

Department of Family Services  
and Aboriginal and Islander Affairs



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Reference:  
Refer to:  
Section:  
Your Ref.:

File 4/1233 2/13

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19th January, 1990

QCPCI

Date: 3.12.2012

Exhibit number: 123

Mr K.M. O'Shea,  
Crown Solicitor,  
State Law Building,  
50 Ann Street,  
BRISBANE QLD 4000

Dear Mr O'Shea,

I refer to your letter of 18th January, 1990. I wish to advise that this morning I had discussions with Mr N.O. Heiner in relation to the investigation into certain staff complaints at the John Oxley Youth Centre. As the result of these discussions, at 11.30 a.m. today Mr Heiner hand delivered to me the attached letter. You will note that in his letter he advises that he is not prepared to continue any further with the inquiry and that he is ceasing from any further action until he has obtained written confirmation of the legality of his actions to date, including his appointment.

I intend to proceed this afternoon to have discussions with representatives of the State Service Union and the Professional Officers Association on a "without prejudice" basis. The purpose of these discussions is to advise them of my current concerns regarding the validity of this inquiry. I will attempt to identify with the union representatives possible action that may now be taken.

This meeting is scheduled to commence at 3.00 p.m. this afternoon. Could you please advise me, as a matter of urgency, whether you consider it prudent to proceed on this basis.

Yours sincerely,

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R.L. Matchett (Ms.)  
Acting Director-General.



11.30 am

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19 JAN 1990

Office of the Director-General  
Dept. of Family Services and  
Aboriginal and Islander Affairs

10 Langura Crescent  
FERNY HILLS Q 4055

19th January, 1990

Ms R. Matchett  
A/Director-General  
Department of Family Services and  
Aboriginal and Islander Affairs  
GPO Box 806  
BRISBANE Q 4000

Following discussions between Mr Pettigrew, Mr Nix and myself I agreed to conduct an enquiry into the style of management pertaining to the John Oxley Youth Centre and subsequently received a letter from Mr Pettigrew dated 13th November, 1989 with an annexure stating the Terms of Reference for my enquiry. The letter and the annexure authorised me to investigate and report to the Honourable the Minister and Director-General on certain matters numbered in the annexure. I perceived my enquiry to encompass the first of these numbers:

"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".

I believed that the other seven matters in that annexure were concomitant with the first matter and they formed part and parcel of my enquiry.

Following discussions on the morning of 19th January, 1990 between Ms Matchett and myself the question was raised as to the validity of the establishment and appointment and approval for my conducting this enquiry. I believed from the wording of the letter and annexure that I was to investigate matters and report to the Honourable the Minister and Director-General. I inferred from that that approval and authority from the Honourable the Minister to authorise the Director-General to appoint me to conduct this enquiry had had the specific approval of Cabinet for this action to be taken. I proceeded on the basis that Cabinet, through the Minister and thus subsequently through the Director-General to myself, had been authorised and approved. Following discussions this morning I have serious doubts as to the validity of the enquiry which I am conducting. I am not satisfied firstly that Cabinet was aware of the intention for the Director-General or the Minister to authorise the enquiry. It seems to me from the document that I have seen that it may have been the Minister solely who was responsible for the authority and my appointment to conduct the enquiry. I base this on a document I have, undated, which I have seen which purports to be notes that the Minister relied on for her submission to Cabinet - the last part of which reads, "I have agreed to accept the recommendation of the

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Director-General on this matter. It does not seem possible to ascertain particulars or information as to whether that recommendation was made or that Cabinet has in fact authorised this enquiry. The only results that I am aware of is that the letter of my appointment was made that I commence the enquiry, copies of which complaints were forwarded to me.

In view of the confusion which exists and my doubt as to the validity of my actions so far, I am not prepared to continue any further with my inquiry. The action taken by me to this point was taken in good faith and in the belief that the whole structure of my appointment and authority to so act had been legally and properly constituted by Cabinet downwards. I am therefore ceasing from now to continue any further with the matter until I have obtained written information and confirmation that my actions to date including my appointment and authority to act are validated. I have had each of the interviews recorded by tape recorder and these tapes have been transcribed. I will retain possession of each of these records of interview personally and take no further action until I receive further advice from the Director-General along the lines I have suggested.

If after the Director-General has received legal advice and she determines no further action be taken I will produce to her all the documents which I have maintained as a result of my enquiry and she may do with them as she is advised to do. There has been reference to legal proceedings being taken as a result of my enquiries. I believe if there is any legal action taken, the Department of Family Services and Aboriginal and Islander Affairs should take action to indemnify all my actions to date.

I would appreciate being kept abreast of all current developments.

Yours faithfully,

  
N.O. Heiner