

THE HONOURABLE THE MINISTER

Material gathered by Mr N.J. Heiner during the course of his investigation into certain matters at the John Oxley Youth Centre.

1. Matter considered by Cabinet on two previous occasions.
2. Recommended to Cabinet that the material gathered by Mr Heiner in the course of his investigation of the John Oxley Youth Centre be destroyed.
3. Reasons for recommendation -
  - a) Inquiry ceased and no report to be produced; therefore, no further need/use for material.
  - b) Disposal of material would reassure all concerned that it would not be used in future deliberations or decisions over John Oxley Youth Centre.
  - c) No statutory immunity for informants to investigation - disposal of material reduces exposure to risk of legal action for everyone.
4. Initially, Cabinet deferred a decision - requested other options to be explored including legal implications of material being referred to Cabinet for noting, as an alternative to destroying it.
5. Advice received from Crown Solicitor indicated:-
  - a) Material would not become privileged if referred to Cabinet.
  - b) If option of destruction was to be pursued, approval of the State Archivist must be obtained pursuant to the Libraries and Archives Act 1988.
6. Cabinet reconsidered the matter and deferred once more, pending liaison between the Cabinet Secretariat and the State Archivist.
7. State Archivist has given written approval for destruction of the material.
8. Concurrent events:-
  - a) Correspondence received from Solicitors representing two staff members at John Oxley Youth Centre seeking production of certain documents including the material gathered by Mr Heiner. Correspondence referred to Crown Solicitor for advice. Interim

QCPCI 3 (e)

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responses sent. No final commitment given. Will depend on Cabinet's decision in relation to the fate of the material.

- b) Similar request received from Queensland Teachers' Union in relation to one of its members.

In both cases, it would appear that concerns stem from a belief that the material gathered by Mr Heiner is being used as part of decision making processes in the Department. This has not been so.

9. If the material is destroyed, mechanisms for addressing issues raised during the investigation should be available. The following exist:-

- a) Departmental procedures for the handling of individual grievances, established in accordance with the Public Service Management and Employment Act 1988. These processes would enable individual complaints to be adequately investigated.

- b) Broader issues such as those relating to safety and training are already being, to some extent, addressed. E.g. physical improvements to building. Allocation of additional funds for 1989/90 financial year for induction training (\$10,000).

Subsequent issues can be raised through usual line management channels.

Processes are in place to deal with complaints and issues.

NOTE: The recommendation applies only to the material gathered by Mr Heiner. Certain departmental working papers relating to the initiation of the inquiry will be maintained.