

Exhibit 113

Last two paragraphs on page one
are under a not for publication order 3/12/2012

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18 JAN 1990

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

THE FOLLOWING FAX IS FROM

ROSE BERRY JENSEN
=====

SOLICITORS

Fci 94/22 1/10

Ipswich Centre Plaza
21 Bell Street
IPSWICH QLD 4305
(PO BOX 89 IPSWICH)

DATE: *17./1./90*
TIME: *5.17pm*

***FAX NO: (07) 812 2156
TELEPHONE NO: (07) 281 9800

TO: *DIRECTOR - GENERAL*

ATTENTION:

FAX NO: *221. 2728*

RE: *Enquiry - Mr Coyne & Mrs Dutney*

OUR REF: *Ian Berry*

PAGES HEREWITH: *4* INCLUDING THIS PAGE

COMMENTS:

QCPCI *3 E*

Date: *3.12.2012*

Exhibit number: *113*

PLEASE NOTIFY US IMMEDIATELY IF YOU DO NOT RECEIVE ALL PAGES

**ROSE BERRY JENSEN
S O L I C I T O R S**

IMB:SE

17th January 1990

The Director General
Department of Family Services and
Aboriginal and Islander Affairs
GPO Box 806
BRISBANE Q 4001

Mr. Heiner

BY FACSIMILE: 221 2728

Dear Madam

CONCERNING THE ENQUIRY BY MR N HEINER
ESQUIRE OF THE JOHN OXLEY YOUTH CENTRE

We act for Mr Peter Coyne and Mrs Anne Dutney employees of your department.

The instructions received indicated that since late 1989 under the order of your predecessor, an enquiry was established under the provisions of the Public Service Management and Employment Act 1988. Though our clients do not know the basis of the establishment of the enquiry, they were asked by Mr Heiner's office to give evidence before him. In late 1989 taped evidence was given by Mrs Dutney, and only recently taped evidence was given by Mr Coyne.

At the outset Mr Coyne requested details of the allegations made against him. Mr Heiner's office provided him with a list of grievants and a summary of their complaints.

That question was not put to Mrs Dutney when she gave evidence.

39

LEON A. ROSE IAN M. BERRY CRAIG A. JENSEN LL.B. (QLD)
5TH FLOOR, IPSWICH CENTRE, BELL STREET, IPSWICH 4305
P.O. BOX 89, IPSWICH 4305 DX: 41207 IPSWICH
TELEPHONE: (07) 281 9800 FACSIMILE: (07) 8122156

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Our clients are most concerned that they have been denied natural justice in defending themselves from allegations from persons unknown to them. They particularize their concern that natural justice has been denied them:-

1. The specific allegations made against Mr Coyne and Mrs Dutney have not been put to them. Specific allegations should provide the names of the persons making the allegations, the specific allegation in terms of time, place and the presence of persons who might be able to give evidence.
2. They have not been given an opportunity to examine and cross examine evidence presented to the enquiry (so far as it concerned the allegations made against them).
3. Moreover they have been denied legal counsel to assist in the testing of the evidence.
4. Records of evidence have not been provided to them.
5. An opportunity to make submissions to the enquiry for inclusion in Mr Heiner's report has not been offered to them.

Our clients have instructed us that the enquiry has not concluded. It is therefore open to you, to review the decision of your predecessor by providing further directions to the appointed enquirer Mr N Heiner to:

- A. Allow all further witnesses, in allegations concerning either or both our clients, to be examined and cross examined by them or their advocate.
- B. That all specific allegations relating to our clients be particularised as to time place and the action or words alleged.
- C. Allow for them, or either of them, to have copies of all allegations and evidence taken to date, including copies of the tapes used in recording the evidence.
- D. Allow them to recall witnesses for cross examination concerning the specific allegations against our clients.

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The principles of natural justice are well founded, and it is our firm opinion that we will be able to persuade a Court to intervene on a Writ of Prohibition to injunct the enquirer from proceeding further with the enquiry until full observance of the applicable principles, a precis of which we have stated herein. However that procedure is costly and unnecessary if you recognise the correctness of the natural justice principles.

Our clients must act quickly and for that reason we respectfully request your response by 2.00 p.m. 18th January 1990. Before that time we are quite prepared to discuss this matter with you in order to discuss the implementation of the principles.

In anticipation of our receiving your favourable response, on our clients' behalf, we thank you.

ROSE BERRY JENSEN


(IAN BERRY)

Original received in
Personnel Services
on 19/1/90
SC/RS
A/M, RS

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IMB:SE

17th January 1990

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The Director General
Department of Family Services and
Aboriginal and Islander Affairs
GPO Box 806
BRISBANE Q 4001

BY FACSIMILE: 221 2728

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At the outset Mr Coyne requested details of the allegations made against him. Mr Heiner's office provided him with a list of grievants and a summary of their complaints.

Mrs Dutney was not supplied with any list, and it was represented to her that no allegation has been made concerning her. It was upon that basis she assisted the enquiry by giving evidence.

It was put to Mr Coyne, by Mr Heiner, when giving evidence just recently that he had a sexual relationship with Mrs Dutney. Mr Coyne denied the allegation.

That question was not put to Mrs Dutney when she gave evidence.

Our clients are most concerned that they have been denied natural justice in defending themselves from allegations from persons unknown to them. They particularize their concern that natural justice has been denied them:-

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ROSE BERRY JENSEN


(IAN BERRY)