



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Gavin Lyle Woods**

TITLE OF COURT: Coroners Court

JURISDICTION: Brisbane

FILE NO(s): 2011/2151

DELIVERED ON: 11 December 2013

DELIVERED AT: Brisbane

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FINDINGS OF: John Lock, Brisbane Coroner

CATCHWORDS: Coroners: inquest, education, workplace bullying/harassment, mental health illness, suicide

REPRESENTATION:

Counsel Assisting: Ms A Martens, Office of State Coroner

Department of Education: Mr B McMillan i/b Crown Law

Ms P Passi: Mr J Merrell i/b Hall Payne Lawyers

Ms Andrea Malfliet representing herself

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Introduction

Gavin Lyle Woods was found deceased in his motor vehicle on 26 June 2011 on a private rural property. Lengths of green hose running from the exhaust into his closed vehicle were observed. An autopsy examination concluded he died of exhaust fumes toxicity. A suicide note was found next to him. The suicide note referred to a long struggle, problems at work and relationship difficulties.

Gavin Woods was a school teacher and had been transferred from a school in Cairns to Burpengary State Primary School (Burpengary SS) at the beginning of 2011 as a Deputy Principal. There were reports of alleged workplace harassment or bullying by the principals at Whitfield SS in Cairns in 2010 and then at Burpengary SS.

In 2009 the behaviour towards staff by the principal at Burpengary SS was investigated and the principal disciplined. She agreed to a Training Plan to address performance, particularly towards managing staff. An anti-discrimination complaint was also settled by the Department of Education, Training and Employment (the Department).

Soon after Mr Woods' death the Department suspended the principal on full pay as it became apparent that from 2009 there were eight incidents involving teaching staff at Burpengary SS alleging concerns about the principal's management of staff.

Workplace Health and Safety Queensland and the Department commenced separate investigations in relation to issues concerning Burpengary SS and its leadership, including work related issues concerning Mr Woods. The Ethical Standards Unit (ESU) also investigated. Other members of the administration team were also suspended on full pay.

A decision to hold an inquest was made. At a Pre Inquest hearing the issues for the inquest were determined as follows:

- The findings required by s. 45(2) of the *Coroners Act 2003*; namely the identity of the deceased person, when, where and particularly how he died and what caused his death
- The circumstances of Mr Woods' background and health, particularly mental health and the treatment of any difficulties he had
- The extent to which the decision to transfer Mr Woods from Cairns to the Burpengary SS was, and should have been, informed by anything that occurred in Cairns
- The circumstances of Mr Woods' transfer to and employment at Burpengary SS
- Anything else which could or might have contributed to Mr Woods' depression or death.

The scope of the coroner's inquiry and findings

An inquest is not a trial between opposing parties but an inquiry into the death. The scope of an inquest goes beyond merely establishing the medical cause of death.

The focus is on discovering what happened, not on ascribing guilt, attributing blame or apportioning liability. The purpose is to inform the family and the public of how the death occurred and in appropriate cases with a view to reducing the likelihood of similar deaths.

As a result, a coroner can make preventive recommendations concerning public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in future.

However, a coroner must not include in the findings or any comments or recommendations, statements that a person is or maybe guilty of an offence or is or maybe civilly liable for something.

Proceedings in a coroner's court are not bound by the rules of evidence but that does not mean that any and every piece of information however unreliable will be admitted into evidence and acted upon. However, it does give a coroner greater scope to receive information that may not be admissible in other proceedings and to have regard to its origin or source when determining what weight should be given to the information.

A coroner should apply the civil standard of proof, namely the balance of probabilities. However the more significant the issue to be determined, the more serious an allegation or the more inherently unlikely an occurrence, then the clearer and more persuasive the evidence needs to be for a coroner to be sufficiently satisfied it has been proven to the civil standard.

Interlocutory applications and non-publication orders

Coroner Rinaudo made an order on 1 June 2012 that the physical state of the deceased at the time of his death, after his death and also at the time that his body was located, including but not limited to his appearance, not be published in any form. That order remains.

An order was also made that the contents of any note left by the deceased at the time of his death about the circumstances of his death or any other matters, referred to as a suicide letter or note, also not be published. I subsequently rescinded that order.

In this case I did have the benefit of a large amount of source material including interviews with many people, which emanated from a number of investigations including those of Workplace Health and Safety, an ESU investigation of 2009 by Ms L Graham; an independent external investigation by Ms Helen Couper and an ESU investigation of 2011. Each of those investigations produced reports and appropriately, opinions were expressed by the writers. I have put to one side any views as to those opinions and have endeavoured to rely on the source material.

It was for that purpose that on 17 September 2012 I ordered that the contents of the report of Ms Helen Couper of Couper Consultancy dated 9 September 2011, including any appendices or attachments in that report, not be published in any form.

An application was specifically made by the legal representatives for Principal Passi that the report of the ESU investigation from 2011 not be included in the evidence. The ESU report deals specifically about allegations of official misconduct made against Ms Passi over a number of issues and in relation to other teachers and children, but including those related to Mr Woods. Interviews were conducted with a number of persons including complaints by a number of teachers. A number of conclusions were reached by the investigator. It is understood that Ms Passi contests the conclusions reached by the investigator and that the disciplinary process within the Department has not yet been completed.

In response to the application I directed that a de-identified version be prepared to prevent any identification, or breach, of students' and their families' privacy in relation to allegations made by, or about, children but otherwise the report should be accepted as part of the evidence. I further determined that I not examine further, any issues or events that occurred at the Burpengary SS, other than events that specifically relate to Mr Woods.

It was unwieldy to conduct the inquest without referencing the names of some of the teachers and children referred to in the material. Accordingly on 22 July 2013, I made a non-publication order prohibiting the publication of the names of teachers referred to in the evidence, other than those who provided evidence at the inquest, as well as a non-publication order in relation to the names of children and children's families mentioned in the oral evidence. Those orders remain in force.

Submissions

I have been provided with very comprehensive submissions from Counsel Assisting, Ms Martens. Those submissions set out the relevant facts in a very detailed fashion and generally are not in dispute, other than as is otherwise contended in the submissions made by Mr McMillan for the Department and Mr Merrell for Principal Passi. I therefore do not intend to repeat the facts, other than in a general fashion and to the extent necessary only to make decisions on the issues that have been raised for determination.

I thank Ms Martens and other counsel for their very helpful submissions and assistance in what otherwise could have been a daunting process of sifting through the voluminous material before me.

Ms Malfliet was given leave to appear and represented herself and the interests of her late partner. This was a highly contentious and at times complex factual case with voluminous material. Given her close emotional connection to the tragic events this would have made the case even more daunting for her. She should be commended for the manner in which she approached the task.

Relevant department policies, procedures and support processes regarding bullying/harassment

There are of course a whole range of management styles adopted in workplaces. Some of these styles have strong management control, which may generate good results but can cause employee dissatisfaction. Other styles may be more participative and open. In this case I have heard about the particular management styles of the principals at Whitfield and Burpengary SS, both of which appear to have a similar strong chain of command and strong operational control. There was also evidence of good results as a learning centre at both schools, with some, but not overwhelming, dissatisfaction from staff.

This case is not about asserting that any particular management style is best suited for an education setting or examining the particular management styles per se of the main players in this case in a critical manner. All management styles may have value and may be appropriate. It is only when the style ventures into behaviours which are harassing, that concerns could be raised. It was towards that spectrum of behaviours that the focus of this inquest was targeted.

Ms Malfliet submits there is sufficient evidence to find that workplace bullying was a significant contributing factor to Mr Woods' deterioration of his mental health and

ultimate action to end his life. She submitted there was evidence the bullying occurred at both Whitfield SS and Burpengary SS and in particular by both principals.

Of course to make such a finding I have to be satisfied there was workplace bullying in the first instance. If I am not so satisfied, it may still be that workplace issues of some character were one of the factors which contributed to the decision.

It is uncontroversial to say that workplace bullying is a significant issue in modern workplaces and there are significant health effects on individuals who are targeted.¹

In the article I have quoted, bullying is identified using three criteria which are found in almost all workplace health and safety policies in Australia. The criteria used to identify bullying behaviours are;

- they are repeated rather than singular occurrences²
- they are unreasonable (taking into account the circumstances of the situation)
- they pose or have the potential to pose a risk to health and safety.

Examples of the types of behaviours that could constitute bullying are noted to be wide but can include a range of destabilising and undermining behaviour. The term itself in various policies is interchangeable with other terms of behaviour such as harassment, mistreatment and emotional abuse.

Department definition of workplace harassment and information regarding bullying

Bullying is not separately defined and is treated as 'harassment' in Workplace Health and Safety legislation in Queensland.³ The Department's policies mirror the *Prevention of Workplace Harassment Code of Practice 2004* and hence workplace harassment is defined in a number of different Department policies and documents as repeated behaviour, other than behaviour amounting to sexual harassment, by another or others in the workplace that:

- Is unwelcome and unsolicited
- The person considers to be offensive, intimidating, humiliating or threatening
- A reasonable person would consider to be offensive, intimidating, humiliating or threatening
- Workplace harassment does not include reasonable action taken by management to address issues of employee performance. It does not include reasonable action taken by the chief executive in connection with a person's employment.

The current policy, which was implemented in July 2012, notes that workplace harassment is not a single incident of harassing type behaviour nor does it include acts of unlawful discrimination, vilification or sexual harassment.

The Workplace Harassment, Sexual Harassment and Violence policy sets out the expectations of Department employees to create and maintain a work environment that is free from workplace harassment, sexual harassment and violence.

¹ Janet O Chan-Mok, Carlo Caponecchia, Chris Winder, *The concept of workplace bullying: implications from Australian workplace health and safety law*, Psychiatry, Psychology and Law, published online 13 September 2013

² The writers considered the repetitive behaviour criteria as a possible problematic approach although accepting there were good reasons why it was initially adopted.

³ Prevention of Workplace Harassment Code of Practice 2004

It states that the responsibilities of the employee are to:

- Treat others with respect and dignity
- Refrain from behaviours that may constitute workplace harassment, sexual harassment or violence
- Comply with departmental policy and relevant legislation, in particular the Department of Education and Training Code of Conduct
- Understand that they are encouraged to resolve workplace issues informally prior to lodging or initiating a formal grievance process under the Office of the Public Service Commissioner Grievance Directive
- Understand that if found to be in breach of this policy they may be subject to disciplinary action outlined in relevant award and agreement provisions.

