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R E S T R I C T E D  
C A B I N E T M I N U T E

Brisbane, 19 February, 1990

Decision No. 00118

Submission No. 00117

TITLE: Provision of indemnity to Mr. N.J. Heiner from the costs of legal action which may ensue from his involvement in an investigation at the John Oxley Youth Centre.

CABINET decided:-

The memorandum be deferred to allow the Secretary to Cabinet to liaise with the State Archivist.

CIRCULATION: Department of the Premier, Economic and Trade Development and copy to Premier.  
Treasury Department and copy to Minister.  
Department of Family Services and Aboriginal and Islander Affairs and copy to Minister.  
All other Ministers for perusal and return.

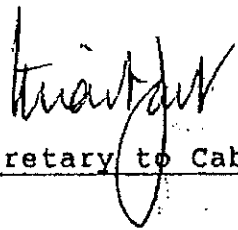
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Date: 3.12.2012

Exhibit number: 168

  
A/Secretary to Cabinet.

00117

CABINET-IN-CONFIDENCE

SECURITY CLASSIFICATION "B"

MEMORANDUM NO.

CABINET MEMORANDUM

COPY NO. 20

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COVER SHEET

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TITLE

Provision of indemnity to Mr. N.J. Heiner from the costs of legal action which may ensue from his involvement in an investigation at the John Oxley Youth Centre.

MINISTERIAL SPONSOR

Minister for Family Services and Aboriginal and Islander Affairs

BACKGROUND

Following the appointment of Mr. N.J. Heiner by the former Director-General, Department of Family Services, to investigate and report on certain management matters relating to the John Oxley Youth Centre doubts arose as to the legal status of Mr. Heiner's appointment and authority.

The Crown Solicitor has advised that Mr. Heiner was lawfully appointed but the nature of his appointment does not afford him, or informants to the inquiry any statutory immunity from legal action as a result of their involvement in the investigation.

Cabinet decided on 12th February to accept full and sole responsibility for all legal claims including the cost of defending and settling them against Mr. N.J. Heiner, if such claims occur as a result of his investigation of matters relating to the John Oxley Youth Centre.

During the course of the investigation Mr. Heiner gathered information of a potentially defamatory nature in the form of written material and electronically recorded information.

In view of the Crown Solicitor's advice and the limited value of its continuation, I have terminated the investigation and taken possession of all material gathered by Mr. Heiner in the course of his investigation.

ISSUES

The fate of the material gathered by Mr. Heiner has yet to be determined. This is a matter of some urgency, as there have been a number of demands requiring access to the

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material, including requests from Solicitors on behalf of certain staff members.

OPTIONS

1. Destruction of material gathered by Mr. Heiner in the course of his investigation, on the basis that the investigation has now been terminated and the material has no further purpose.
2. Public release of the material in a summarised form as a Parliamentary Statement.
3. Retention of the material within the Department, thus making it part of Departmental official records.
4. Referral of the material to Cabinet for noting.

CONSULTATION

General discussions regarding the investigation have been held with the Queensland State Service Union and the Queensland Professional Officers' Association. However the specific options outlined above have not been canvassed.

*for* M. A. Carrick

Ruth Matchett  
Acting Director-General  
Department of Family Services and  
Aboriginal and Islander Affairs

13th February, 1990