

Department of Family Services
and Aboriginal and Islander Affairs



Family Services Building
George and Elizabeth Streets
Brisbane, Queensland. 4000

GPO Box 806
Brisbane, Queensland. 4001

Telephone (07) 227 7111
Facsimile (07) 221 2728

Telephone:
Reference:
Refer to:
Section:
Your Ref.:

18th January, 1990

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QCPCI

Date: 3.12.2012

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

Exhibit number: 115

Dear Mr O'Shea,

**Investigation of Complaints by Certain Members of
Staff at the John Oxley Youth Centre**

On 13th November, 1989, the former Director-General, Department of Family Services, appointed Mr Noel Heiner, a retired Magistrate, to conduct an investigation of complaints by certain members of staff at the John Oxley Youth Centre. This investigation was established following representations by the Queensland State Service Union to both the former Minister for Family Services and to the former Director-General.

During the course of the enquiry, certain concerns have been raised by staff at the Centre in relation to the propriety and legality of the enquiry.

On 17th January, 1990, at 5.18 p.m., I received a facsimile of a letter (copy attached) from Rose Berry Jensen, Solicitors representing Mr Peter Coyne and Mrs Ann Dutney who occupy the positions of Manager and Deputy Manager respectively at the John Oxley Youth Centre. Their Solicitors are making certain demands on the Department to which they seek a response by 2.00 p.m. on Thursday, 18th January, 1990.

I am writing to instruct you to represent the Department on this matter. In particular, your urgent advice is sought as to what response, if any, I should make to the attached letter.

I have attached for your information copies of the documents which may be of assistance, including:-

- . A memorandum from the former Director-General to the former Minister concerning the establishment of the enquiry;

.../2



18 JAN 1990

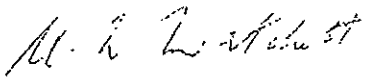
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- . Mr Heiner's letter of appointment;
- . Terms of reference of the enquiry;
- . Requests for information made by Mr Coyne and Mrs Dutney and responses provided to date.

If you require any further information or assistance, please contact Mr Trevor Walsh, Acting Executive Officer on 224 2936.

I await your advice.

Yours sincerely,



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

Department of Family Services



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*Approved by
Minister*

2/11/89

1st November, 1989

HON. THE MINISTER:

I refer to our discussions regarding an inquiry into the complaints and union representations in respect of the John Oxley Youth Centre.

Mr. Nix and myself have met with former Stipendiary Magistrate, Mr. Noel Heiner, on two occasions and he has now agreed to head up the inquiry. Mr. Heiner has had considerable experience over the years in the Children's Court.

The attached Terms of Reference have been drafted and are submitted for your approval.

It will be necessary to provide Mr. Heiner with support staff comprising a Secretary/Stenographer and an officer who has a sound knowledge of the workings of the Department and residential care facilities. I propose approaching Mrs. Jan Cosgrove, who formerly was my Executive Secretary and is now working part-time for the Department, and the Regional Director (Central), Mr. Lex Burgess.

Mr. Burgess has had a wide experience in many parts of the Department's operations and a good deal of experience in residential care. Apart from that, he is being considered because disruption to his Office will be less than in the cases of others who would be suitable.

Mr. Heiner proposes carrying out his investigations on two or three days each week and accommodation is being found for him away from the John Oxley Youth Centre.

He accepted my offer of \$300 a day for a six weeks inquiry. I arrived at the fee after checking with the Justice Department and the Health Department who have former Stipendiary Magistrates engaged on projects. The figure is slightly above a Magistrate's salary rate.

Mr. Heiner is confident that he could complete the inquiry within our time limit which will end in the second week in December. Therefore, the total cost is not expected to exceed \$5,000.



As you will recall, some of the union representatives at their recent meeting with you also raised a couple of issues affecting Westbrook.

I have not recommended that the inquiry be extended to Westbrook because all of the matters raised by the union are being dealt with departmentally and good progress has been made. For instance, I am advised that the area from which the recent escapes took place has already been made secure by the Works Department with some temporary meshing over the windows. Planning for a permanent solution has commenced.

In regard to staff security, steps have already been taken to include self defence in a new training program for the Westbrook staff.



A.C. Pettigrew
Director-General

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

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.

Ref 94 200 19
Attachment

13th November, 1989

Mr N. Heiner
10 Langura Crescent
FERNY HILLS QLD 4055

Dear Mr Heiner,

I refer to our recent discussions concerning the investigation of staff complaints at the John Oxley Youth Centre.