In addition to their responsibilities as employees, managers and principals are to:

- Model appropriate workplace behaviour
- Monitor the workplace for incidences of inappropriate behaviour and take appropriate action to resolve grievances and complaints
- Deal with all complaints seriously and confidentially and in accordance with relevant directives and guidelines.¹

Complaints management processes

Employees of the Department may make complaints or raise grievances about bullying or adverse treatment in the workplace or other adverse conduct using one or a combination of the following processes:

- Making a verbal or written complaint to their line manager
- Making a verbal or written complaint to regional management or human resources staff
- Making a verbal or written complaint to the ESU.

Where it is identified in any number of complaint processes or work claims that there is an allegation of official misconduct, including a claim for a psychological injury, alleging bullying and harassment by another employee, then such suspected reportable breaches of the Department's Code of Conduct should be reported to the ESU.

The relevant policies on grievance resolution and managing employee complaints require employees to make genuine and reasonable attempts to resolve workplace issues locally with their line managers and participate in facilitated discussions unless it is inappropriate to do so.

Where concerns are of a serious nature and/or the employee is seeking formal redress for their concerns; and/or attempts at a personal resolution have been unsuccessful, the Department has two formalised processes for investigation and resolution of those concerns:

- The Managing Employee Complaints (MEC) process
- Referral to the ESU.

Code of conduct – minor incident report

This process aims to allow workplace supervisors to better manage minor breaches of the Code of Conduct and Standard of Practice promptly, efficiently and consistently. It should be noted that in the first instance, issues such as an employee's lack of planning, unmet work deadlines or unsatisfactory behaviour management skills within a work environment should be dealt with through usual

managerial processes including the Managing Unsatisfactory Performance (MUP) process.

One of the examples of a minor breach is excessive use of email, internet or telephone.

The policy requires supervisors to refer complaints of alleged breaches of the Code of Conduct and Standard of Practice to the ESU or HR manager (if initially assessed as minor).

The Employment Assistance Service

The Employment Assistance Service (EAS) is a free counselling support service for all employees of the Department. The EAS provides counselling support for work and non-work related matters. EAS counsellors must maintain the privacy and confidentiality of employees who approach the EAS unless the employee is going to self harm or harm another person.

Ms Duncan and Ms Silson (both Employment Assistance Advisors in Far North Queensland) were of the opinion that they could not share confidential information that was revealed to them with other members of HR unless they had the employee's permission to do so. Ms Silson says she would share her concerns with her line manager, without breaching confidentiality, if she was concerned about a particular school.

Recent steps taken by the Department in relation to prevention of bullying

The Department advised that during 2011, a project officer was engaged to develop resources for the Department which supported the management and prevention of workplace bullying in Departmental workplaces. The project officer was responsible for developing various resources for staff and managers, including; fact sheets defining bullying and cyberbullying, and providing advice to managers and victims on how to respond to bullying or cyberbullying. These factsheets have recently been published on the Department's intranet site and the publication of the resources was supported through a range of communications to Department staff.

Additionally, the project officer developed a pilot training program aimed at educating staff and managers on the management and prevention of workplace bullying. As a result of the pilot training program a draft Prevention of Workplace Bullying procedure has been developed and is in its final stages of internal consultation. Once finalised, the procedure will be published and communicated to Departmental staff. Work is currently continuing on the development of a training program, which would include an online Prevention of Workplace Bullying training module. The module is due to be finalised and will be published on the Department's eLearning platform by the end of 2013.

Social history of Mr Woods

Gavin Lyle Woods was aged 46 when he died. He was at the time, a Deputy Principal at Burpengary SS. He commenced his teaching degree in his late 20's and completed it in his mid 30's.

His mother, Mrs Hutchinson describes a family history of fights and alcohol abuse by Mr Woods' father resulting in significant family dysfunction. Mr Woods' father would put Mr Woods down and made him feel worthless. Mrs Hutchinson disputed a family

history of depression and suicide, noting that she was the only one who was depressed, and that was a result of her relationship with Mr Woods' father.

Mr Woods' father died in 1978 due to a motor vehicle collision with a tree.

Mrs Hutchinson married Mr Raymond Hutchinson in 1980. Mr Hutchinson helped raise Mr Woods and they had a strong father-son bond.

Mr Woods' mother described Mr Woods as a self-confident person who was honest and with strong ethical and moral values. Mrs Hutchinson said her son was a very personal man who rarely, if at all, discussed his personal life with anyone and he kept his emotions all inside.

In 2000 he met Andrea Malfliet and in 2004 he entered into a defacto relationship with her. She was employed as a Guidance Officer within the Department of Education Queensland. Part of Ms Malfliet's training and experience includes identifying children whose mental health is deteriorating. She has also completed a suicide prevention course.

Ms Malfliet described Mr Woods as the ultimate romantic who was very affectionate and loving. She also said he was an intelligent, hard-working man with exceptional social skills and a unique sense of humour with a passion for teaching. She saw Mr Woods as a creative problem solver who enjoyed working on relationships to achieve a better outcome for everyone. He loved sport and regularly played golf, tennis and touch football. Mr Woods had a great love of technology and his computer skills were an asset to every school he worked in.

Ms Malfliet described their relationship as loving and a life partnership, however they did have arguments about normal pressures such as finances and needing to stay within budget. She also indicated that Mr Woods' use of anti-depressants and their side effects impacted on their relationship.

Ms Malfliet believed the first term at Burpengary SS went well but after the Easter holidays Mr Woods believed things had changed. He told her people were treating him differently and they stopped talking when he came into the staffroom. This made Mr Woods anxious. Despite this, and Ms Malfliet's opinion that things were starting to unravel, Mr Woods was not seeing a psychologist or GP in relation to his mental health.

Mrs Hutchinson says that Mr Woods went from being happy go lucky to very withdrawn and full of self-doubt, around Easter, and possibly earlier. Mr Woods told his parents that he was having trouble with the principal and that she was picking on him all the time for apparently no reason.

How the death occurred

Ms Malfliet last saw Gavin Woods on 9 June 2011. Mr Woods was reported missing on 11 June 2011 separately by Ms Malfliet to Caboolture Police and by his step-father Raymond Hutchinson to Tin Can Bay Police. He had also not attended at his school for a number of days and calls made by the school were unanswered.

Gavin Woods was located deceased on 26 June 2011 on a rural private property in Wamuran in his Nissan Patrol. The property owners had noticed tyre tracks on a track on their property and found the vehicle and called police.

Police observed the vehicle with all doors and windows closed and four lengths of green house hose were taped with silver electrical tape to the rear exhaust pipe and the four lengths of hose tracked into the rear left passenger side window, again taped with silver electrical tape. Mr Woods was observed to be lying across the rear seat of the vehicle. On the front passenger seat, police located an envelope containing a suicide letter and various photos of him and family members. The police also located an empty bottle of what appeared to be Valium.

The note found with him contained the following: *For a long time, I have struggled to get through life. At times, it has been a minute to minute, hour to hour or day to day struggle. I have mostly managed to keep going & to keep my head above water. When I am struggling with a huge problem at work & then another problem hits me, I just can't cope any more. I just can't make it, now that I've lost everything. There is nothing left to fight with. This is the 13th time she has told me either to leave or the relationship is over. I have to stay as I love her with all my heart and soul and can't go on without her (Andrea).*

The remainder of the suicide note provides instructions naming his mother and step-father as executors and how his estate is to be divided.

There is no doubt Mr Woods' death was an act of suicide. There is no evidence suggestive of direct third party involvement.

Autopsy results

On 28 June 2011, Dr Beng Ong conducted a post mortem examination.

It was not possible to be precise about the date of death other than it was between 11 and 26 June 2011.

Toxicology testing of liver tissue detected low therapeutic or subtherapeutic levels of diazepam and citalopram. Dr Ong says he was advised Mr Woods was taking medication including Loxalte (escitalopram), Mogadon (nitrazepam), Valium (diazepam) and Lexaproa (escitalopram). The toxicology findings would be compatible with his known medication except for the absence of nitrazepam. None of these detected drugs were near toxic ranges.

Dr Ong determined the cause of death was consistent with exhaust fumes toxicity.

Evidence relating to determination of the issues

The circumstances of Mr Woods' background and health, particularly mental health and the treatment of any difficulties he had

Mr Woods' suicide note reflects a number of issues including problems at work and relationship difficulties as possible reasons for his decision. He recognises in the note how multiple problems impact on his capacity to cope. Without placing undue weight on the note itself, the matters raised are consistent with the evidence that emanated from an examination of his mental health history as well as the circumstances around the time leading up to his decision to end his life.

GP and psychological treatment

Dr Bestmann was Mr Woods' general practitioner from 2002 until December 2010.

Dr Bestmann says there was a strong family history of depression, attempted suicide and suicide in Mr Woods' family, although Mr Woods never disclosed a personal history of suicidal ideation or intent. The issues of the family history are somewhat disputed by Mr Woods' family and I accept that is an issue that may be subject to differing interpretation.

Prior to this, Mr Woods had attended other appointments with psychologists, which were apparently not particularly helpful to him.

Dr Bestmann says that Mr Woods never complained about any troubles in his relationship with Ms Malfliet, which he believed was stable.

Dr Bestmann was of the opinion that Mr Woods had a nature, which made him more vulnerable to pressures, especially of workplace issues. His other vulnerability was when his relationships broke down. Mr Woods would generally react to these situations by having trouble sleeping, uncontrollable thoughts and increasing depressive symptoms.

Dr Bestmann says that at times Mr Woods required small and infrequent amounts of Mogadon to help with his insomnia but otherwise handled his vulnerability by playing sport (golf and keeping fit, cricket with his stepson) and four wheel driving.

In September 2007, Dr Bestmann referred Mr Woods to Ms Sticher, a psychologist. He did not attend until April 2008. Ms Sticher noted that Mr Woods reported workplace stress and problems in his relationship with his partner. Ms Sticher contacted Dr Bestmann advising *Gavin reported ongoing problems with anxiety, stress and sleep disturbance. He described a long term pattern of becoming very unsettled about otherwise minor issues and then being unable to sleep or stop thinking about the issue for several days. He believed that work was his primary stressor and he also had difficulties with insecurity in his personal and professional relationships.*

Ms Sticher's recollection was that the relationship issues were most frequently an ongoing background issue for Mr Woods and that his work issues, high anxiety and low self-esteem were the more prominent foreground issues.

Mr Woods also attended an appointment with psychologist, Cecilia Gilders on six occasions from August 2010 to October 2010. Mr Woods claimed Principal Constance at Whitfield SS was constantly negative, grunted at and ignored him, was highly critical and micro-managed him. Mr Woods also stated that Principal Constance undermined his confidence and competence and ridiculed him in front of staff. Ms Gilders says she worked on management strategies that Mr Woods could apply to help minimise the impact of these events.

