

# Department of Family Services

AND ABORIGINAL AND ISLANDER AFFAIRS



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Refer to: P Coyne, Manager, John Oxley Youth Centre  
Date: 18 December 1989  
To: R Matchett, Acting Director-General

Copies to: I Peers, Executive Director, Youth Support

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Subject: The Investigation of Complaints by Certain Members of Staff at  
John Oxley Youth Centre

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Please find attached a copy of written material I have received to date regarding the abovementioned investigation.

Attachment Number One - Minutes of the meeting with the Queensland State Service Union on 14 September 1989.

Attachment Number Two - Terms of reference for the Investigation of Complaints by Certain Members of Staff at John Oxley Youth Centre.

Attachment Number Three - Document provided to me in person by Jan Cosgrove, member of investigation panel, on Wednesday, 29 November 1989.

I am aware from the abovementioned and attached documents that I am subject to complaints from former and present staff members of John Oxley Youth Centre, as well as an anonymous person or persons. I have been denied information previously, which I believe would be necessary to enable me to have a fair and reasonable opportunity to ensure my reputation is adequately defended against imputations by persons known and anonymous.

Events since 14 September 1989 have placed me in a position where I need to seek precise and detailed clarification of the means developed by the Chief Executive to ensure I am treated justly and fairly in regard to this investigation.

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QCPCI

Date: 3.12.2012

Exhibit number: 98

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INTEROFFICE MEMO

In regard to the above, I ask the following questions.

- 1 Why was an investigation ordered by Mr A Pettigrew before written details of specific alleged incidents were presented to him for initial consideration?
- 2 Why was an investigation of this nature required in preference to individual staff members submitting grievances as provided for by Regulation 63 of the Public Service Management and Employment Regulations of 1988?
- 3 The submission of a formal "grievance" to the Director-General about the behaviour of another officer is considered a serious matter by the Chief Executive. The expectation placed on Departmental officers is that they submit a grievance only after attempts have been made by the officer concerned to resolve the issue with his/her supervisor or with appropriate line management. As such, what attempts made by staff to resolve the issues raised by Mrs J Walker, via appropriate line management were presented to the former Director-General before he decided to initiate an investigation?
- 4 Why was it necessary to combine the investigation of issues relating to staff training, personal safety and security to the investigation of personal complaints in preference to separate investigations? I am of the opinion that a combined investigation in the absence of clear guidelines, procedures and rules has created an unnecessary circumstance where a reasonable and just outcome to each term of reference will be diminished.
- 5 What was the process of selecting an appropriate person to the position that Ms Flynn currently has on the panel? What also was the selection criteria? What considerations were given to the status of the professional relationship Ms Flynn and I had before her selection?
- 6 What processes will be used to investigate the allegations made against me?
- 7 What is the role of each of the investigation panel members?
- 8 What rules and/or guidelines exist for the operation of this investigation? I was concerned about how I could possibly conduct a defence of my reputation without knowing the specific allegations made against me by other persons. Mr A Pettigrew was not prepared to provide me with a copy of the complaints and I received no communication from Mr Heiner or his assistants regarding requests. On 29 November 1989, I went to see Mr Heiner without an appointment. He would not see me, nor would he make an appointment for me to see him at a later date.

After discussion with Ms J Cosgrove, I was given an unsigned document (attachment number three). No details were given to me regarding the status of this document or any information about its use.

I gave a copy of this document to some people and asked them to consider commenting to the investigation panel on any matters they may be able to. The investigation panel expressed concern that these people had the document in their possession.

I then requested clarification on the status of the document and it's use from Mr Heiner via Ms Flynn. Mr Heiner has made no response. Ms Flynn has since told me that she believed the document was confidential and should not have been given to other people. I offered not to give a copy to other people but she said it was too late.

Given the absence of any stated rules and/or guidelines for the operation of this investigation, it is impossible for me to know what actions I can and cannot take.

9 How will I be permitted to conduct a defence against these allegations?

I have been told that the persons making allegations will be interviewed, any person who requests an interview will be interviewed, and a number of staff will be selected at random and interviewed. However, no person will be interviewed against their will. I will then be the last person interviewed.

I have been told that I will not be able to cross examine any person. Nor will I be permitted to call witnesses. I have also been told I will get a fair hearing on the last day.

I have been told, if a person has information, they can ask for an interview. How can any person know if they have information about the allegations if they don't know what the allegations are?

10 I have been advised that fresh complaints have been made since the investigation commenced. Can I have a copy of these complaints?

11 I have been told that this investigation is not primarily into allegations about me, but an investigation of the Centre. Is the investigation to concentrate on allegations about myself?

12 Are questions being asked about impressions of my behaviour by the investigation panel? Are questions being asked about impressions of the behaviour of the complainants?

13 Ms J Cosgrove told me on 29 November 1989 that no recommendation for disciplinary action would be made as a result of this investigation. Is it true that no disciplinary action can be recommended by the investigating panel?

14 Will the panel investigate the behaviour of the complainants?

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- 15 I have witnessed one of your staff at John Oxley Youth Centre be untruthful and have his untruthfulness actively and passively supported by two other staff members. What means have been developed to ensure I am treated fairly and justly during this investigation given that some of the complaints have been made by the abovementioned staff?
- 16 What legislative base does this inquiry have?
- 17 What is the Departmental policy relating to this type of inquiry?
- 18 Where will the records associated with this investigation be filed?
- 19 Will the transcripts of evidence be kept and filed? I would strongly request that the transcripts not be destroyed.
- 20 What legal rights do I have as an employee under your charge with respect to this investigation?
- 21 Do you believe I have been treated fairly and in a manner consistent to how other employees are treated when allegations are made against them?

