

Our reference: MC/2140112

QCPCI 3 (e)

Date: 23.4.2013

Mr Neville Warburton  


Exhibit number: ~~355~~ 355

Dear Sir

Pursuant to the *Commissions of Inquiry Order (No 1) 2012*, as amended by the *Commissions of Inquiry Amendment Order (No 2) 2013* the Hon TF Carmody SC has been appointed

*to make full and careful inquiry in an open and independent manner of Queensland's child protection system, with respect to:*

.....

- (e) *reviewing the adequacy or appropriateness of (including whether any criminal conduct was associated with) any response of, or action taken by, the executive government between 1 January 1988 and 31 December 1990 in relation to:*
  - (i) *allegations of child sexual abuse; and/or*
  - (ii) *industrial disputes;**in youth detention centres, or like facilities.*

The evidence presented to the Commission of Inquiry relevant to this part of the Order in Council has been predominantly concerned with the decision to appoint a person to conduct an investigation into the John Oxley Youth Centre in November 1989, the conduct of that investigation by the late Mr NO Heiner, the decision of State Cabinet of 5 March 1990 to enable the destruction of the material gathered by Mr Heiner and the destruction of that material on 23 March 1990.

Two members of the Cabinet, Ms A Warner and Mr P Comben, have been summoned to give evidence and have testified at the Commission of Inquiry.

Ms Warner testified that the decision to enable destruction of the material gathered by Mr Heiner was a decision taken in the public interest so as to ensure that the John Oxley Youth Centre functioned as cohesively as possible. Disputation between some staff and some of those managing the Centre had led to the Centre functioning inadequately and the destruction of the material gathered by Mr Heiner was considered to be in the best interests of all those who had been employed at the Centre including those staff who were then seeking access to the material. Destruction would prevent the material being used by one person against another.

You are invited to peruse the transcript of Ms Warner's evidence, a copy of which is enclosed. If you wish to appear before a public hearing of the Commission to give evidence concerning why the Cabinet made the decision to enable destruction of the material you are welcome to do so. Unless you or a lawyer acting on your behalf contacts the Commission by 15 April 2013 and indicates that you wish to give evidence the Commission will proceed on

the basis that you are content for Mr Carmody SC to act on the evidence given by Ms Warner in this regard.

Mr Kevin Lindeberg, who has been accorded authority to appear, has alleged that in enabling destruction the members of Cabinet committed offences contrary to sections 129, 132 and 140 of the Criminal Code.

To assist you I have enclosed copies of documents which are exhibits 151, 168 and 181.

Yours faithfully

  
MJ Copley SC  
Counsel Assisting  
Queensland Child Protection Commission of Inquiry

5 April 2013

Encl.