Mr Woods was also investigated for difficulties with sleep. Dr Gan, a sleep physician made a diagnosis of obstructive sleep apnoea in May 2011 at which stage a CPAP trial was commenced.

Dr Gan noted the symptoms of sleep disturbance, waking unrefreshed, occasional headaches in the morning and loss of short-term memory and concentration. Mr Woods denied depression to her but she noted he was being prescribed the antidepressant, Lexapro, which he said he was taking for an anxiety disorder.

Report of Dr Joan Lawrence to WHSQ

Dr Joan Lawrence is a very experienced consultant psychiatrist held in high regard by the courts. Dr Lawrence initially was requested to provide a report by Workplace Health and Safety. She reviewed the information provided by medical statements and records and was of the opinion that Mr Woods' diagnosis was entirely consistent with the presence of a severe and chronic major depressive disorder.

Dr Lawrence said there were strong indicators of a significant biological basis to the condition. These arise from the particular aspects of the symptomatology described, namely the type of sleep disturbance and waking unrefreshed; the levels of anxiety; the tendency to ruminative thinking and the pattern of anergia, apathy, anhedonia, interference with concentration and short-term memory, and high levels of anxiety and vulnerability to stress.

Dr Lawrence also noted there were indications of exposure to traumatic experiences in his early developmental years, primarily as a result of behaviours and problems associated with his father's alcohol abuse and associated behaviours. It was also noted that a sister committed suicide in 1998 in circumstances suggesting significant physical abuse from a partner at the time.

Dr Lawrence noted Mr Woods had been treated by Dr Bestmann over a period of eight years for depression and he was stabilised for a considerable period of time on one of the most effective antidepressants, venlafaxine (Efexor), for some years, albeit with the need to increase the dose over time. He had not been responsive to a number of antidepressants previously.

Dr Lawrence considered the information suggests that Mr Woods had difficulty accepting the nature and implications of his significant and severe chronic mental illness of major depressive disorder. A person suffering with this type and severity of depressive disorder may also develop significantly distorted thinking and interpretations of events so that there is not only a negative connotation and interpretation, at times, of events, but there may also be a paranoid stance so the person is unduly sensitive to feelings of criticism, perceived rejection or bullying and harassment.

With chronic and severe depression, suicidal risk is increased. When illness is unrecognised and untreated, and a person does not communicate their emotional and depressive mental health state to others, the risk of successfully completed suicide is high.

Dr Lawrence was of the opinion the extent, nature and severity of his particular depressive illness indicated two things.

Firstly, there is an increased possibility of suicide.

Secondly, there is a strong possibility of misinterpretation of events and relationships into a negative connotation, including hostile, critical or persecutory interpretations, allied with ruminations so that these negative cognitions become exaggerated. Feelings of helplessness, hopelessness and doom also increase in contributing to the risk of suicide. There is increased vulnerability to stress inherent in a person already suffering depressive symptoms.

Dr Lawrence was of the opinion that Mr Woods may well have lacked full insight into his condition or denied the extent or pervasiveness of the features of the condition. It

is likely to have been less than optimally treated, particularly following the move from North Queensland to the Sunshine Coast, as he had not revealed the history to any of the three doctors consulted after his move.

The move itself and the adjustments necessary in any move to a new environment may also have created a stressor. His depression may well have been aggravated by the difficulties encountered in that adjustment process. The evidence suggests he may well have used coping mechanisms of denial and external attribution of blame to others for his difficulties. He may have reacted excessively to even legitimate criticism or negative feedback without acknowledgement of any change in his own depressed mood and mental state.

The total picture, as reconstructed, indicates that his depressive illness deteriorated with the development of suicidal intent and he regrettably completed suicide.

Dr Lawrence could not find any evidence to support a concept that his illness was contributed to, in any significant way, by the actions, including disciplinary type actions taken at Burpengary SS.

Report of Dr Lawrence to the coroner

Dr Lawrence was subsequently provided with further material by my office including further medical material, the suicide note and other statements.

Her opinion did not change with the addition of that material.

Dr Lawrence was of the opinion Mr Woods had developed a depressive illness, most likely Major Depressive Disorder with considerable anxiety features. The illness had developed in 2002.

She considered Mr Woods concealed the presence of, and treatment for the depressive illness. Dr Lawrence said it is not uncommon for a person suffering from any mental illness to have difficulty acknowledging the presence of the illness and the necessity for treatment.

Dr Lawrence said Mr Woods withheld this information from his current treating general practitioner and the specialist he consulted for symptoms associated with sleep apnoea. He appears to have not revealed this information to his parents and also, to some extent, his partner.

At Whitfield SS in 2010 his principal was concerned about what he considered to be an underperformance. This caused Mr Woods' stress levels to increase his anxiety and in Dr Lawrence's opinion his depression. He reacted by going on stress leave but he did seek treatment from his GP with an antidepressant and accepted a referral to a psychologist. The referral to the psychologist was under an Employee Assistance Program. Dr Lawrence noted that given the referral paths were different there was no communication between his GP and the psychologist.

Mr Woods then agreed to a transfer but it seems did not inform his treating GP or psychologist. The consequence of this was there was no effective transfer of psychiatric treatment, care or supervision associated with the move.

Dr Lawrence considered that settling into a new school would bring extra stress and Mr Woods would have still been affected by the symptoms of his depression. His personality characteristics of catastrophic rising stressors and not acknowledging the

extent of his depressive illness, would have continued and probably was accentuated.

Dr Lawrence considered it was more likely than not that his Major Depressive illness began to deteriorate. This was aggravated by the fact that his effective antidepressant medication had been ceased and there was no monitoring of his new medication or illness after leaving Far North Queensland.

Dr Lawrence's opinion was that Mr Woods was suffering from a chronic Major Depressive illness, and the stresses of the move, his difficulty in performing to expected standards, for whatever reason, brought him to the attention of his new principal. There were further additional stresses to which he would be prone to overreact, adding to his anxiety and thus aggravating his Major Depressive Disorder and increasing symptoms of depression with mounting hopelessness and negativity.

Dr Lawrence said there was the added confusion of his position, whether temporary or permanent, and its implications for staying at the school. He may have thought he was unable to move and avoid the looming crisis that he perceived in terms of management of underperformance, and his depressive illness would have been exacerbated. In such circumstances, relatively minor arguments and stressors in an interpersonal relationship of significance could act as a precipitating factor that could trigger the translation of mounting suicidal ideation into action and the implementation of a plan to suicide.

Dr Lawrence was satisfied that Gavin Woods suicided as a result of the exacerbation of a long-standing Major Depressive Disorder, inadequate treatment and a range of stressors, both work and interpersonal. In oral evidence she said not one issue could be identified as the single cause of the deterioration, but rather it was a cumulative effect.

The extent to which the decision to transfer Mr Woods from Cairns to the Burpengary State School was, and should have been, informed by anything that occurred in Cairns

Summary of employment history

Gavin Woods completed his Bachelor of Education at Griffith University in 1999. He became a teacher at the Dimbulah State Primary School in 2000. Between 2001 and 2002 he relieved as principal at a number of small schools in Far North Queensland. In 2002 he became the principal at Irvinebank SS and later as acting principal at Bibbohra SS.

In 2006 he became the principal at Mt Molloy SS, again a small one teacher school. His supervisors had reported the school had solid community relationships and solid student results but he did not always do things in a timely fashion or 'by the book'.

In July 2008 he commenced as a deputy principal at Whitfield SS, a much larger school in Cairns. He was selected through a merit process.

The principal, Mr Tony Constance had been the principal for some 20 years. Some considered he was not an easy man to work with. He was described as having strong and definite expectations from teachers and a strong leadership style.

At some time in 2009 and 2010 difficulties arose at the Whitfield SS concerning Mr Woods' performance, which resulted in an uncomfortable relationship developing

between him and the principal, Tony Constance. The performance issue was related to difficulties Mr Constance perceived Mr Woods had in relation to curriculum and line management tasks. The two had discussions about these matters and it is clear Mr Woods became upset about how he was approached by Mr Constance.

The Assistant Regional Director, Mr Allen-Waters told Ms Couper and WHSQ that Mr Woods spoke to him informally on a couple of occasions and indicated he was feeling uncomfortable, he did not know what his role was, he seemed to be trying hard to please Mr Constance but he could not, and he felt that he was able to satisfy Mr Constance's demands.

Mr Allen-Waters suggested a meeting with the principal to work out a very clear expectation.

In his subsequent WorkCover claim Mr Woods stated he was subjected to workplace harassment, inconsistent boundaries and expectations and frequent negativity and criticism from Mr Constance. Ms Malfliet says that Mr Woods became depressed and tried to improve his relationship with Mr Constance.

Another Deputy Principal, Ms Bradford, says that Mr Woods spoke with her about his concerns regarding his relationship with Mr Constance and to a breakdown in communication, a lack of trust and Mr Constance's leadership style of micro-management. Ms Bradford says she believed Mr Woods did not feel he could comfortably go and talk to the principal about how he was going or any concerns he had. Mr Woods gave Ms Bradford the impression that he felt offended, humiliated and intimidated by the principal.

Mr Constance said Mr Woods had a lot of difficulty with his line management responsibilities. He says that Mr Woods might have become frustrated at being told he needed to get something done, but Mr Woods did not seem upset. He added that once or twice Mr Woods displayed body language that suggested he might have been offended by something he had said or done.

Mr Constance said that Mr Woods' performance issues had not escalated to the stage of a MUP or any other formal process because he was trying to work with Mr Woods through these issues first. Mr Woods was not put on a MUP process.

In April/May 2010 it seems Ms Malfliet's son intended to enter university at the end of year 12 and they wanted to move down to Brisbane. Ms Malfliet says this was partly to enable Mr Woods to transfer away from Whitfield SS and move on. Mr Woods was advised to go through his principal in relation to the transfer. He was advised by a number of sources that in accordance with existing HR policy he was not eligible for relocation because he had not been in his substantive position for three years.

It is apparent Ms Malfliet herself had good grounds for relocation. It was made clear however that Mr Woods could apply for a compassionate relocation on the assumption Ms Malfliet would be relocated. Mr Woods seemed to be very anxious about his prospects.

On 26 May 2010, Mr Woods sent an email to Principal Constance, Mr Ramsden and Mr Allen-Waters attaching a relocation application form for 2010. An email was sent the next day noting that:

- Mr Woods' application needed to be signed by Principal Constance
- Mr Woods was not eligible for transfer based on service as he was required to complete three years service

- If he was applying for transfer on compassionate grounds he should document these as soon as possible.

There were various internal emails and communications between Mr Woods and Mr Constance and HR. Ms Malfliet says Mr Woods felt that the bullying had worsened after Mr Woods applied for a transfer and that Mr Constance was trying to block the transfer.

