

Date: 29.1.2013



Exhibit number: 296

**QUEENSLAND CHILD PROTECTION  
COMMISSION OF INQUIRY**

Our reference:

**Statement of Witness**

<i>Name of Witness</i>	Edward Charles Clarke
<i>Date of Birth</i>	26/7/1952
<i>Address and contact details</i>	Known to Commission of Inquiry
<i>Occupation</i>	Retired
<i>Officer taking statement</i>	Detective Inspector Peter Brewer
<i>Date taken</i>	19/12/2012


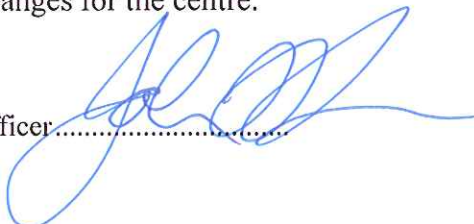
I, Edward Charles Clarke state;

1. I am a retired public servant and worked principally for the Department of Families. At the time period between 1988 and 1990 I was principally employed as an Industrial Officer for the Department.
2. My primary role would have been the responsibilities of the employer/employee relations within the department. In carrying out those duties it meant having regular meetings with management and also with unions regarding the representations of their members who were employees of the Department. The other day to day activities included applying the industrial awards, the PSME act and regulations and Departmental and Public Sector policies as they pertained to employees within the department. That is both administrative and professional employees and other employees of the Department including John Oxley and other detention centres.
3. Initially the Department was working for the National Party government, and I had contact with Alan Pettigrew who was the Director General, George Nix who was the Deputy Director and Ian Peers who was Executive Director and this contact centred on the operation of John Oxley Youth Centre. Ian Peers had overall responsibility of youth services and detention centres in the department at that time.

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4. I was having a lot of contact with Peter Coyne after his appointment as Manager at John Oxley Youth Centre (JOYC). I was also having contact with Ian Peers and George Nix and my contact with them led me to try and have Peter Coyne removed from JOYC. Following Peter's appointment to that centre a lot of work was being generated in the Industrial Relations Section as a result of his management style. Peter was seeking to discipline numerous youth workers. All serious staffing discipline matters went through the industrial relations section and I think a lot of work was probably going through me or another employee within that section. It became apparent to me, because of the increasing number and types of complaints being generated at JOYC and the resultant management/staffing dysfunction, that Peter Coyne should be removed from JOYC.
  
5. Some of my colleagues who worked with me in the Department at that time were David Herbert and Sue Crook. I know that I and the people I worked with had many dealings with senior members of the Department because of what was happening at John Oxley under the management of Peter Coyne. The Industrial Relation Section which had responsibility for all departmental employees was becoming increasing pre-occupied with JOYC staffing matters. Peter Coyne was seeking to have many employees disciplined due to what he deemed inappropriate behaviour in terms of how they were looking after the children in the centre at that time.
  
6. I think that there were different groups or factions of youth workers at John Oxley, and a certain group came from Sir Leslie Wilson Youth Centre when they established John Oxley. Peter Coyne would have come into the centre as Manager cold because he came in from an area office of the Department. He would not have had any skills in terms of managing detention centres and probably managing the number and skill level of staff in that type of centre. He came from a small area office managing professional social workers to managing youth workers with different skill levels in a 24 hour 7 day a week operation. I believe his management style, was confrontational and he had free range from line management to implement his changes for the centre.

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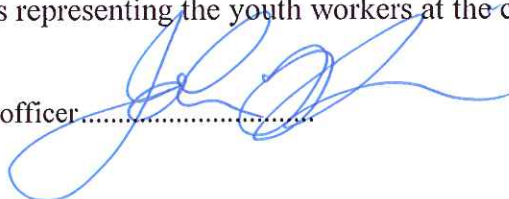


7. I took exception to the sheer number of youth workers that he was seeking to have disciplined and I soon realised that this could not continue. All of a sudden one day these employees are working okay and the next day they are not working okay irrespective of what sort of management style he had. I thought he was going too far in terms of what he was seeking to do.
8. He was seeking to get rid of employees, through the process of disciplinary action. My role was to determine if there was sufficient evidence to discipline the staff member and the resultant disciplinary action to be taken if any.
9. The protocol was that if the Manager had a problem with a staff member, a report would have to be produced by the Manager in terms of the inappropriate behaviour and the disciplinary action that was considered warranted. As earlier stated, my role was to assess the evidence and determine the resultant disciplinary action to take, if any. In my assessment, advice was often sought from Crown Law. The final decision would be reported back to Management saying either “no disciplinary action is being taken” or that disciplinary action was to be taken and the punishment that was to be applied. I would have had to prepare the relevant documents and letters to support disciplinary action against an employee. If any discipline matters were for inappropriate dealings with children, then most likely the employee would be dismissed from employment.
10. I recall the Inquiry that was started in relation to the John Oxley Centre. I don't remember any depth to the inquiry other than the reason for it. I do recall that about this time an incident involving the handcuffing of children in the playground of a night time had been raised.
11. I believe I heard through the staff and the industrial unions what was going on, as they felt that the action by the Manager was inappropriate in terms of how he was responding to a particular situation. There were a number of Unions that were not happy with the general operation of John Oxley at that time. They would have been the Queensland State Services Union and the Australian Workers Union; who were the two major unions representing the youth workers at the centre. Both

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unions were reasonably active at that time but the AWU would have been more volatile and “hard headed” than the State Services Union.