I am pleased to advise that your appointment to undertake this task has received approval. I attach also a copy of the Terms of Reference which we agreed to in our discussions.

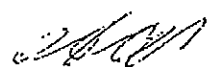
The Honourable the Minister has also approved the terms to which we agreed - \$300 a day, two days a week and, if possible, completion of the inquiries and the report in six weeks from an agreed commencement date.

Arrangements have been made for an office to be provided for you, together with parking at the Children's Court complex. The office will be the No. 2 Magistrate's Chambers. I am also making the necessary staffing adjustments within the Department so that you will have secretarial assistance and a fairly senior officer to provide input and advice. I will introduce these to you next Wednesday morning, as planned.

I look forward to working with you on this task.

Yours sincerely,

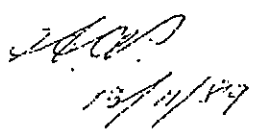
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A.C. Pettigrew
Director-General



I made a few changes to your draft, as you will see.



13/11/89

Koi 9/2 222 18
Attachment

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

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.

RECEIVED

Department of Family Services
AND ABORIGINAL AND ISLANDER AFFAIRS



16 JAN 1990

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

Refer to: Peter Coyne, Manager, John Oxley Youth Centre
Date: 15 January 1990
To: Director-General
Department of Family Services and Aboriginal and Islander Affairs

Copies to: Ian Peers, Executive Director, Youth Support

File of 202 1.5

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

I am aware I am subject to complaints by known and unknown persons. The Department has received written complaints and copies of these complaints have been given to Mr Heiner. I have previously requested copies of these complaints on 14 December 1989 and 18 December 1989. However, I have not received any correspondence regarding those requests.

In accordance with Regulation 65 of the Public Service Management and Employment Regulations, I request a copy of records held on myself relating to the abovementioned investigation.

Your advice within forty-eight hours would be appreciated as the investigation closes on Wednesday, 17 January 1990.

Peter Coyne

PETER COYNE
Manager
John Oxley Youth Centre

Department of Family Services
and Aboriginal and Islander Affairs



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Your Ref.:

FCI 9/4 222 104

MEMORANDUM TO: Peter Coyne
A/Manager
John Oxley Youth Centre

COPY TO: A/Deputy Director-General
(Community and Youth Support)

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

I refer to your request pursuant to Regulation 65 of the Public Service Management and Employment Regulations for records held on you in respect of the abovementioned investigation.

A perusal of your personal file indicates that no such records are attached. I also wish to advise you that I am not aware of any other Departmental file containing records of the investigation, which would relate to your request.

Finally I refer you to the provisions of Regulation 46 of the Public Service Management and Employment Regulations, a copy of which is attached. Please be assured that these provisions would be invoked, where appropriate in respect of the records which you requested.


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



RECEIVED

Department of Family Services
AND ABORIGINAL AND ISLANDER AFFAIRS



16 JAN 1990

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

Refer to: Anne Dutney, Deputy Manager, John Oxley Youth Centre
Date: 16 January 1990
To: Director-General
Department of Family Services and Aboriginal and Islander Affairs
Copies to: Ian Peers, Executive Director, Youth Support

File 94 222 1

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

It has recently come to my attention that I am subject to complaints currently being investigated by Mr N Heiner, who has been engaged by the Department of Family Services to conduct an inquiry into John Oxley Youth Centre.

In accordance with Regulation 65 of the Public Service Management and Employment Regulations, I request a copy of records held on myself in respect of the abovementioned investigations.

As the investigations are to be completed on Wednesday, 17 January 1990 I would appreciate provision of the requested information prior to 5.00pm on that date so as to allow me the opportunity to respond to the complaints prior to the provision of a report by Mr Heiner.

A. Dutney
ANNE DUTNEY
Deputy Manager
John Oxley Youth Centre

Department of Family Services
and Aboriginal and Islander Affairs



Family Services Building
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Brisbane, Queensland. 4000

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101 94 222 106

MEMORANDUM TO: Ann Dutney
A/Deputy Manager
John Oxley Youth Centre

COPY TO: A/Deputy Director-General
(Community and Youth Support)

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

I refer to your request pursuant to Regulation 65 of the Public Service Management and Employment Regulations for records held on you in respect of the abovementioned investigation.

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R.L. Matchett

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