The whole process did appear to be somewhat upsetting to Mr Woods but overall the evidence would support a finding that Mr Constance was not endeavouring to block the transfer, although he was not expediting it either.

The Department had a transfer and relocation policy, which for transparency purposes needed to be followed. I have no issues with how the Department managed the process. On 30 July 2010 the signed relocation application was sent by Mr Constance and it was later endorsed after Ms Malfliet accepted a relocation transfer in late August 2010.

On 29 July 2010, Mr Woods saw Dr Bestmann about being 'bullied' at work and being depressed. This related to his poor relationship with the principal.

Dr Bestmann prescribed Mogadon to assist his sleep and issued a sick leave certificate for one month. Mr Woods continued to see Dr Bestmann over the next few months and also consulted a psychologist.

A WorkCover Claim was commenced on 14 September 2010. In the claim Mr Woods listed three nominated factors: workplace harassment; inconsistent boundaries and expectations; and frequent negativity and criticism. Mr Woods did not return to Whitfield SS from this time in early term three, 2010.

Mr Constance rejected the allegations made by Mr Woods. In his response he agreed some incidents had occurred or an issue had arisen, but disputed the suggestions made about his management of the situation. He also indicated that many of these incidents were examples of Mr Woods' inability to perform his role.

In accordance with policy, and as there were allegations of harassment, the allegations were referred to the ESU to determine whether Principal Constance had breached the Code of Conduct, and the next appropriate course of action. ESU advised the complaint against Principal Constance did not fall within the threshold for matters requiring investigation by the ESU. It noted that the matter was suitable for management actions.

A Grievance Complaint was also lodged by Mr Woods against Principal Constance. The ESU considered the complaint should be dealt with by management action only with the principal.

On 11 November 2010, Mr Allen-Waters met with Mr Constance and discussed:

- A review of complaint material directed towards establishing a resolution
- A review of role expectations and accountabilities for the Deputy and other school members
- A review of the Code of Conduct and its practical implications
- Planning strategies to minimise future possible concerns.

Mr Constance denied to Mr Allen-Waters that there were any problems or wrong doing and that it was a misunderstanding in terms of the way Mr Woods was seeing his role in the school. Mr Constance told Mr Allen-Waters that he had done things to correct the misperceptions Mr Woods may have had. Mr Allen-Waters suggested Mr Constance review the role of Deputy Principal around having very clear directions, identifying key responsibilities and roles; and those responsibilities were to be of a strategic and operational nature.

Mr Woods' WorkCover claim was unsuccessful for the reasons that it was considered that the actions of the principal constituted reasonable management action.

Mr Woods lodged an application for review by Q-Comp on 8 November 2010. Mr Woods wished to have the decision by WorkCover to reject his claim reviewed on the basis that WorkCover did not investigate his claim; did not consider relevant information; did not examine inconsistencies in the employer's responses; and he had additional information and the names of witnesses. This was rejected by Q-Comp on 24 December 2010. Mr Woods did not further appeal the decision as he was entitled to do.

Whilst all this was happening the medical recommendation was that Mr Woods was now fit to resume work but at another school. Although there appeared to be some questions raised within Department HR as to whether this should occur, ultimately he was placed at another school, Cairns SS for term four. There appeared to be no major issues for Mr Woods at this school and all reports indicated he performed well.

By the end of the year Mr Woods was advised of a transfer on compassionate grounds to Burpengary SS on a temporary basis.

It is apparent no-one in HR or elsewhere in the North Coast Region was aware of any of this history before Mr Woods arrived at Burpengary SS. Whether any or part or all of this information should have been shared, and with whom, are issues that will be examined later in this decision.

The Burpengary way

There was a lot of reference to the 'Burpengary way' in the material. This should not necessarily be considered pejoratively, but given Ms Paula Passi had been the principal there since 1994 it is fair to say much of what was the 'Burpengary way', including what was good and right about the school but also what may be considered more critically, can be referenced back to her views about the direction of the school and her management and leadership style.

Both within the school community and from hierarchy at the Department, it has to be said to her credit Burpengary SS had excellent academic and other key performance indicator results. There was some staff turnover dissatisfaction but many also commented this was a school where teachers enjoyed working and there was apparently a positive Staff Opinion Survey (some misgivings about the process and veracity of the survey was expressed, but I make no finding about this). It is apparent an emphasis on student behaviour meant the students were generally well behaved.

It is also apparent that to implement her program Ms Passi adopted a tight control of all aspects of the school. The Assistant Regional Director, School Performance, Mr Collier said that he was aware that Burpengary SS had a very established culture of leadership and administration. He was also aware that the school had a very detailed curriculum and its implementation was very tightly controlled, managed and

monitored. Ms Passi had clearly defined leadership practices on how she managed and led the school. Customs, administration practices and procedures were also tightly controlled, managed and monitored.

Mr Collier says that in his opinion this leadership and management is specific to Burpengary SS and it was one of the most controlled schools that he had to deal with. Mr Collier said that this was not necessarily a negative thing as education accountability has become very public.

Mr Collier said the fact that Ms Passi had high expectations was a good thing, however the flipside was that it was necessary to ensure that staff were supported and developed to meet the high expectations.

The Regional HR Manager, Mr Cook says that on a number of occasions the conduct of Ms Passi towards teaching staff had been raised. He says there were a couple of notable occasions as well as concerns regarding the end of year interviews with teachers who would be distraught and concerned about the way the meeting had been conducted (that is, from their perception in an unreasonable or unfair way).

Ms Passi's leadership and management style was the subject of much conjecture. The evidence was replete with highly diverse views as to its impact on individuals but it is apparent she was direct, businesslike and at times abrupt in her manner. Some found this forthright but fair and respectful and others considered it more intimidating.

Department knowledge of Ms Passi's management style

The Department would have been aware at a number of levels of issues/concerns about Ms Passi's management and personal interactions with teachers. There had been at least one Q-Comp review, which considered a Managing Unsatisfactory Performance process problematic. In that case, Ms Passi indicated she had received advice from the regional office that she could jump from stage one to stage three, however Mr Cook did not provide this advice and was doubtful any other staff member had provided this advice.

In 2007/2008 another teacher lodged a grievance alleging workplace harassment. This proceeded through a number of public service appeal processes, an anti-discrimination complaint and ultimately was investigated by the ESU (the Graham report). It is not for this court to review that investigation or express a view about the opinions of the investigator. What is important to understand is there was an adverse finding about certain management behaviours of Ms Passi, which were apparently not isolated, and of which the Department was now aware.

As a result of the ESU finding, a penalty was applied. Ms Passi was told in writing she should be in no doubt that a repeat behaviour as identified would be viewed most seriously. Ms Passi had a right of appeal, which she did not take up.

Ms Passi was issued with a reprimand and a reduction from her remuneration level. The remuneration penalty was suspended for one year on the basis that Ms Passi engage in a training plan aimed at developing and supporting her conduct in accordance with compliance of the Code of Conduct. The proposed training plan was to include an audit of performance, holding meetings with the Regional Director (or delegate) each term to review all decisions involving performance, transfers and leave and a review of the purpose and structure of end of year interviews.

The then Executive Director of School Performance, Sue Pearce, oversaw the development and implementation of the training plan. Ms Pearce says that there were no specific instructions provided to her, other than what was in the letter to Ms Passi. She says she interpreted this and developed her own training plan. Ms Passi was not given any opportunity to provide input into the training plan. Nor was she provided with a copy of the training plan. That is probably because there was very little in written form concerning the training plan and certainly no document titled a 'Training Plan'.

Ms Pearce identified certain characteristics of Ms Passi, including that she could be authoritative, behaviourally intimidating, very direct, brusque and with high expectations. Ms Pearce says that she was working with Ms Passi about reflecting and realising the effect of her behaviours on others, even though it might not have been intentional.

It was agreed that any concerns raised with HR concerning Ms Passi and the school would be identified to Ms Pearce who would assist with the management of these issues.

It is evident Ms Pearce met with Ms Passi on a number of occasions about the training plan in the first six months. When she moved elsewhere Mr Collier, the Assistant Regional Director took over, at least notionally.

Ms Pearce says Ms Passi was learning and making real efforts to change her behaviour. The very distinct impression I got from the evidence and hearing the witnesses was that the training plan was so informal it is difficult to understand what its aims were and accordingly difficult to assess whether any progress was being made. Ms Passi appeared reluctant to acknowledge that there were any deficiencies in her management. She said the training plan was to provide her with support. Ms Passi did not appear to reflect on anything she learnt or any shortcomings that may have been identified.

There were a number of staff issues that arose in relation to Ms Passi's management during the first six months of the training plan. Some included claims of bullying. None of the staff that raised issues were prepared to participate in facilitated mediations or discussions with Ms Passi. She refused to acknowledge that any of the complaints raised against her were valid. Ms Pearce made some attempt to address these issues but it is also evident Ms Pearce did not see an issue with some of these complaints, and that may well have been justified. Some of the issues were resolved by facilitating transfers of the staff concerned. Ms Pearce disagreed that staff were transferred out rather than dealing with the issues and that there were valid reasons for each transfer. I am not so sure.

In February 2010, Ms Pearce moved to another position and provided a handover to Mr Collier. Mr Collier appears to have taken little action to implement the training plan although he seemed to be of the belief that the training plan had been fully implemented despite there being a further six months for it to run.

The Regional Director, North Coast Region Mr Greg Peach said in hindsight the training plan was deficient because it did not get into some of the micro details about how to interact with staff.

Much more could have been done. In my view it was an ineffective example of a training plan and little was achieved to address the management style issues that had been identified.

The circumstances of Mr Woods' transfer to and employment at Burpengary SS

Mr Woods and his partner relocated to the area in January 2011 and he commenced work at Burpengary SS.

There were a number of problems associated with the move including delays due to the 2011 floods. There is some evidence these domestic issues may have made him more anxious.

There was also some conflict on financial issues between Ms Malfliet and Mr Woods around this time, principally over his credit card debt and a bridging loan taken out to purchase a property whilst their Mareeba property was sold.

One of the other deputy principals at Burpengary SS, Mrs Borserini, says that by the end of the first or second week she was feeling uncomfortable because Mr Woods did not seem to know what to do. Mr Woods had appeared to be very receptive to induction sessions but Mrs Borserini formed the impression that it was as if Mr Woods had never been a deputy principal in a big school. Mrs Borserini says that the administration meetings that commenced in mid January were curriculum based and Mr Woods would not contribute to the meetings and he would often say that he did not know anything about curriculum because he was not allocated any curriculum work in his previous school. Mr Ruhle, another deputy principal confirmed similar views.