12. I recall regular meetings with the State Services Union and the Australian Workers Union. JOYC issues would have been constantly brought up by them at these meetings. The issues at JOYC were also constantly brought up on a very regular basis with me by the unions via phone contact and other meetings. One of the observations made by me at that time was that the industrial relations work being generated from JOYC following the appointment of Peter Coyne was out of proportion with other detention centre matters in the Department. I recall feeling overwhelmed with the volume of material and work from JOYC thinking “hey there is not enough time to manage these issues” If every centre was like this the industrial relations section would not be able to manage the workload. I took the view that the department either “gets rid of all of the employees or” get rid of the manager”.
  
13. I was shown a document by Detective Colless dated the 14<sup>th</sup> of September 1989. It represents a meeting I attended with the State Services Union. It shows as present a number of persons, Mr A Pettigrew, Mr G Nix, being George Nix and Alan Pettigrew, Mr C Thatcher and Mrs J Walker. I do not specifically recall this meeting or the document but this was the type of meetings I regularly had with Unions and how such meetings were documented. However the presence of Allan Pettigrew and George Nix at this meeting was interesting in that they would not normally have attended these types of meetings unless there was something of importance or serious to discuss.
  
14. I was shown another document by Detective Colless dated the 7<sup>th</sup> November 1989, Titled, Meeting between the Department of Family Services, Professional Officers Association, State Services Union and the Australian Workers’ Union i.e. the POA, the QSSU and the AWU. This listed Wayne Mills from the AWU, Brian Mann from the State Services Union, (they would have been the regulars union attendees at the normal meetings), and Kevin Lindeberg from the POA.

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15. Mr Lindeberg from the POA had a coverage of a small number of staff at JOYC. From memory these would have been some of the professional staff i.e. the Manager, Peter Coyne the social worker/s and the Psychologist. The teacher would have been covered by the Queensland Teacher's Union.
16. Meetings were normally held at the Department in a conference room. It was most likely the Family Services building at level 5. Wayne Mills from the AWU and Brian Mann from the State Services Union were regulars at these meetings. Prior to the inquiry being set up, I would have discussed and tried to resolve matters regarding JOYC with the unions and management. I remember realising that a solution to the impasse at JOYC had to be resolved through other means.
17. I also remember that after the Inquiry was closed down there was a lot of turmoil both within the department and in particular the departmental hierarchy. Peter Coyne continued as Manager at JOYC and things just got worse. The government changed and things got very out of hand. Ruth Matchett came in as acting Director General (DG) and as a consequence the Department had an inexperienced DG and Minister to deal with these issues.
18. The discipline matters kept coming through and there were many requests by Peter Coyne to have members disciplined. If by way of example something criminal was alleged it should have already been referred to the police by the Manager Peter Coyne. This was generally the case and any discipline matters were held until the police investigation was completed.
19. I also recall being approached and supplying a statement to former Police Commissioner Noel Newnham. I believe he was conducting his own inquiry at this time. I was shown a copy of this document by Detective Colless and confirm it was signed by me and dated 14<sup>th</sup> May 1998.
20. In summary though, after dealing with numerous Industrial Issues at JOYC under Peter Coyne as Manager, I formed the view and approached senior management in '89 to have Peter Coyne removed from the position at JOYC due to continuing ongoing industrial disputation within the centre. I recall that I spoke to Ian Peers and George Nix about the situation.

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21. The Terms of Reference for this inquiry which were later drafted reflected the situation that appeared to be happening. The Management and staff relationship at JOYC had deteriorated to a point where senior management within the department had serious misgivings about the operations of the centre.
22. For example Peter Coyne as a very “hands on “ manager would turn up at JOYC on weekends, and he would also turn up of a night time unannounced. At JOYC and other detention centres management is normally only there during business hours Monday to Friday. Detention centres or institutions like that that run 24 hours a day, seven days a week where the majority of hours are without direct management intervention.
23. Management becomes an “imposition” during the week as the centres are normally used to running themselves and have their own way of operating. When a new manager like Peter Coyne comes in and decides to impose his management style and as a consequence disrupt the whole work place, a lot of time an effort is put into dealings and disputes between the manager and the youth workers. These constant dealings were having an impact on how staff was trying to manage the children at the centre and I think that was probably flowing through to how kids were behaving and interacting staff.
24. The use of ‘time out’ as a discipline measure was one of the issues that was of dispute between Peter Coyne and the youth workers.
25. I also recall that Mr Pettigrew attended JOYC prior to the Heiner Inquiry and encouraged any persons with concerns to submit them in writing i.e. to put it down on paper so that their issues would be heard. I recall that I did see some written submissions come through, but can’t recall any specifics or who they were from. It was a bit unusual to get an outsider to handle this sort of inquiry. Generally a matter that involves an internal dispute between management and staff could be done by another senior officer within the organisation, with recommendations for future action/change to the Director General.

