

New twist in mysterious rape saga

By Bruce Grundy and Susann Kovacs

The mystery surrounding incidents of rape at a Brisbane youth detention centre has deepened following the “surfacing” of media reports from the late 1980s giving details of the apparent rape of a girl being held at the centre.

The reports concern the alleged rape of a resident on an excursion from the controversial John Oxley centre at Wacol.

The Independent Monthly, its predecessors and an associated web site, *The Justice Project*, have reported extensively on the rape of several girls while they were held in custody in the now-closed John Oxley Youth Centre.

One of the incidents that has been investigated involved the pack rape of a 14-year-old girl who was taken with six boys on an excursion into the isolated Mt Barney National Park in 1988.

The reports that have now come to light refer to staff claims that a “15-year-old” had been raped on an outside excursion, and to a statement from the then Minister that the girl was not 15 but 17 years of age.

Staff were quoted in connection with a matter about a “15-year-old female inmate who was raped during an art excursion by three 14-year-old fellow inmates”.

The reports also quote the former Minister for Family Services at the time, Mr Craig Sherrin.

“As for the 15-year-old female inmate who was claimed to have been raped, Mr Sherrin said the female had been 17 and that no charges had been laid.”

“I have been informed that the girl’s mother was consulted and that the girl was encouraged to lay charges,” he said.

“Both the mother and the girl said they preferred not to.”

Material obtained by *The Justice Project* makes it clear that the 14-year-old girl involved in the Mt Barney excursion had not encouraged to lay charges.

Indeed, on the contrary, she had wanted charges laid but nothing was done.

Several days later, after discussions with staff and police, the girl apparently changed her mind.

The Independent Monthly contacted the former Minister quoted in the recently obtained reports, Mr Sherrin, for his response.

In a written reply, Mr Sherrin said: “I have no recollection of the events surrounding the issue, including what briefings I received at the time.”

Former staff of the John Oxley Centre have since said that information about a girl being raped on an excursion was provided to an inquiry into the Centre in late 1989.

However, the incoming Goss government shut down the inquiry being conducted by former magistrate Noel Heiner and authorised the destruction of all the evidence he had taken.



Crime scene: Mt Barney on the New South Wales border ... rape story still unfolding

A response to the new information was also sought from the man who has spent the past 14 years pursuing the matter of the shredding of the Heiner inquiry documents, former union advocate Kevin Lindeberg.

Mr Lindeberg said he was not aware of the reports at the time, but their emergence now had serious implications for everyone involved.

“It is critically important that the public should be able to believe, when a Minister of the Crown says something of such gravity, that they are being told the truth,” he said.

One rape ... or two?

“Were there two rapes, or was the supposedly 17-year-old girl actually 14?” he said.

Mr Lindeberg said the former Minister had an obligation to report the matter especially since “some of those people who were involved in that whole episode are still working in the public service.”

“Unless there were two rapes, which of itself is an extraordinarily serious matter – but if we are talking about the same girl, and it seems as if we could be, then there are very serious questions which must be answered, because anybody reading that material would take the view that the girl was above the age of consent, when in fact she was not.”



The now-closed John Oxley Detention Centre ... yet more serious questions

“Were there two rapes, or was the Minister misled,” Mr Lindeberg said. “We have to know.”

Mr Lindeberg said the matter was “massively serious” for a host of state and federal institutions.

“This new information opens up a whole range of serious questions for the CMC, the police, the DPP, the Queensland Audit Office, the state and federal parliament and the Premier, in terms of who was misleading who and why certain money was paid in a deed of settlement

that certain events would never be spoken of again,” he said.

In 1989/1990, the former manager of John Oxley was paid \$27,000 on the condition that he never speak of events leading up to his transfer from the centre.

Mr Lindeberg said the far-reaching seriousness of the issue defied resolution by ordinary means.

“The only way that this matter can be properly addressed is through a special prosecutor, in an open form so that public confidence can be restored to our public administration,” he said.



Justice

Lawyers speechless over double standards case

The Queensland legal fraternity has declined to comment on the double standards involved in a case to come before the District Court in March.

Last month an international authority on archives practice Professor Terry Cook told *The Independent Monthly* the case exposed “the two-faced hypocrisy” of Queensland authorities.

This was because a citizen was facing trial for destroying records that could reasonably have been expected to be used as evidence in court proceedings, but politicians

and senior public servants who did the same thing (in connection with the destruction of the Heiner Inquiry documents) were officially excused.

When TIM invited numerous legal and civil liberties bodies to respond to the situation facing the citizen, all declined to comment.

Queensland Law Society spokesperson Russell Grenning said the QLS was “not in any position to discuss in any way an upcoming hearing”.

“No doubt the DPP has its own reasons for taking the actions that they do and it would not be ap-

propriate for the QLS to publicly express any wonder or concern,” Mr Grenning said.

International Commission of Jurists Australian section chairperson Steve Mark said the ICJ would not comment on the situation because it focused on issues such as the independence of the judiciary, human rights, due process, and the rule of law.

“The ICJ is interested in concerns where the rule of law is questioned.

“We don’t comment on interpretations of the law,” Mr Mark said.

Bar Association of Queensland chief executive Dan O’Connor said the Association did not want to say anything because any comment might be construed as impacting on the fairness of the trial.

Queensland Council for Civil Liberties President Ian Dearden declined to comment on the matter.

Meanwhile, the House of Representatives Committee of Inquiry into Crime in the Community will return to Brisbane on March 16 to take further evidence in connection with the shredding affair and the treatment of children in the John Oxley Youth Detention Centre.