



Access Request
ARS Material gathered by Mr. N.
Copy No. 58
DDG, Governance, DPC
Official Copy - 17/10/2012

R E S T R I C T E D

C A B I N E T M I N U T E

Brisbane, 5 March, 1990

Decision No. 00162

Submission No. 00160

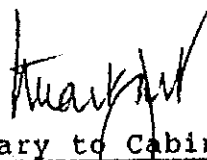
TITLE: Material gathered by Mr. N.J. Heiner during the course of his investigation into certain matters at the John Oxley Youth Centre.

CABINET decided:-

That following advice from the State Archivist and the Crown Solicitor the material gathered by Mr. N.J. Heiner during his investigation into certain matters at the John Oxley Youth Centre be handed to the State Archivist for destruction under the terms of section 55 of the Libraries and Archives Act 1988.

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.
Department of the Attorney-General and copy to Minister.
All other Ministers for perusal and return.

Certified True Copy


A/Secretary to Cabinet.

QCPCI 3 (e)

Date: 3.12.2012

Exhibit number: 181



CABINET-IN-CONFIDENCE

00160

SECURITY CLASSIFICATION "B"

SUBMISSION NO.

CABINET SUBMISSION

COPY NO. 20

COVER SHEET

TITLE

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

MINISTER

Minister for Family Services and Aboriginal and Islander Affairs

PURPOSE/ISSUES

Cabinet would be aware that Mr N.J. Heiner was appointed by the former Director-General, Department of Family Services, to investigate and report on certain management matters relating to the John Oxley Youth Centre. After obtaining advice from the Crown Solicitor, the Acting Director-General decided to terminate the investigation conducted by Mr Heiner, as the basis for his appointment did not provide any statutory immunity from legal action for him or for informants to the investigation.

During the course of his investigation, Mr Heiner gathered information of a potentially defamatory nature. In Submission No. 00100, a recommendation to destroy this material was deferred by Cabinet to enable other options to be explored.

OBJECTIVE OF SUBMISSION

Destruction of the material gathered by Mr Heiner in the course of his investigation would reduce risk of legal action and provide protection for all involved in the investigation.

However, the Crown Solicitor has advised that as the material is in the Crown's possession, it constitutes a "public record" for the purposes of the Libraries and Archives Act 1988.

(2)

Therefore, the approval of the State Archivist must be obtained before such destruction can occur. The State Archivist has now given approval in writing for the destruction of these records in terms of section 55 of the abovementioned Act.

URGENCY

Speedy resolution of the matter will benefit all concerned and avert possible industrial unrest.

Representations have been received from a solicitor representing certain staff members at the John Oxley Youth Centre. These representations have sought production of the material referred to in this Submission. However, to date, no formal legal action seeking production of the material has been instigated.

CONSULTATION

Crown Solicitor

State Archivist.

RESULTS OF CONSULTATION

Support the proposed course of action recommended.

FINANCIAL CONSIDERATIONS

Nil.

PUBLIC PRESENTATION

Nil.

WHAT GENERAL OR SECTIONAL SUPPORT CAN BE EXPECTED?

It is expected that the course of action will be acceptable to the majority of the parties involved.

(3)

WHAT CRITICISM IS ANTICIPATED AND HOW WILL IT BE ANSWERED?

Some staff may be dissatisfied that their concerns have not been resolved. These complaints will be addressed individually through the grievance process established under the Public Service Management and Employment Act.

RECOMMENDATIONS

I recommend that the material gathered by Mr N.J. Heiner during his investigation be handed to the State Archivist for destruction under the terms of section 55 of the Libraries and Archives Act 1988.

Anne Warner

Anne Warner
Minister for Family Services and
Aboriginal and Islander Affairs.

27th February, 1990.