



Our Ref: 1593
 Contact Officer: P Scully
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Rec 23-1-04
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20 January 2004

Mrs Maree Welch

REDACTED

Dear Mrs Welch

Re: Ms Bobbie Welch

I refer to your letter of 19 March 2003 requesting an explanation of the processes used to investigate your complaint made to the then A Adult Guardian on 14 August 2000 on behalf of your daughter Bobbie, and how this decision was reached. This matter was referred to me after I took up the role of Adult Guardian on 28 April 2003. I also wish to confirm our meeting of 13 June 2003 along with Mr Welch and Mr Ron Joachim at the Office of the Adult Guardian. I do apologise for the delay in responding in writing to your complaints, but the current workload pressures on the Adult Guardian and the Principal Investigations Officer and the additional time required to check up on some matters raised were responsible.

I note your comments and queries in your letter of 19 March 2003, in which you raised the following issues: -

1. Why Ms Edwards was not interviewed or contacted;
2. The adequacy of Gold Coast Family Support Group's (GCFSG) policy and procedures in relation to reported abuse at the time of the complaint by you of abuse of your daughter;
3. Whether these policies and procedures were practised by GCFSG; and
4. Whether any advice was made to GCFSG by the Office of Adult Guardian regarding the reporting, recording and documentation of allegations concerning abuse.

In respect to the first matter I would refer you to a letter by Ms Robyn Albury, A Adult Guardian dated 27 March 2003 confirming that Ms Melissa Edwards was interviewed as part of our investigations. It is noted that this letter was re-issued on 14 April 2003 upon your advice that you had not received the letter.

** letter 27/3/03 "contacted"*

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The scope of the investigations by the Office of Adult Guardian included a review of the following: -

- Whether there was sufficient information to indicate that GCFSG had received a complaint of sexual assault in 1995;
- If so, whether GCFSG responded appropriately to this complaint.

The investigations by the Office of Adult Guardian did not include an investigation into whether a criminal act had occurred, as this is the jurisdiction of the Queensland Police, and it is noted that you did make a complaint to them.

In deciding whether there is sufficient evidence or information to warrant an investigation, pursuant to section 180 of the *Guardianship and Administration Act 2000*, the Adult Guardian must be satisfied that there is a reasonable suspicion that an adult with impaired capacity has been abused or neglected. To satisfy this legal standard of proof, the Adult Guardian must have sufficient first hand and/or circumstantial evidence that an event or incident took place.

In determining this, the Investigating Officers interviewed a number of people who you identified as persons who could give direct information to the Office that you had made a report of sexual assault to GCFSG in 1995. These included the following persons: -

1. Antoinette Maricich
2. Evan Munroe
3. Kathryn Naismith
4. Melissa Edwards
5. Detective Sargent Neil Parker
6. Lloyd Hastings
7. Dorothy Williams

The Investigating Officers also reviewed the following documents: -

1. Statement/file note by Melissa Edwards dated 27 January 1999
2. Statutory declaration by Ms Antoinette Maricich dated 19 January 2000
3. Statutory declaration by Evan Munroe dated 30 June 2000
4. Statutory declaration by Kathryn Naismith dated 30 June 2000
5. Queensland Police Service Statement of Witness by Marce Welch dated 29 April 1999
6. GCFSG constitution
7. GCFSG job description for Support Worker
8. GCFSG update memo re: staff police checks dated 30 November 1998
9. GCFSG client grievance policy dated 1998
10. Letter by Ms Catherine Davis, Counsellor, WWILD- SVP Service to Ms Robyn Albury, Deputy Adult Guardian dated 10 July 2000

Provided
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with copies
explicit
disclosures

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11. Review of documentation held by Disability Services Queensland in respect to a complaint lodged to their Complaints Service by Mrs Welch
12. Review of various documentation provided by Mrs Welch

Based on all the above information, it has been determined that there was insufficient information to substantiate your complaint that GCFSG had received an allegation of sexual assault in 1995. This decision was made on the basis that:-

- Mr Evan Munroe did not know what had been reported to Dorothy Williams in relation to the alleged incident. Mr Munroe indicated that the statement regarding his conversation with Paul Major took place in 1998.
- Ms Antoinette Maricich advised that her statement was based on information that had been provided to her by you. Ms Maricich was unable to clearly advise when her discussion with Dorothy Williams took place other than it was in 1997/1998. Ms Maricich stated that "I had no idea whether it was true or not" nor could she advise of any other persons who might be able to give direct information to the Office of Adult Guardian. *IN-CORRECT*
- Ms Kathryn Naismith stated that she worked for GCFSG from 1995 to 1997 but could not recall when a complaint of sexual assault was made to GCFSG by you. *See Statutory Exclusion by T Maricich upon clearly stated Feb/March 1997*
- Much of the information outlined by the persons who provided the statutory declarations was based on hearsay information rather than direct information obtained by the persons.
- Ms Melissa Edwards denied that Mrs Welch made a complaint to her or inferred that Bobbie had been sexually assaulted or interfered with in 1995. Ms Edwards stated that she only became aware of a complaint of sexual assault in 1998, after it was reported by Mrs Welch to GCFSG. Ms Edwards denies that she made any admissions to Mrs Welch that she had received a complaint in 1995 during a telephone discussion with Mrs Welch on 1 July 2003.
- Ms Dorothy Williams and Mr Lloyd Hastings denied that Mrs Welch made a complaint to her or to him, which inferred that Bobbie had been sexually assaulted or interfered with in 1995. Ms Williams and Mr Hastings stated that this was not reported until 1998.
- The Queensland Police received a complaint in 1998 from you on behalf of Bobbie but they could not substantiate the allegation of sexual assault. The Police could not provide the Office of Adult Guardian with any direct or circumstantial information to indicate that the matter had been reported to GCFSG in 1995. *Police have advised me that the information I have provided to them*
- Disability Services Queensland complaints service investigated the matter in 1999 but was unable to substantiate the allegations. A review of this documentation did not identify any new evidence upon which the Office of the Adult Guardian could substantiate that a complaint was made to GCFSG in 1995. *is legally binding*

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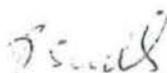
It was determined by the Investigating Officers at that time that there was insufficient information, based on the lack of direct and circumstantial evidence, to constitute sufficient evidence to substantiate or prove that a complaint of sexual assault had been made to GCFSG in 1995. Since this was the conclusion of the investigation, it was unnecessary to proceed with the following issues that were raised by you, namely:

- * 1. If there was evidence that the complaint of sexual assault had been made in 1995, whether GCFSG responded appropriately;
- * 2. The adequacy of Gold Coast Family Support Group's (GCFSG) policy and procedures in relation to reporting of abuse in 1995;
- * 3. Whether these policies and procedures were practised by GCFSG in 1995; and
- * 4. Whether any advice was made to GCFSG by the Office of Adult Guardian regarding the reporting, recording and documentation of allegations concerning abuse.

In carefully reviewing the information obtained by the Investigating Officers at that time, I do not consider that there is any new information that has been presented that would warrant a new investigation of this case. The Adult Guardian is bound to operate within the legal constraints and jurisdiction given to her and her staff by the legislation.

I reiterate what was said previously to you – that the conclusion of the review of the investigation does NOT mean that the Adult Guardian is taking a position that the sexual assault did not occur. My staff and I fully appreciate the distress that the whole experience has caused you and your family. I hope that you and Bobbie and your husband Bob can reach some closure on this whole matter.

Yours sincerely



Paula Scully
Adult Guardian