It is apparent Mr Woods was quite upfront about this and did appear to be willing to learn. Mrs Borserini agreed to be a support person to Mr Woods for this purpose. Ms Mellers, a deputy principal, also provided him with support. He agreed to observe the learning support program to see curriculum in action. Ms Malfliet says that it was an ongoing challenge to keep up with curriculum as it has changed a lot and Mr Woods was working very hard to increase his knowledge.

These and other issues and incidents apparently caused Ms Passi some concern. She met with Mr Woods in late March to review his actions. Other matters discussed included Mr Woods' loudness in the office and playground and his impetuosity in decision making.

Ms Passi says that Mr Woods took this feedback well. We cannot hear from Mr Woods but given the concerns others raised about Ms Passi's directness and lack of empathy and insight as to how this impacted on staff, it is difficult to be able to conclude this was necessarily the case.

Sometime towards the end of March to early April 2011, Ms Passi contacted Principal Constance as she says she had increasing concerns as to Mr Woods' performance. There is no criticism of that approach being made.

Principal Constance says that he advised her that he had some performance issues, which he was starting to discuss with Mr Woods before he left and that he had been trying to find ways to manage those issues.

Ms Passi recalls much more and quite different detail about this conversation including that Mr Woods had been placed on a MUP process. It is evident Mr Woods had not been placed on a MUP and I accept Mr Constance did not say so but he may have said he was heading towards a MUP.

It is but one example among a number where Ms Passi appears to hear one thing and then somehow translates it into something else that she wants to hear. Other examples include her interaction with Mr Cook over the earlier incident involving the teacher placed on a managing unsatisfactory performance process where Ms Passi indicated she had received advice from the regional office that she could jump from stage one to stage three, when Mr Cook says that he did not provide this advice and was doubtful any other staff member had provided this advice.

A further example is the meeting on 14 April 2011 held between Mr Collier (Assistant Regional Director), Mr Cook (Regional HR Manager) and Ms Passi, where she again raised concerns regarding Mr Woods' performance and issues regarding Mr Woods' professional conduct and internet usage. She said she had also sought information from Principal Constance regarding his previous history. She wanted to place Mr Woods on a MUP process but she was advised that the Developing Performance Framework (DPF) should be the first avenue. In evidence Ms Passi strongly rejected the proposition that Mr Collier and Mr Cook spoke to her about implementing a DPF with Mr Woods before commencing a MUP process. She says that if that had been raised she would have indicated that this had already been implemented with Mrs Borserini as Mr Woods' support person.

Mr Collier said in evidence it appeared Ms Passi was 'jumping up the ladder of inference from A to Z' with regard to Mr Woods' performance. This was because she was jumping straight to a MUP process, which is at one end of the continuum whereas providing a detailed induction was at the other end.

Mr Cook's version was that if there continued to be concerns about Mr Woods' performance, Ms Passi could then advance to a MUP process. According to Mr Cook, there was no timeframe provided to Ms Passi about the length of time before she could progress to a MUP.

Ms Passi says that she was advised she was to provide Mr Woods with a month of support and then commence Mr Woods on a MUP program. In her interview with WH&S she says there was no timeframe put to her regarding the MUP.

It is unlikely Ms Passi was told to provide Mr Woods with a month of support before placing him on a MUP process. It is more likely she was advised to develop Mr Woods' Professional Development Program (PDP) and that if this was unsuccessful and Mr Woods' performance did not improve, she could then proceed to a MUP. The timing of Mr Woods' PDP would support that this advice was provided to Ms Passi because interestingly the PDP document appears to have been completed the next day on 15 April 2011. The PDP content does appear to be based on activities identified by Ms Passi and, as Mr Cook identified, with little evidence of consultation and negotiation.

On 14 April 2011, a letter was sent to Mr Woods at Whitfield SS (and copied to the principals at Whitfield SS and Burpengary SS), which advised that Mr Woods had been transferred to Burpengary SS as a full-time Deputy Principal to commence duty on 11 July 2011. Mr Woods was not aware of this information until he was told by a HR officer on 31 May 2011 after he enquired, given that he was temporary, about any other available positions. I will deal with this later.

Much ado about nothing

It is clear in my view that Ms Passi had determined Mr Woods' unsuitability for the role as Deputy Principal and this was confirmed as a result of her discussion with Principal Constance.

In May 2011, Mr Woods was accused of taking chocolate money and was also spoken to by Ms Passi and Mrs Borserini about internet usage not strictly related to work activities. To be absolutely clear, the alleged offending internet usage related to outdoor activities such as 4WDs, fishing and camping.

A chocolate container or tin was held in the stronghold room in the administration area. A limited number of staff had access. It held chocolate which staff could purchase.

The school Business Services Manager, Ms Bunney noted that \$15 in notes she had seen earlier had gone missing. She discussed this with office staff who knew nothing about it. She was advised Mr Woods had also accessed the chocolate tin. None of the staff indicated to Ms Bunney that Mr Woods had been in the stronghold room on the day the chocolate money went missing. It was simply that he had accessed the chocolate tin.

Other staff were asked about the missing money. Ms Mellers says that she had access (and a key) to the security room, but she was not interviewed regarding the missing money. She only became aware of the existence of the chocolate tin when Mr Woods offered her a chocolate and told her about it.

An administration officer was approached by Ms Bunney about whether she had removed the money from the tin for the purpose of buying more chocolates to sell and she replied in the negative. She said Ms Bunney then told her she thought Mr Woods must have taken the money. She was never spoken to again by anyone about the missing money, or as part of an investigation into the matter.

Ms Bunney reported the matter to Ms Passi who said she would speak to Mr Woods about it and cover it in a letter. She sent the letter a month later. Ms Passi told Ms Bunney she did not expect to resolve this issue.

One probable reason for this is that there was no compelling evidence at all that Mr Woods took \$15 or any smaller sum as later alleged from the tin. We know he took a chocolate from it because he offered one to Ms Mellers in an action hardly indicative of a person with a guilty mind.

At the same time as the chocolate money went missing, an allegation of excessive use of the internet by Mr Woods was raised. It is unclear how this was raised and who initiated the review as there are slightly different versions, perhaps consistent with this being hardly a serious matter and recollections were not at a heightened level.

In any event, the school IT coordinator Mr Woodrow was asked to monitor and produce a report on Mr Woods' internet usage. A top ten downloader user report and a search report of the sites accessed by Mr Woods was produced. Mr Woods was the third highest user.

Mr Woodrow says that he did not feel that Mr Woods' usage was overly excessive but in relation to the other deputy principals there is some evidence to suggest it was

higher than other deputy principals at Burpengary and other local schools. That is not altogether surprising considering Mr Woods had an interest in computer technology.

The top two users were a prep teacher and a year four teacher. It is apparent that the prep teacher's internet access was all for educational purposes so she was not interviewed but the other teacher was interviewed as she had some eBay use.

Ms Passi and Ms Bunney say that the difference between the year four teacher's use and Mr Woods' use was that the former's use was out of school hours whereas Mr Woods' use was said to be in school hours.

It has to be said that even a cursory examination of the download indicates, at least to me, that a significant amount of the use was prior to school starting and at or around the end or after school hours. Ms Martens calculated a similar result in more exact terms.

Ms Passi says she came to the conclusion that Mr Woods was accessing the internet, for purposes other than for work related matters, for a significant period of time, outside the scope of what might have been reasonable under the Departmental private use policy. She believed that 90% of Mr Woods' use was private.

At some stage Ms Passi instructed Mr Woodrow to put a limit on Mr Woods' internet usage. Mr Woodrow gave evidence that he had never been instructed to limit anyone else's usage.

Ms Passi also spoke to Mr Woods regarding his dress, manner and conduct at the School Athletics Carnival. This appears to be based on Ms Passi's view that Mr Woods had been inappropriately dressed at the school athletics carnival (he was wearing football shorts), he failed to introduce the P&C president and Ms Passi, and he congratulated the students as they were approaching to receive their prizes and before they went on to receive their prizes from the presenters.

What can be said about all this is:

- the behaviour at the school sports carnival was trivial and hardly worth worrying about
- the internet usage was readily explainable and not excessive and was ultimately seen to be so
- the evidence of Mr Woods' connection to the missing chocolate tin money was not sufficient to warrant the actions subsequently taken.

Events leading up to the meeting held on 25 May 2011

On 12 May 2011, Ms Passi wrote to Mr Woods. She stated that \$25 - \$30 went missing and that a local investigation by Ms Bunney identified Mr Woods as one of a couple of staff who accessed the tin. She also advised that Mr Woods had not complied with the Department's guidelines for the use of school resources, namely the school's internet service. She wrote further that school records revealed an unacceptable level of access and access to sites that do not support Mr Woods' role. She scheduled a meeting with Mr Woods on 25 May 2011. The letter did not reveal the date when the money went missing.

Ms Passi said there was no particular reason why she wrote to Mr Woods, and nobody else about the internet issue; and confirmed that no other staff member received a letter regarding their access to the chocolate tin.

Ms Passi agreed that one of the reasons she decided to do this formally was she was concerned to ensure she handled the matter according to the correct process and protocol because of her previous experiences and the knowledge Mr Woods had made previous complaints of bullying and harassment.

Ms Malfliet says that Mr Woods was distressed and he felt set up by Ms Bunney and Ms Passi as no one had said there was money missing, and no other staff received a letter. Following this Mr Woods was more anxious, irritable and not sleeping well.

The next day, Mr Woods approached Ms Passi asking if he could meet with her immediately to discuss the allegations. She described Mr Woods as being anxious and that he wanted action straight away. She advised Mr Woods to talk with Mr Woodrow (in his position as a staff Queensland Teachers Union (QTU) union representative) and to collect his thoughts on paper prior to the meeting. Mr Woods requested a police investigation be conducted but Ms Passi refused.

Mr Woods made contact with Mr Evans from QTU and provided him with a written response to the letter on 19 May 2011. Mr Evans described Mr Woods' demeanour as normal and matter of fact during these interactions although Mr Woods was very concerned about the allegations critical of his professionalism.

Mr Woods' letter expressed disappointment that his professional and personal integrity was being questioned. He requested that a formal complaint be made to the Queensland Police Service (QPS) to investigate and identify either a clerical error or culprit. He wrote that the internet usage print out indicated his internet usage was from weekends when he was using the laptop. He claimed not to be aware that an internet limit existed or could be imposed without notice and that he had still not been advised of what the acceptable level of personal internet usage was. Mr Woods indicated he perused the internet for items of personal and school interest. He wrote he would be more mindful in the future, and he requested a clear direction as to the percentage of personal internet use considered reasonable, with a request for a download limit of 150mb to be able to complete his duties.

