCI Reference:

- Walker, C
- Walkholm, John
- Wilson, Marion
- Thomas Lewis

17. A summons to produce documents was served on both the Department of Communities and the Department of Justice in an attempt to identify these potential JOYC employees. The response from the Department of Justice advised that they were unable to provide any information about these persons or only limited information which was insufficient to identify and locate these persons. It is possible that some of these identification particulars are not accurate and therefore some of these persons may not be former employees of JOYC.
18. A number of other persons were identified within the documents examined by the commission (as per paragraph 7) and determined to be unable to provide any further information relevant to term of reference 3(e). These persons were not contacted and not interviewed in relation to the relevant matters.
19. Police also conducted inquiries in relation to Noel Oscar Heiner to determine if there were any items that had been in his possession that may have assisted the Commission hearings. It was ascertained that both Noel Heiner and his wife were deceased. Police contacted the direct descendants of Noel Heiner, two sons and a daughter. Inquiries with these persons revealed no known existing documents of Noel Oscar Heiner relating to the 'Heiner Affair'.

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20. On advice from Senior Counsel assisting the Commission I contacted or arranged for the Police team to contact the following persons and arranged for these persons to be provided with a letter and other relevant attachments (transcript of evidence of Ann Warner and copies of the following exhibits 151, 168 and 181).

- Paul Joseph Braddy
- Keith Earnest De Lacy
- Robert James Gibbs
- David John Hamill
- Terence Michael Mackenroth
- Kenneth Victor McElligott
- Glen Richard Milliner
- Geoffrey Norman Smith
- Neville George Warburton

21. On Friday 5 April 2013 Detective Inspector Peter Brewer and Detective Senior Constable Denise Parer attended the home address of Robert Gibbs where he was presented with the said Commission letter and attachments.

22. On Sunday 7 April 2013 Detective Inspector Peter Brewer attended an address where Terence Mackenroth was located where he was presented with the said Commission letter and attachments.

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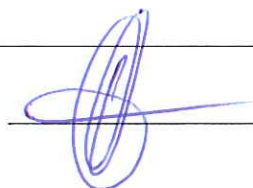


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23. On Monday 8 April Detective Inspector Peter Brewer contacted the wife of Wayne Goss and spoke to her in relation to his current physical condition as a result of recent surgery. As a result of this conversation Detective Brewer commenced attempts to contact his physician, Neurosurgeon Doctor Bruce Hall.
24. On Monday 8 April 2013 Detective Sergeant John Mison and Detective Senior Constable Denise Parer attended the home addresses of Paul Braddy and David Hamill where they were both presented with the said Commission letter and attachments.
25. On Monday 8 April 2013 Detective Inspector Peter Brewer and I attended the home address of Glen Milliner where he was presented with the said Commission letter and attachments.
26. On Monday 8 April 2013 Detective Inspector Peter Brewer attended the home address of Geoffrey Smith where he was presented with the said Commission letter and attachments.
27. On Monday 8 April 2013 I contacted Keith De Lacy by phone and had a conversation. As a result of this conversation the Commission letter and attachments were forwarded to him by registered post.
28. On Tuesday 9 April 2013 Detective Inspector Peter Brewer attended the home address of Neville Warburton where he was presented with the said Commission letter and attachments.

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29. On Tuesday the 9 April 2013 I served Dean McMillan Wells with a summons to attend the Brisbane Magistrate Court for a Commission hearing on Tuesday the 23 April 2013.
30. On Thursday 11 April 2013 Detective Inspector Peter Brewer attended an address where Kenneth McElligott was located where he was presented with the said Commission letter and attachments.
31. By Wednesday 18 April 2013 no responses had been received from the above persons (as stipulated in the addressed Commission letter, that no reply was necessary), however, police contacted each person to ensure that there were no problems or concerns or that the Commission had not received any intended written responses.
32. On Thursday 11 April 2013 Detective Brewer contacted and spoke to Mr McElligott who indicated that he did not wish to give evidence and was content for Mr Carmody to act on evidence of Ms Warner. Mr McElligott was not recontacted.
33. On Wednesday 17 April 2013 Detective Mison contacted and spoke to Mr De Lacy who stated he had not read the attachments, but stated that it would be highly unlikely that he would he attend any Commission. On Friday the 19 April 2013 an email was received from Mr De Lacy which read; 'I wish to advise that I have briefly perused the information mailed to me on 5th April, and that I do not wish to appear before a public hearing of the Commission to give evidence'.

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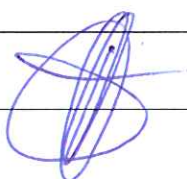


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34. On Wednesday 17 April 2013 Detective Parer contacted and spoke to Mr Gibbs who indicated that he did not wish to give evidence and was content for Mr Carmody to act on evidence of Ms Warner.
35. On Wednesday 17 April 2013 Detective Parer contacted and spoke to Mr Hamill who indicated that he did not wish to give evidence and was content for Mr Carmody to act on evidence of Ms Warner.
36. On Wednesday 17 April 2013 Detective Parer contacted Mr Smith and spoke to his wife who stated that Mr Smith does not want any further involvement in this matter and would contact the Commission. To date Mr Smith has not contacted the Commission.
37. On Wednesday 17 April 2013 Detective Mison contacted and spoke to Mr Warburton who indicated that he did not wish to give evidence and was content for Mr Carmody to act on evidence of Ms Warner.
38. On Thursday 18 April 2013 I contacted and spoke to Mr Mackenroth who indicated that he did not wish to give evidence and was content for Mr Carmody to act on evidence of Ms Warner.
39. On Thursday 18 April and Friday the 19 April 2013 I made attempts to contact Mr Milliner but he was unable to be contacted. I then left messages for him to contact the Commission but to date no reply has been received.

Signature of Witness:



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40. On Thursday 18 April 2013 I contacted Mr Braddy and spoke to his wife who stated that due to personal reasons police were unable to speak to him. Mr Braddy did not contact the Commission.

Fabian Colless

Detective Sergeant

Declaration

This written statement by me dated 23/4/2013 and contained in the pages numbered 1 to 13 is true and correct to the best of my knowledge and belief.

 Signature

Signed at Brisbane this 23 day of April 20 13

Witnessed:

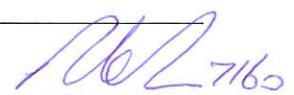
 Signature

Name Peter Brewer Rank Det Inspector Reg. No. 7160

Signature of Witness:



Signature of Officer:

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