I again repeat my requests for a copy of the complaints made against me and a copy of the transcripts of evidence given at the investigation to date.

Your early advice on these matters would be appreciated.

*P. Coyne*  
P COYNE

Manager  
John Oxley Youth Centre

*Request  
that transcripts  
not be  
destroyed*

File 94 22 30

Meeting with Queensland State Service Union

14th September, 1989

Present:

Mr. A. Pettigrew  
Mr. G. Nix  
Mr. C. Thatcher  
Mr. D. Herbert  
Mr. E. Clarke  
Ms. J. Walker

*Thanks. George  
show me that this happens  
morning ODS  
15/9/89*

*Peter,  
Alan will decide who he wants  
to conduct the investigation.  
and advise.*

*Jan 18/9/89.*

Ms. J. Walker, Queensland State Service Union, sought discussions with the Director-General to raise specific issues of concern affecting her members at John Oxley Youth Centre. The issues raised by her are as follows:-

- (1) Mr. P. Coyne, Manager, John Oxley Youth Centre, rang the home of Mr. D. Lannen (Youth Worker) at 6.30 p.m. on Tuesday, 12th September, 1989, and as Mr. Lannen was not at home spoke to his wife advising her re the facing of possible legal action against Mr. Lannen by him.
- (2) Concern was expressed at the tone of the letter dated 5th September, 1989, sent to Mr. D. Lannen from Mr. P. Coyne, Manager, John Oxley Youth Centre.
- (3) Lex Clements, Youth Worker, was ordered off the premises of John Oxley Youth Centre half way through a shift.
- (4) Mr. P. Coyne, advised staff of John Oxley Youth Centre at the end of a shift that if anyone of them had sent the degrading letter to Ms. A. Dutney, then they were the lowest form of life.
- (5) Mariana Pearce, Youth Worker, was off on stress/sick leave as a result of interaction with management at John Oxley Youth Centre.
- (6) Five Youth Workers at John Oxley Youth Centre besides Mr. D. Lannen had approached the Union with concerns about management at John Oxley Youth Centre.
- (7) Mr. P. Coyne has been threatening other Youth Workers at John Oxley Youth Centre (besides Mr. D. Lannen) that he was prepared to take private defamation action against them.
- (8) The Queensland State Service Union is seeking to have an inquiry into management/staff relationships at John Oxley Youth Centre in view of the ongoing problems occurring at the Centre. The Union was prepared to provide specific details of incidents between management and staff to aid the inquiry.

The Director-General, as a result of the concerns raised by the Queensland State Service Union, decided that an investigation into the operations of the John Oxley Youth Centre would be held and that this investigation would take into account in addition to other matters the issues raised by the Queensland State Service Union.

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TERMS OF REFERENCE FOR THE INVESTIGATION OF COMPLAINTS BY CERTAIN MEMBERS OF STAFF AT JOHN OXLEY YOUTH CENTRE

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To investigate and report to the Honourable the Minister and Director-General on the following:

1. The validity of the complaints received in writing from present or former staff members and whether there is any basis in fact for those claims.
2. Compliance or otherwise with established Government policy, departmental policy and departmental procedures on the part of management and/or staff.
3. Whether there is a need for additional guidelines or procedures or clarification of roles and responsibilities.
4. Adequacy of, and implementation of, staff disciplinary processes.
5. Compliance or otherwise with the Code of Conduct for Officers of the Queensland Public Service.
6. Whether the behaviour of management and/or staff has been fair and reasonable.
7. The adequacy of induction and basic training of staff, particularly in relation to the personal safety of staff and children.
8. The need for additional measures to be undertaken to provide adequate protection for staff and children and to secure the building itself.

- LANNEN
- re Probation Reports - Management/staff relations not promote positive working environment - directly impacting and resulting in affecting the quality of relationship between staff and resident children
- SMITH
- believed subject to harrassment and work performance over-scrutinised subsequently to appointment as Union Delegate - inconsistency
- PEARCE
- harrassment - inordinately lengthy interviews - irrational - ridicule - reduced to tears - domineering - overbearing - directed to resignation
- McGREGOR
- style of management - support only those who actively supported him - inconsistency towards staff - harrassed over trivial matters necessitating written reports - witnessed incidents of intimidation of Michael Roch and Lex Clements - specifically an incident at a 3pm shift change concerning allegations of unsupervised residents and compulsion of imputing blame - alienation of the experience of long serving staff
- COLLINS
- working conditions and care of the children had deteriorated subsequently to Mr Coyne's appointment as Manager - staff morale had deteriorated
- McNEVEN
- told not to associate with fellow workers in the Wings or at any other time as so many were out to "get" him (COYNE) and it would be unwise for him (McNEVEN) to be a part of it - such remarks inappropriate and unprofessional
- UNSIGNED
- reports of use of handcuffs as a restraint - chains used to attach a child to a bed - handcuffed to permanent fixtures - medication to subdue violent behaviour - resident child attached to swimming pool fence for a whole night - all inappropriate management
- CLEMENTS
- harrassed about his conduct or unsatisfactory performance of his duties - unjustified criticisms and treatment - oppressive and intimidating management attitude - over-reaction by management resulting in intimidation - trivial matters over-emphasised - victimisation - unwarranted reprimands forming part of his file - transfer to Floaters Roster allegedly for re-allocation of duties - believed demotion - told by Mr Coyne that persistent pressure on persons or harrassment would have desired effect of resignation by persons whom he saw as not supporting him - general management incompetences.
- KONICANIN
- staff harrassed and victimised to point of resigning - management unprofessional, insensitive and inconsistent as well as devious and calculating

29th November, 1989