Meeting held on 25 May 2011

There are some differing recollections as to whether there were one or two meetings where these issues were discussed. Although Mr Woodrow thought there may have been two meetings, I accept most, if not all, matters raised were discussed on 25 May 2011. Mr Woodrow attended as a support person. Mrs Borserini and Ms Bunney attended for part of the meeting also.

There are also differing recollections as to some aspects of what was said at the meeting. Ms Martens has helpfully provided a summary of the relatively uncontested evidence of the meeting as follows:

- Ms Passi was forthright and straight to the point, but her demeanour was calm throughout the meeting
- Other than being upset/indignant about the missing money allegation, Mr Woods' demeanour was calm throughout the meeting
- Ms Passi asked Mr Woods about his knowledge of the chocolate tin and the missing money, but she did not directly ask Mr Woods if he took the missing chocolate money
- Mr Woods was adamant that he did not take the missing chocolate money and he wanted the matter referred to the QPS

- Ms Passi advised that the matter was inconclusive and the matter would not go any further and that the QPS would not be advised because it involved such a small sum of money
- Ms Passi directed Mr Woods not to enter the stronghold room (in addition to existing protocols that all staff members were to approach the administration staff for permission to enter this room)
- Ms Passi raised Mr Woods' 'awesome' use of the internet which had been accessed during school hours and was not for work purposes. She said she was of the view that Mr Woods spent a significant amount of work time, up to half a day, on the internet
- Mr Woods was of the opinion that his usage of the internet was not excessive
- Mr Woodrow says that Mr Woods stated that he would comply and cut down his internet usage
- Ms Passi advised Mr Woods that the internet usage matter would be referred to the ESU for determination
- The school athletics carnival was raised.

Mr Woods then raised with Ms Passi whether she thought he could do the Deputy Principal's job and an 'off the record' conversation then occurred:

- Mr Woods was calm when he raised this issue
- Ms Passi stated to Mr Woods that she did not think he could perform the role
- The role was too hard for Mr Woods
- Mr Woods had been poorly advised in working in single teacher schools and it would have been beneficial for Mr Woods to have worked in a larger school to have gained curriculum knowledge
- Mr Woodrow says that Ms Passi stated words to the effect that Mr Woods was out of his depth and had a lack of curriculum knowledge and that she felt she could not give him all the roles he should be able to perform because of his lack of skills, which created additional stress for the other deputy principals who were not being paid Mr Woods' wage. Ms Passi says she did not use those exact words but agreed she said that a major issue was curriculum
- Mr Woods should attempt to negotiate with HR for a relocation at his banding and talk to them about his options. There was reference to a Department outdoors activity centre that he might want to investigate
- Mr Woods agreed that he would speak to HR
- Ms Passi advised Mr Woods she had spoken to Principal Constance. She suggested Mr Woods and Mr Woodrow go down to the coffee shop and have a cup of coffee at the conclusion of the meeting.

Mr Woodrow says there was some discussion that if Mr Woods was not able to fulfil his role or improve, Ms Passi would be putting him on a diminished work performance after the holidays. This is denied by Ms Passi and Mrs Borserini but I accept some reference to a MUP was made. It is also consistent with the discussion Mr Collier said he had the next day with Ms Passi (the content of which but not the event Ms Passi also denies). Mr Collier says that he advised Ms Passi that there was a timeline associated with Mr Woods' PDP and that there would be a time when Ms Passi could talk about Mr Woods' progress. Ms Passi told him she believed Mr Woods was not across the skills and knowledge of the current curriculum reform agenda and did not have the necessary skills and knowledge to monitor what was happening in classrooms and to monitor teachers.

Ms Passi said that Mr Woods left the meeting with a spring in his step. Mr Woodrow did not agree with this description and believed Mr Woods looked like he was at a

loss as to what to do. I accept Mr Woodrow's version. It is but one example of Ms Passi's lack of insight as to the impact her direct, and at times abrupt, manner had on some persons. It would be incredulous to expect that a person who had been given this information would leave with a spring in their step.

At the same time no-one present, including Mr Woodrow, suggested anything offensive or threatening was said. Mr Woodrow did not find it intimidating or humiliating but agreed a recipient may have found it so.

Mr Woodrow thought Mr Woods had hit the wall and switched off. Mr Woods stated he could not go through another session like he had been through up north. Mr Woodrow asked him what the positives were and Mr Woods could not identify any. Mr Woodrow suggested Mr Woods speak to the area union representative (Mr Evans) who had more experience. He thought this proposal made Mr Woods feel a little better on the basis he had a next step. Mr Woodrow was not concerned about Mr Woods' welfare, as he believed Mr Woods was on track to speak to HR and work out a resolution.

Mr Woodrow told Ms Passi he thought Mr Woods had hit the wall. He also rang Mr Evans from the QTU but did not pass this observation on to him.

It is likely Ms Malfliet spoke to Mr Woods on the side of the road following this meeting for 20 minutes. Ms Malfliet says Mr Woods stated that Ms Passi had stated that if Mr Woods was at Burpengary SS at the beginning of term three she would commence the MUP process. Mr Woods was very upset and Ms Malfliet thought things for Mr Woods were going downhill. Ms Malfliet says in hindsight, Mr Woods' mental health was getting worse but she was busy and had not paid him enough attention. Ms Malfliet was not concerned about leaving Mr Woods in the state he was in and did not believe that he was suicidal.

At a meeting a few days later Mr Evans advised Mr Woods to talk to HR about what was happening at the school, in light of the roles Mr Woods was being given and the allegations made about the chocolate money and internet usage. Mr Woods also mentioned a MUP process and that Mr Woods felt he was being judged before being able to show what he could do.

Advice of Mr Woods' permanent appointment

After Mr Woods left the meeting on 25 May 2011 he still thought he was at Burpengary SS on a temporary basis. He had not been informed of the letter sent on 14 April advising that his position was now permanent.

To add to the perfect storm that was forming, a series of emails and discussions proved that was incorrect. This discussion was initiated by Mr Woods in an email sent on 30 May 2011 to various HR persons in Cairns and Mr Powell (HR consultant) and Mr Cook (HR Manager) where he notes that as he had not applied for a permanent deputy principal position at Burpengary SS he would be seeking a permanent, relieving or acting position for Semester 2 and he asked what options/positions might be available.

Mr Powell says that he rang Mr Woods on the morning of 31 May 2011. Mr Powell recalled that Mr Woods sounded calm and rational and there was nothing in his demeanour or manner or voice that raised any concerns. Mr Powell confirmed that Mr Woods had been placed permanently at Burpengary SS. Mr Woods said words to the effect that he was not considered a good fit at the school and Ms Passi had

referred to his position as temporary. They discussed a number of issues consistent with matters already raised in the evidence. Mr Powell says that he agreed to make some enquiries regarding rescinding Mr Woods' permanent placement and he would get back to Mr Woods. Mr Powell sought further advice from Ms Owens (Principal HR consultant North Coast Region).

Ms Owens says she contacted Ms Passi to find out why she had not passed on a copy of the letter. Ms Passi stated to Ms Owens that it was dated effective from semester two and that she did not have to give him the letter until then and presumed (not unreasonably) Mr Woods would have received an individual letter. Ms Passi denied deliberately withholding the letter.

There follows a series of emails between Mr Cook and Mr Powell expressing their concerns as to the probability of a MUP process cutting in prematurely and what may be unreasonable management action.

Mr Powell then had a conversation with Mr Woods on the afternoon of 31 May 2011 and amongst other discussions Mr Woods said he did not want to rescind his appointment. Following the conversation, Mr Powell then emailed Mr Woods (and included Mr Cook and Mr Rogers) confirming their telephone discussion. Mr Powell confirmed Mr Woods had been permanently appointed to Burpengary SS, detailed the process for Mr Woods' to rescind the offer and the arrangements that would need to be made with his substantive region. Mr Powell also detailed that if Mr Woods was of the view that Ms Passi had acted unfairly or unreasonably in the management of his secondment or transfer that Mr Woods should follow the process identified in the attached grievance policy and complaints management directive.

On 3 June 2011, Ms Passi wrote to Mr Woods. She advised that the investigation into the theft of private funds was inconclusive however the fact that Mr Woods was repeatedly in the security room meant that Mr Woods was legitimately included in the investigation. She wrote that Mr Woods was to no longer access the security room unless directed by her. Ms Passi noted the IT technician, Mr Hindom had indicated to her that Mr Woods knowingly opened and downloaded emails that were not work related. She also noted her belief that Mr Woods' internet research was for private use. She would discuss with Mr Hindom regarding what is reasonable access for Mr Woods' duties and she would be referring Mr Woods to the ESU for determination of any breach of the code of conduct.

Ms Passi did notify ESU by way of a Minor Incident Report on 10 June 2011.

Mr Garland, the Manager of the Complaints Management Team, ESU, says that he reviewed the material and that whilst there was a high volume of internet hits it was the recurring pop-ups that happen every ten seconds that explained this high volume, and the number of sites Mr Woods visited was minimal. There were no inappropriate sites visited and the review revealed that Mr Woods would visit half a dozen internet sites in a twenty minute window so there was no suggestion of him wasting time by surfing the internet.

The complaint was closed shortly after by ESU on the basis it was considered there was not an overuse or inappropriate use of workplace internet, and some personal use is acceptable. The report back said the times the employee was on the Internet were insignificant and the issue would be best managed locally in the first instance.

Meeting held on 7 June 2011

Mr Woods then met with Stephen Cook (Regional Human Resources Manager) and Mr Evans on Tuesday 7 June 2011. The history of recent events from Mr Woods' perspective was repeated. According to Mr Cook, Mr Woods presented calmly through this meeting and did not present as though he was at his 'wits end'. Mr Cook asked Mr Woods to provide a copy of his developing performance framework documents. Mr Cook was of the view that the meeting was positive in terms of addressing the concerns.

Mr Cook says he came to the conclusion, in the presence of Mr Evans, that he should discuss with the Assistant Regional Director and Regional Director the possibilities of placing Mr Woods at another school. Mr Evans was of the same opinion and said so in the meeting.

Mr Evans told Mr Woods after the meeting he thought it went well and the most likely scenario was that Mr Woods would be moved on. Mr Evans encouraged Mr Woods to not give up his deputy principal position easily and to keep his head down for the next fortnight until the end of the semester as a position may arise for the next term. Mr Evans recalled that Mr Woods was happy and pleased about getting another placement.

It is clear Mr Cook spoke to Mr Collier and Mr Peach over the following days and they identified and were supportive of a move to a vacancy at Kallangur State School. Unfortunately, Mr Woods was not, and perhaps could not be advised of this development, although it is likely the tragic events had already intervened.

