

DRAFT

(22)

BRIEF OF EVIDENCE

OF BEDE COOPER

1. My full name is Bede Anthony Cooper. At all material times I was the Deputy Manager, Christchurch, Ministry of Education. I am now employed as the acting Manager National Operations, Christchurch. I live in Christchurch.
2. My purpose in giving evidence is to refer specifically to the events of 1 September 1992 to 3 September 1992 as they relate to the Christchurch Civic Creche and the Ministry of Education.
3. On 1 September 1992 I received a telephone call from Janet Biswell from the Department of Social Welfare requesting an urgent meeting with me. I explained to her that I was extremely busy that day and could not meet with her. She then told me that she had a very serious matter to discuss with me and that representatives of the Crown Solicitors office and the Police were in her office at that moment to discuss matters relating to the Christchurch Civic Childcare Centre.
4. I immediately contacted Grace Todd within our office who is our expert in early childhood education and we went to the Department of Social Welfare and met with:
 - Mrs Janet Biswell;
 - Detective Inspective Brian Pearce, New Zealand Police at Christchurch;
 - Detective Senior Sergeant John Ell, New Zealand Police at Christchurch;
 - Mr Allan McArthur, Regional Legal Adviser, New Zealand Police;
 - Mr Christopher Lange, Crown Solicitors office at Christchurch.

5. During the meeting with those persons I was told that the children at the Christchurch Civic Creche were in "serious danger" and that the Creche's licence had to be withdrawn immediately and the Creche closed that day.
6. During that meeting I explained to the Police that the process was not that simple and that the Ministry would need to have information on which they could act. The Police were very reluctant to provide us with any information. We also stated that before any steps could be taken to withdraw the licence there were certain processes involving the licenceholder which would need to be followed.
7. I am aware that a meeting was then scheduled for the following day for Department of Social Welfare, the Police and the Ministry of Education to meet with the licenceholder, Christchurch City Council.
8. Prior to the scheduled meeting on 2 September 1992, Grace Todd and I met with the Police and Department of Social Welfare in my office.
9. I was shown affidavits and letters from parents which contained some matters of grave concern to me to indicate that the children at the Christchurch Civic Creche were indeed in serious danger. I was told that the gender of the staff who were presently under investigation was female and that the number of staff members involved was four. I was not given any specific names.
10. As a result of my briefing with the Police and the Department of Social Welfare I reached the view that the Christchurch Civic Creche's licence had to be suspended immediately (~~at the very least~~) and most likely cancelled.
11. During the course of the briefing with the Police Grace Todd raised the issue regarding the specific procedure for cancellation of a licence. She told the Police that there was a set procedure to go through and that this would involve first serving a suspension notice on the licenceholder before proceeding to cancel the licence.
12. The Police were very concerned at this and urged us to cancel the licence immediately. We were insistent, however, that the proper procedure had to be followed. The Police were very unhappy at this as they wanted to act

immediately and said that they were not prepared to divulge the information they had gathered to any other person. ~~Finally we proceeded to meet with John Gray of the Christchurch City Council.~~

13. On 2 September 1992 at 10.00 am the parties who had been present at the meeting the day before met at the offices of the Christchurch City Council. Mr Gray appeared surprised to see so many people present especially given their ranking in the various organisations. He appeared to be concerned that there were legal representatives present and requested that the City Council's office solicitor, Peter Mitchell, could be present.
14. At the beginning of the meeting the Police made it clear to Mr Gray that there were ongoing investigations regarding the Christchurch Civic Creche. All Council representatives present at that meeting were asked for an undertaking of confidentiality. I remember Mr Gray asking whether the Mayor could be informed and he was told that she could not.
15. At the beginning of the meeting the Police told Mr Gray that they were satisfied that the Children at the Centre were considered to be in serious danger. ~~Inspector Pearce told Mr Gray that both the Police and the Ministry of Education wanted the Centre closed at 1.00 pm that day.~~ They told Mr Gray that both the Department of Social Welfare and the Ministry of Education had been given specific details about their concerns but that the detailed information could not be shared with Mr Gray.
16. I recall that at the beginning of the meeting the Police talked in terms of "withdrawal" of the Centre's licence. At some point in the meeting Grace Todd explained the procedure to Mr Gray that would have to take place to *suspend* ~~and~~ cancel the Centre's licence.
17. We explained to Mr Gray that the licence would first be suspended and that decision had already been made. We also explained that in the usual circumstance a licence is suspended and then a short time is given for representations to be made regarding cancellation of the licence.

18. During the course of the meeting I made it clear to Mr Gray that what we were ~~seeking was to achieve a position whereby the licence was actually cancelled. I told Mr Gray that in this regard we had presented him with an impossible mission because with the information we had it was unlikely that any representation he could make would change our position that the licence should be cancelled.~~
19. By the end of the meeting we reached the point where the only course open was for the Ministry to issue a suspension notice and John Gray to in turn provide us with a letter stating that he had no representations to make on the issue of cancellation and the licence would then be immediately cancelled. This process was necessary because of the formal procedures for cancellation set out in the Education regulations.
20. I recall that ^{immediately} before the scheduled meeting with John Gray on 3 September 1992 representatives of the Police met with myself and Michael Deaker, the Manager, South Island Operations, Ministry of Education.
21. The previous day the Police had required that Grace Todd and I keep all of the information to ourselves and that not even Mr Deaker could be informed.
22. However, we had pointed out to the Police that technically Mr Deaker was the person who would be required to sign the letters and therefore his presence was necessary and that he would also need to be satisfied of the Police concerns before he could formally sign the letters.
23. I recall that Mr Deaker arrived in Christchurch from Dunedin on the morning of 3 September 1992 and a meeting took place between the Police, Crown Solicitor, Mr Deaker and myself in ^{Mr Gray's office} a small room at the City Council premises. ~~Representatives of the Council were not present at this meeting.~~
24. During the course of this meeting Mr Deaker was shown the affidavits and letters from parents that I had seen on 2 September and as a result of reading those documents he said that in his view the Centre's licence should be ^{suspended} ~~cancelled~~ immediately. He then signed both of the letters dated 3 September 1992 regarding suspension and cancellation of the licences.

25. I then met with John Gray for the purpose of exchanging the letters. I handed him the letter announcing suspension and he then handed me the letter stating that the Council had no representations to make on the question of cancellation. I then handed him the letter stating that the Centre's licence was cancelled. This process took no more than five minutes.

26. The cancellation appeared in the New Zealand Gazette on 17 September 1992 and took effect from 18 September 1992.

27. I am aware that there have been allegations in this case that the exchange of letters on 3 September 1992 amounted to a conspiracy involving the Police, Ministry of Education, and Mr Gray. I comment on this proposition as follows:

(a) The Ministry of Education was the ultimate decisionmaker when it came to the suspension and cancellation of the licence and our consultation with Mr Gray was ~~merely a formality~~ ^{part of that process}

(b) Before we ~~even~~ attended the meeting with Mr Gray on 3 September we had reached the decision that the Centre's licence would definitely be suspended and most likely cancelled. We were, however, aware of the formal procedures that had to be followed before the licence could be ^{suspended} ~~and~~ cancelled.

~~(c) We made it very clear to Mr Gray during the course of the meeting that any representations that he would make to us on the issue of cancellation would make no difference to our decision. I have subsequently confirmed this to Mr Gray in a telephone conversation on 11 September 1992.~~

(d) By the time that I attended the meeting with John Gray on 3 September 1992 I was already committed to the decision that the Creche licence would be cancelled regardless of the Council's position. The meeting with John Gray was only necessary because of the procedure for cancellation set out in the Education Regulations.