

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

2003-2004 BUDGET ESTIMATES HEARINGS – 2-3 JUNE 2003

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

COMCARE

QUESTIONS ON NOTICE

Outcome: Comcare

Question Number: W068-04

Question:

Senator Carr asked in writing:

During Mr Cropp's initial interview with Comcare inspector Mr Peter Maguire on Monday 28th February 2000, a female Comcare officer was present. Who was this Officer and was she asked to provide a statement in relation to Mr Cropp's allegation that Mr Maguire informed Mr Cropp that he knew the Gallery building maintenance manager Mr Cox "well" that he may not be an appropriate person to investigate his allegations for this reason? Provide this person's notes of the meeting with Mr Cropp and any statement she may have made in relation to Mr Cropp's allegation.

Answer:

A member of Comcare's staff introduced Mr Cropp to Mr Maguire at their first meeting and remained at the meeting for about 5 minutes. She was not involved in the investigation and did not keep any notes. Mr Maguire denies he made any statement to the effect that he had a 'non-work' relationship of any sort with Mr Cox (see attached statement).

The Ombudsman considered allegations of a personal relationship between Mr Cox and Mr Maguire in his report dated June 2001 and found at Paragraph 4.101 of that report that evidence of "a pre-existing friendship has been effectively rebutted". In his opinion, at paragraph 4.106 of this report, "the allegation that the Comcare investigator had a conflict of interest is unsubstantiated" (see copy of comments attached - paragraphs 4.101 and 4.106).

Mr Wray, in attachment 23 to his report (tabled on 3 June 2003) includes a statement from Mr J J McGrath who acknowledged that he was a friend of Mr Cox. Comcare considers that the allegation against Mr Maguire is a case of mistaken identity.