On 10 June 2011, Mr Evans was advised that Mr Woods had not been at work on Thursday or Friday. He was concerned that something may have occurred at the school on Wednesday so he contacted Mr Cook. They agreed that Mr Woods had been nervous but calm and collected at the meeting on 7 June 2011.

Conclusions on the issues

The circumstances of Mr Woods' background and health, particularly mental health and the treatment of any difficulties he had

Mr Woods suffered from depression and anxiety, sleep disturbance and negative ruminations. This predated his experiences at Whitfield SS and Burpengary SS. Dr Lawrence's opinion is Mr Woods suffered from a severe and chronic Major Depressive Disorder, which fluctuated in its intensity. Given Mr Woods' condition, he was more vulnerable to the pressures of workplace and relationships issues, particularly given that he did not have useful ways to deal with these issues.

Mr Woods was not actively seeing a GP or psychiatrist regarding his mental health after he transferred to the North Coast Region. Toxicology tests indicate that he was taking some of his prescribed medication but in the opinion of Dr Lawrence he had changed to a less effective medication and this was not being monitored.

The extent to which the decision to transfer Mr Woods from Cairns to the Burpengary SS was, and should have been, informed by anything that occurred in Cairns

There were no policies, procedures or legislation produced by the Department in relation to what information regarding an employee can be shared between regions,

other than that teachers should not be transferred or relocated if there are performance issues or they are under review for performance.

The issue of the transfer of information about an employee's personal health, whether it be in relation to medical issues, mental health or rehabilitation issues is fraught with some difficulty. Conceptually it could be considered objectively sensible, as Ms Malfliet suggests, that if a person has some known vulnerabilities these should be able to be discussed by HR staff to determine what is best for the transfer of the staff member and what supports a person requires in an ongoing employment situation. Issues of the best fit of school for such a person would be able to be considered.

I noted in a recent inquest decision⁴ concerning a similar issue involving another State Government agency, that it is evident there is still a stereotypical stigma attached to mental illness in the community; and government departments would not be immune to this. Despite the public awareness efforts from such organisations as Beyond Blue, mental illness is still not regarded as just another illness. I heard evidence in that case that affected staff might perceive the provision of such confidential information as harassment, an intrusion into their personal lives; resulting in an inability to get on with their lives and a fear that their promotional opportunities or employment could be impacted.

I also noted the comments of Keane JA in *Hegarty v Queensland Ambulance Service* [2007] QCA 366 which recognised these very issues and commented that a *conclusion that an employer has acted unreasonably in failing to recommend psychological assessment and treatment cannot be made without recognising that the employer's decision must be made in a social, economic and legal context which includes these considerations.*

The judgement expanded on these issues as follows:

[41] It must be said immediately that, while an employer owes the same duty to exercise reasonable care for the mental health of an employee as it owes for the employee's physical well-being, special difficulties may attend the proof of cases of negligent infliction of psychiatric injury. In such cases, the risk of injury may be less apparent than in cases of physical injury. Whether a risk is perceptible at all may in the end depend on the vagaries and ambiguities of human expression and comprehension. Whether a response to a perceived risk is reasonably necessary to ameliorate that risk is also likely to be attended with a greater degree of uncertainty; the taking of steps likely to reduce the risk of injury to mental health may be more debatable in terms of their likely efficacy than the mechanical alteration of the physical environment in which an employee works.

[43] The area of debate in the present case concerned the extent to which the defendant was duty-bound to ensure that its superior officers should intervene with individual ambulance officers in relation to possible signs of deterioration in their mental health. The private and personal nature of psychological illness, and the consequential difficulties which attend the discharge of an employer's duty in this respect, must be acknowledged as important considerations. The dignity of employees, and their entitlement to be free of harassment and intimidation, are also relevant to the content of the duty asserted by the plaintiff. Issues of some complexity arise in relation to when and how intervention by an employer to

⁴ Inquest into the Death of Brett Andrew Pollini delivered on 11 November 2013

prevent mental illness should occur, and the likelihood that such intervention would be successful in ameliorating the plaintiff's problems.

[45] Issues did necessarily arise, however, as to the identification of a sufficient basis for the making of a suggestion by the defendant that the plaintiff seek psychological assessment and treatment. The resolution of this issue is fraught with difficulties peculiar to cases of psychiatric injury. In cases of apprehended psychiatric injury, unlike cases concerned with the amelioration of physical risks in the workplace, important values of human dignity, autonomy and privacy are involved in the formulation of a reasonable system of identification of psychiatric problems which may warrant an employer's intervention and the making of a decision to intervene. An employee may not welcome an intrusion by a supervisor which suggests that the employee is manifesting signs of psychiatric problems to the extent that help should be sought, especially if those problems are having no adverse effect upon the employee's performance of his or her duties at work.

[46] Employees may well regard such an intrusion as an invasion of privacy. Employees may rightly regard such an intrusion as a gross impertinence by a fellow employee, even one who is in a supervisory position. If an employee is known to be at risk of psychiatric injury, prospects of promotion may be adversely affected and questions may arise as to the entitlement, or even obligation, of the employer to terminate the employment. Employees who are ambitious, and eager for promotion, and whose signs of dysfunction might equally be signs of frustrated ambition, might rightly be deeply resentful of suggestions which reflect an adverse assessment of the employee's ability or performance and prospects of promotion. Such employees can be expected to pursue such remedies as may be available for their grievance over the intrusion. Dissatisfaction or resentments of this kind may give rise to industrial relations issues for the employer, as well as defamation issues for other employees. A conclusion that an employer has acted unreasonably in failing to recommend psychological assessment and treatment cannot be made without recognising that the employer's decision must be made in a social, economic and legal context which includes these considerations."

In this case, it is apparent the North Coast Region was not aware of any prior employment, grievance claims or other work history before Mr Woods arrived at Burpengary SS. He had a full medical clearance to return to work in Cairns albeit not at Whitfield. There was no MUP in place.

If it had been otherwise and the North Coast Region had known there were some potential issues, these would have been clarified with the sending region confirming whether Mr Woods should be transferred.

That being said a number of witnesses said the availability of some information would have been useful. Mr Cook says that had he been aware of this information, serious consideration would have been given about Mr Woods' placement at Burpengary SS because there was an *upfront history of some people not being able to work in that environment because of the strident nature of the management.*

Given Mr Woods' vulnerabilities, it is not difficult to find Burpengary SS was not the right fit for him. I accept however, that in a Department as large as Education Queensland, being able to finesse such decisions to that degree would be difficult and in any event there would have to be a vacancy elsewhere.

I agree with Ms Martens' submission that if North Coast Region had been aware of the previous issues, when issues arose between Mr Woods and Ms Passi, HR staff

would have had more information to be able to inform themselves as to whether intervention was necessary and whether any consideration needed to be given to ascertaining Mr Woods' well-being.

The circumstances of Mr Woods' transfer to and employment at Burpengary SS

It is apparent Mr Woods had little experience of the workings of large schools when he was promoted to the position of deputy principal at Whitfield SS. I accept he had difficulties as suggested by Mr Constance and Ms Passi concerning curriculum development and a number of line management responsibilities.

There is no doubt he had other good teaching qualities but he had difficulties when managing these other responsibilities. That is not to say he could not have developed those capacities, but it is evident he was sent to schools where the principals admirably had high expectations for their schools and he struggled with the leadership styles and high expectations of the principals.

Dr Lawrence was of the opinion that Mr Woods' poor performance at work was likely caused by his major depressive disorder as a result of being unable to focus his attention. She also says that Mr Woods was subject to further stressors because of his under-performance at work, which would have increased his anxiety and added to his symptomatology. This was due to his capacity to catastrophise, or over-react to minor stressors, resulting in an exacerbation of anxiety symptoms and thus the potential to aggravate his depression. As Mr Woods' condition continued to deteriorate, he would tend to magnify his negative interpretation of events which would have led to increasing feelings of hopelessness.

Dr Lawrence was of the view that the chocolate money incident and the internet usage issue would qualify as major stressors for Mr Woods and be the sort Mr Woods would react excessively to. It would have been a significant blow to Mr Woods' self-esteem and he would have seen the incident as a negative one. She reviewed Mr Woods' correspondence in response to the allegations and was of the view that Mr Woods gave a perfectly reasonable and detailed response to the allegations against him. She could find no evidence of depressive themes or hopelessness or any significant evidence suggestive of negativity, protests or accusations of bullying, harassment or other inappropriate behaviours. Dr Lawrence said in her evidence she would have expected to have seen more negativity in his response.

Dr Lawrence says that Mr Woods would have had a negative reaction to these events, even in response to reasonable management action. The discussion of a referral to ESU would have added to Mr Woods' negative view of himself and the future and he would have interpreted this referral as a negative outcome. Dr Lawrence also gave evidence that the feedback provided by Ms Passi regarding Mr Woods' inability to perform the duties of his role at Burpengary SS, even if delivered with the best of intentions, would have been seen by Mr Woods as confirmation of his low self-image and perceived as negative. Even if Mr Woods had been given some feedback about a more suitable role, Mr Woods would have been unable to penetrate his thinking to have been able to see this as a positive.

The impact on Mr Woods as a result of these events is discussed below. The issue as to how to categorise these events, and whether they incorporated bullying, harassment, unreasonable management action or something else is more problematic.

One issue was raised which suggested Mr Woods had been allocated to fill in as a relief teacher at a level greater than any of the other deputy principals and as a form of penalty. The evidence on this issue was not unanimous but overall the evidence suggested this was not the case and I accept that was the case.

I also accept there is evidence supporting a finding that Mr Woods was having difficulties with a number of aspects of his duties as a deputy principal. When performance issues arise the Department has a raft of responses to be escalated across a spectrum of strategies to develop performance if possible. Without being definitive, the evidence suggests these strategies commence with ensuring there is a proper induction and then progress through communication of expectations, definition of the position role, and if necessary provide mentoring and support programs. It is only if problems continue that there should be progression to more formal developing work performance and then finally Managing Underperformance Process.

What happened in this case is some of those induction and mentoring steps were engaged in term one but at some stage in late term one/early term two, and most likely fortified after her conversation with Mr Constance, Ms Passi made a decision Mr Woods was not capable of doing the job. She reluctantly considered the other performance management steps suggested by Mr Collier and Mr Cook at the meeting on 14 April 2011, but after considering the material and hearing her give evidence in my view she superficially enacted those strategies.

What can be said about Ms Passi's conduct is there is no compelling evidence that it was ever offensive, threatening or abusive. I strongly suspect Mr Woods felt intimidated. Being brought to task in a formal manner on these minor issues, particularly questioning a person's honesty and integrity, would have intimidated most people. She may not have done so intentionally to intimidate and certainly not to harm him. The evidence suggests Ms Passi had a lack of insight as to the impact her behaviours had on some staff and that had not changed significantly as a result of the Training Plan.

