

3/2/90 meeting at Joyce

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10.30am Meeting

Thank you for your attendance today.

I would have preferred a less formal meeting for the first occasion on which I could meet with you, since my appointment as Acting Director-General.

I have two matters which I wish to advise you of today.

The first matter concerns major tasks that need to be undertaken with some urgency in order to mesh the current services provided by the Department of Family Services and Aboriginal and Islander Affairs for young offenders with the policy directions which the new Government wishes to achieve.

This doesn't not mean that all the efforts and initiatives prior to the change of Government are to be scrapped. Rather it is the intention of the Minister and my intention that there be a thorough review of current programs for juvenile offenders and juvenile justice legislation.

Our future services in this area will need to address issues such as the rights of young people who it is alleged have committed offences. Of more direct relevance to staff of a Centre such as this, our future programs must ensure that the rights and needs of young people found guilty of offences all respected and that our programs balance the competing demands of protection of the community, meaningful penalties for young people found guilty of offences and constructive opportunities so that young offenders may take their place responsibly in adult society.

As you all know this is no easy task and there are no easy solutions.

The challenge I have as Acting Director-General is to provide the Minister with some achievable policy options which can be

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translated into new legislation and progress. It is my desire that these changes occur as soon as possible.

Focus upon the juvenile justice area is but one of several areas presently on track. Child Care, the Adoption area are other examples.

Also with the addition of the Aboriginal and Islander Affairs area to the new Department there is a renewed zeal to address the problem of the over-representation of Aboriginal and Islander children in custody.

I have therefore established a review of Departmental services to young offenders. This is akin to current work in the Child Care area, Adoptions and the Departmental restructuring Task Force and temporary staff changes have had to be made to get these projects up and running.

Ian Peers will be responsible for the management of this review and I have seconded Peter Coyne to work full time on this project of reviewing our services to young offenders. This review will be an integral part of the Department's legislative program and restructuring. It will require a commitment of six months and Peter will be located on the 7th floor of the Family Services Building.

Acting Arrangements

As Deputy Manager, Anne Dutney will be the officer in charge of the Centre from tomorrow.

Arrangements have been made for Tim Evans currently the A/Manager of Cleveland Youth Centre to commence as A/Manager here on Monday 5th March until further advised.

The second matter I wish to address is the Heiner inquiry.

I am aware that this inquiry has caused considerable concern, upset and hurt to officers at all levels.

I am now in a position to advise you of my decisions and actions in relation to the inquiry.

It has been a matter that has consumed a significant proportion of my thoughts since my appointment on 11th December, 1989.

I will be frank with you - it has not been easy. I acknowledge that for some of you there may have appeared to be frustrating delays - what is she doing, what is happening.

In December concerns were raised by officers at various levels regarding the direction of the inquiry. These concerns focussed upon issues of natural justice i.e. staff were allegedly making statements to the inquiry about other officers but the officer about whom the allegations were made were not aware of the specifics of the allegations.

As Acting Director-General I am not just another officer of the Department - Legally I'm the Crown representative. I'm the representative of your employer.

I've got responsibilities not only to all staff but to the Government.

When I personally examined the concerns that were being raised additional, or if you like, new issues emerged about the legal authority of the inquiry that was established last November.

I sought advice from the Crown Solicitor.

This advice revealed that

- 1) Mr Heiner
 - appointed as independent contractor
 - not a Crown Employee
 - not legally protected from civil action if

his report said one single thing that was say his opinion or his view on the balance of all information and was subsequently found to be wrong - he was legally unprotected.

- 2) Secondly and of more relevance to you anyone who gave information to Mr. Heiner was not provided with statutory protection from civil action.

Potentially, say information given in good faith and in confidence to Mr. Heiner could be the subject of civil action by a person aggrieved by the information.

When I told Mr. Heiner of the legal issues that were of concern to me he advised me in writing on 19th January 1990 that he could not continue with the inquiry until the legal issues had been clarified.

In response I asked Mr. Heiner to seal all documents and records in his possession. He did this the same day. I have kept them sealed and secured. These records have not been examined by me or any other officer. Those records include tapes and word processor discs.

I have now decided that Mr Heiner's investigations will not be resumed and no report will therefore be submitted to me or the Minister.

My decision to terminate the inquiry was based on the following:

- 1) The need to minimise the exposure to legal liability of both the staff and Mr Heiner;
- 2) The fact that in accordance with his terms of reference, no specific recommendations were to be included in any report prepared by Mr Heiner;
- 3) The terms of reference did not enable broader issues such as

staff training and safety to be fully investigated and recommendations made thereon.

Hence, there will be no report. Thus the risk of staff being exposed to legal action is reduced.

I want to remind you all however of the current Government policy regarding the legal liability of Crown employees - which you all are.

In short the Crown will accept full responsibility for all claims arising out of a Crown employee's due performance of his/her duties provided these duties have been carried out conscientiously and diligently.

By terminating the inquiry, this does not mean that real issues will be ignored. Broader issues relating to safety and training of staff will be addressed. Senior staff of the Department will be briefing you shortly in these areas and will advise of action plans to address outstanding issues. You will appreciate that not all problems can be solved overnight especially in the light of current budgetary restrictions. However additional funding for Youth Centres has been sought for future financial years.

For staff who wish individual grievances to be investigated, established grievance procedures exist under the Public Service Management and Employment Act, with Departmental guidelines to supplement the legislation. Staff from Personnel Services will visit the Centre within the next two weeks to explain those grievance procedures to staff.

I appreciate that the events of the past months have been difficult and stressful.

Nothing I say will undo the past.

What I do ask is that each and everyone of you do your utmost to ensure that in the weeks ahead a more peaceful and less stressful work environment is achieved. Improved staff training and greater attention by Head Office to problems such as staff safety will make things better.

In the end however it comes down to the behaviour of each and everyone of you - it's how people behave and how they interact with one another that matters most.

It is important in a Centre such as this because you are role models for young people - that's the challenge of your job - the children at this Centre need to see adults working harmoniously together - that's the bottom line.

*Appointment to Managers position and Deputy Manager

*Extra staff