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26. I do not have any direct knowledge of any conversations of any persons regarding the appointment of Mr Heiner. I suspect that there may have been a degree of mistrust of using a departmental employee as well as the strength of the union complaints as the reason for appointing an outside person.
27. Regarding what was going on at the John Oxley Centre at the time regarding the children, I believe there would have been a lot of youth workers who were doing the right thing but there would have been a few who had a different approach to how the kids were to be treated and therefore were a bit rough with the kids and possibly employed the use of physical force. I have no direct knowledge of this, but on seeing the reports come through, this was the general impression of some of the issues.
28. I do recall that there was a lot of pressure on me because I was required to do most of the paperwork in respect of all of these disciplinary actions. I suppose what Peter Coyne was seeking to do was to have line management back him in everything that he was doing. As he was getting continued support from Ian Peers and George Nix he was able to continue on with changing the culture and implementing his management style. At no stage did Ian Peers or George Nix question his approach or what was happening at JOYC. They refused to acknowledge my approach and views as to what I thought was being played out at the centre.
29. In relation to the handcuffing of children at the centre I had just been made aware of it by the youth workers either directly by them or through their unions.
30. When the Inquiry was stopped it was my view that the submissions that had been made to the inquiry contained information of a defamatory nature against some staff at JOYC; in particular Peter Coyne and Anne Dutney, that caused significant problems for the A/Director General and the Minister as to how to deal with that situation.
31. While I had a lot of dealings with Crown Law I have never seen any of the Crown Law advice relating to the Heiner Inquiry, as this would have been advice provided to the

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Director General of the department. I do recall being informed that the DG was going to get Crown Law advice on what to do with the material after the Inquiry stopped. I do recall Sue Crook stating that Crown Law had provided advice not to destroy the documents but the DG had taken an alternative view. I can understand the department wanting to get rid of the documentation if there were defamatory statements in them.


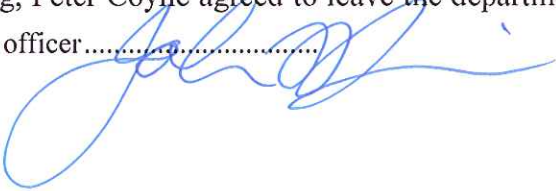
32. The Public Service Management Employment Act (PSME) had regulations relating to what could be held on an individual employee's files and what could be held by the department. The material I believe that was the subject of the Heiner investigation would not be records that would normally be held on an employee's file.

33. In the earlier days of the public service when it was a lot smaller then you may have had, instead of a personnel manager an administration officer for all matters pertaining to public sector employees. That person would have kept other information on employees. Some information on employees didn't automatically find its way to a staff members personnel file. A change of legislation saw the introduction of Regulation 65 which changed the way things were done and what information was required to be kept on an employee's personnel file.

34. The department, in handling the matter of employees seeking access to information, would have fobbed them off with a story to gain time for the department to seek cabinet approval to have the documents destroyed. I recall that I may have had contact with Mr Peter Coyne after he left the Centre, but it would probably have been a phone conversation, nothing written down.

35. I am aware that of the materials submitted to Heiner, the original statements/submissions from the youth workers but no tapes or other materials were returned to the State Services Union. It would be my understanding about the return of these materials to the Union that someone like me or Trevor Walsh, Ruth Matchett's Executive Officer would have been responsible for doing this. I do recall seeing some inquiry submissions but at which point of the process I can't be sure.

36. Eventually after discussions between senior officers of the department and his union official, Kevin Lindeberg, Peter Coyne agreed to leave the department with

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an agreed some of money. Kevin Lindeburg was representing Peter Coyne and was making representations to the department as to the way Peter Coyne was being treated by the department after his removal from the position of Manager JOYC.

37. Previous to this I had spoken to Ian Peers and George Nix who were direct line management over John Oxley Youth Centre and Peter Coyne and they fully supported the changes that he was trying to make. I had been to them twice in '89 to try to have Peter Coyne removed from JOYC by their intervention but they were steadfast in their support for Peter Coyne and his intentions to change the culture at JOYC and how the kids were being treated.
38. I recall that most of the issues at this time from JOYC involved some rough handling of the children. It would not have been uncommon for children to be physically mistreated by the youth workers or by other children with the support of youth workers.
39. I have never met Mr Heiner nor provided any information directly to him; I had met Barbara Flynn previously. I also did not attend JOYC whilst Heiner was conducting his Inquiry.



Edward Clarke

**Declaration**

This written statement by me dated 19 December 2012 and contained in the pages numbered 1 to 9 is true and correct to the best of my knowledge and belief.

Signed at BRISBANE Signature this 2ND day of JANUARY 20 13

Witnessed:

Name J. A. MISON Signature Rank Det Sgt Reg. No. 8065

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