Ms Passi adopted a formal process to deal with a number of essentially minor issues. The process adopted would have been fair, if she was dealing with serious issues such as breaches of the Code of Conduct or other serious misconduct. It was a totally unnecessary process, bordering on oppressive given the minor and unsubstantiated nature of the issues.

Mr Woods rightly concluded he was being treated differently from other staff and in my view that is an inevitable objective conclusion and not simply a subjective perception on his part. Ms Passi wanted to move Mr Woods on and she took these steps as part of the process to do so. To be fair to her, she did not know of Mr Woods' mental illness. She would not have been aware of the extent to which the discussions she had with him and the manner in which she dealt with these issues could have been seen in a more negative fashion by Mr Woods than perhaps others. Whatever is the case it should not have happened to anyone, vulnerable or not.

Whether it was the process adopted to deal with the relatively minor issues, or the content and manner of communication in the course of the discussion about his limited capacities as a deputy principal, a discussion initiated by Mr Woods, which caused the most negativity for Mr Woods, is not able to be determined with any certainty. In all probability it was a combination of both.

Anything else which could or might have contributed to Mr Woods' depression or death.

The domestic issues associated with Mr Woods' relocation that arose caused Mr Woods additional stress and anxiety earlier in the year. These, combined with the additional financial obligations of having to service two mortgages and some recurring conflict between Ms Malfliet and Mr Woods regarding their finances, particularly Mr Woods' credit card debt, as well as some other personal relationship issues, would have had an effect on Mr Woods' mental deterioration during his time in south-east Queensland. This is likely to have been exacerbated by Mr Woods' failure to seek appropriate medical or psychological assistance to deal with his condition.

It may have been that Mr Woods' argument with Ms Malfliet about a telephone bill the evening before his disappearance was the final straw and catalyst for Mr Woods' decision to commit suicide. I accept Ms Malfliet could not predict this reaction to the argument. She was angry and took an opportunity to cool down and they did not speak the next day. She remains confused as to how he would think the relationship was over, although in the past they had occasionally said such things. Finances were a recurring source of conflict.

Dr Lawrence said Mr Woods' reference in his suicide note to 'it being all over' may have been Mr Woods' interpretation of the disagreement and him placing a negative and insecure inference on the situation. Even a minor added stressor such as an argument with a significant other in such circumstances could act as a trigger for a suicide attempt.

Dr Lawrence was of the opinion that no single issue could be identified as the cause of Mr. Woods' decision to end his life and it was a cumulative effect of the following factors which contributed to Mr Woods' decision:

- A major depressive disorder which Mr Woods had suffered for almost 10 years
- Mr Woods' effective antidepressant medication had ceased and there was no monitoring of his new medication or his illness
- The move from FNQ which brought extra stressors at a time when his Major Depressive Illness began to deteriorate
- Difficulties in performing to expected standards at Burpengary SS which brought him to the attention of Ms Passi
- The manner in which the issues of the chocolate money and internet usage were raised and dealt with, adding further stressors to which Mr Woods would be prone to over-react, and only increasing his anxiety and thus aggravating his condition further
- The added confusion of Mr Woods' position (whether temporary or permanent) and its implications for staying at the school with the result of being unable to move and therefore avoid the looming crisis that he perceived in terms of the MUP process
- The argument the preceding evening with Ms Malfliet.

I accept the evidence of Dr Lawrence in this respect. It is consistent with the evidence before me. It is not possible to proportion the contributing factors in any sensible manner.

The major depressive disorder predated anything that happened at Whitfield or Burpengary SS.

I have found the manner in which Mr Woods was dealt with over the chocolate money and internet usage was certainly unfair and given its proximity in time to the events that followed, contributed in a significant manner. It is unfortunate Mr Woods was not able to be told a transfer solution was likely. However, those involved at the North Coast Region had no knowledge of Mr Woods' deteriorating and major depressive disorder, and the likely impact what was occurring at Burpengary SS would have on his vulnerabilities.

The situation in which Mr Woods' found himself at Burpengary SS was a significant contributor to the deterioration in Mr Woods' mental health.

Findings required by s. 45

Identity of the deceased – Gavin Lyle Woods

How he died – Mr Woods committed suicide as a result of suffering a major depressive disorder for almost 10 years for which he was taking ineffective antidepressant medication which had not been monitored in the six months preceding his death; moving from FNQ to south-east Queensland (resulting in a number of domestic issues and financial conflict with his partner); difficulties in performing to the expected standard at his school; accusations regarding the missing chocolate money (for which there was insufficient evidence and in relation to which Mr Woods was treated differently to other staff members who also had access to the area from which the money was allegedly taken); accusations of excessive internet usage (which were unsubstantiated and in relation to which Mr Woods was treated differently from other staff) and the argument he had with his partner on the evening prior to his disappearance.

Place of death – 475 Campbells Pocket Road WAMURAN QLD 4512 AUSTRALIA

Date of death – 11 June 2011 - 26

Cause of death – 1(a) Consistent with exhaust fumes toxicity

Comments and recommendations

Submissions by Ms Malfliet

Ms Malfliet made submissions on a number of proposed recommendations.

She identified that relating to the transfer of information there should be a recommendation such that new regions have information as to best fit location and level of support to ensure a successful transition. She also suggested a recommendation that required regional office staff to consult with an organisational psychologist regarding case management to ensure the well-being of staff in

workplaces identified as exhibiting a culture of workplace bullying to enable regional office staff without mental health training to implement effective proactive and reactive strategies in complex school communities.

As well she sought a recommendation that all WorkCover and grievance bullying complaints made orally or provided in writing should be investigated by trained investigators and conclusions forwarded to the Ethical Standards Unit. In that regard there is no evidence that is before me that there has been any deficiency in the investigation process of the various complaints raised by the Department. I found there were valid concerns in the implementation of the training plan regarding Ms Passi, but not in the investigations. I understand Ms Malfliet has issues concerning how WorkCover investigated the FNQ claim but WorkCover were not the subject of review by me and accordingly have had no opportunity to respond.

Finally, Ms Malfliet seeks a recommendation that a Royal Commission be convened to address workplace bullying within the Department. My jurisdiction in this case is limited to the circumstances of the death of Mr Woods. The evidence certainly suggests that behaviour of that nature may have emanated from Burpengary SS. I can also take notice of the fact that there are concerns about that type of behaviour generally in employment and the community, but there is no evidence before me that this is a systemic issue peculiar to the Department or that the Department is not otherwise aware of the issues and endeavouring to deal with them at a policy and organisational level.

Submissions of Counsel Assisting

Ms Martens submitted there was substantial evidence regarding the benefits of HR staff being able to communicate, in an appropriate way, an employee's history or strengths and weaknesses to allow them to be placed at a school to best meet the needs of the employee and the school. There is currently no departmental policy, procedure or guideline that deals with this issue. She said it is difficult to be specific regarding a proposed recommendation because of the competing interests that are involved and the lack of evidence on the specific nature of the recommendation.

Ms Martens suggested a recommendation *that the Department undertake research and consultation with appropriate bodies (such as the QTU) to develop an appropriate policy, procedure or guideline that provides staff with clear direction on information that should and can be communicated (and if relevant, information that should not be communicated) when staff are being considered for transfer or relocation, to enable regional staff and/or the VRP to better place employees to best fit the needs of the employee and the school.*

Submissions of Counsel for the Department

The Department's primary submission is there is no evidence before the court that could give rise to any recommendation related to ways to prevent people with serious mental illnesses from committing suicide in the particular circumstances of this case.

Mr McMillan conceded that there was evidence from Department witnesses about the limitations on the Department in terms of sharing information between regions to assist the relocation/transfer process, particularly as it relates to obligations of confidentiality. He also noted there were restrictions on the use of certain information such as work cover claim files and personal medical information, which were the subject of legal requirement and the sharing of such information could only be achieved with the consent of the employee.

Mr McMillan therefore submitted, if the court was satisfied some form of comment or recommendation should be made that it could be in the following terms:

It may be that employees of the Department could be better informed about how their personal information (including organisational health history incorporating work cover claims, disciplinary history, performance history and prior history of complaints or grievances) should be communicated.

I recommend that the Department prepare a fact sheet to be attached to the standard forms used in the transfer/relocation process to clearly set out the statutory and other limitations on how that personal information may be used and disseminated by the Department. Standard forms should also be amended to provide employees seeking transfer/relocation with the opportunity to identify any personal information not generally available to the transfer/relocation process that they wish the Department to consider in that process (e.g. organisational health history including work cover claims and specifically, consequential workplace adjustments; prior history of compliance or grievances; performance history and disciplinary history).

Conclusion on Recommendations

There are policy, legislative and privacy issues, which make the provision of information relating to a person's medical, mental health and HR grievance and complaint history to others, complex.

It is by no means certain if the North Coast Region was aware of Mr Woods' vulnerabilities, that anything would have changed in respect to his transfer placement or placed them at some heightened state of awareness as to the level of support to be provided. In hindsight some thought this information would have been helpful.

I have also identified the privacy concerns applicable and that some, perhaps most employees, would not appreciate this type of information following them or being made available.

This is not an issue that would only be isolated to Education and may require a broader approach within Government generally.

Despite the complexities this should not deter a proper consideration of the issues as something should be done. It does need to be considered at a highly placed policy development level. The extent of the level of consent by employees is but one issue. The submissions I received from Ms Malfliet, Ms Martens and Mr McMillan all have merit. Ultimately I consider this is not a matter where some prescriptive recommendation by me will be of any assistance. It is very much a matter that requires proper policy development with input from a number of stakeholders and particularly teachers and their union, the QTU. In that respect, Ms Martens' submission is one that generally fulfils that aim. Mr McMillan's suggestion should certainly be considered as part of the implementation of any policy change.

Recommendation

I RECOMMEND that the Department in consultation with appropriate stakeholders (such as the QTU), develop an appropriate policy, procedure or guideline that provides staff with clear direction on information concerning their medical, mental health, rehabilitation and grievance history that should and can be communicated or which can be communicated with their consent (and if relevant, information that should not be communicated), when staff are being considered for transfer or relocation, to enable regional staff (either at a HR level and/or other sections of the

administration and/or the Vacancy Review Panel) to better place employees to best fit the needs of the employee and the school and to determine if any particular level of support is required .”

I close the inquest. I offer my condolences to Ms Malfliet, Mr and Mrs Hutchinson and the family and friends of Mr Woods.

John Lock
Deputy State Coroner
Brisbane
11 December 2013
