

QCPCI 3 (e)

Date: 5.12.2012

Exhibit number: 131 A

RUTH:

JOHN OXLEY YOUTH CENTRE INQUIRY

Below are my thoughts about a possible process for your consideration.

1. Interview Anne Dutney

- She has requested an interview urgently.
- She considers herself a victim of a "defamatory process".
- I understand that she has not yet decided what action she will take but intends to consult a solicitor.

2. Informal discussion with Kevin Lindeberg

- Managers and some senior staff at John Oxley are members of the POA and have had several meetings with Kevin Lindeberg. So far, that Union has not declared a position on the Inquiry but they are observing the process. I understand that they have had reservations.
- His views about a process might be clearer by now.

3. Informal discussion with Janine Walker

- In the beginning, the QSSU acted on behalf of youth workers who had made complaints. They did not request this form of investigation. Since then, I understand that a number of members have expressed their unhappiness about the process to the Union. This would include some senior members of staff.

4. Interview Mr Noel Heiner

- It may be useful to discuss his understanding of the Terms of Reference and/or what is required of him. It may also be useful to ask for an interim report which indicates the way in which he will approach this task. *(his report.)*
- He could be requested to report in a particular form to overcome some of the potential dangers.

If Mr Heiner makes a report with findings based on the weight of allegations, rather than on properly tested evidence (like care and control applications), or if he presents a collection of personal opinions, including his own, and if that report is harmful to reputations then it will be dangerous.

If it is a written report then there will be three choices:

- 1) not to release the report;
- 2) release the report but disclaim its findings; or
- 3) release the report unconditionally.

If it is not released, there will be allegations of a cover-up and intrigue about its contents will continue into the future. If it is released but disclaimed, it will be embarrassing to everybody concerned. If it is released and potentially harmful to individuals, the Department will probably face legal action as well as loss of senior staff at the Centre.

It is suggested, therefore, that Mr Heiner should be requested to present his report in three parts.

Part A should be a written document, able to be released publicly. It should do no more than answer specific issues in line with the Terms of Reference, for example:

- Is there any evidence which should warrant a police investigation?
- Is there evidence upon which disciplinary action by this Department might be based?
- As a result of the Inquiry, are there any procedural guidelines that he would recommend?
- As a result of the Inquiry, did he form any opinions about the design or adequacy of the building?

If he wishes then to list any "evidence" upon which police investigations or disciplinary action should be based, this could be included in a confidential Part B report to the Director-General. There could be reference to such a confidential report in the Part A document but it should protect any individuals involved.

The third part of the report should be a verbal report to the Director-General, and possibly to the Minister should she anticipate political issues as a result of the Inquiry. Recommendations by Mr Heiner that may fall into the realm of personal opinion can be presented in this way but also discussed and examined. Any response or any action arising out of this interview would be left with you.

5. Report to the Unions

- The union representatives may then be called to a meeting in which:
 - Part A of the written report can be presented;
 - any action that may be taken as a result of Part B can be indicated while explaining that individual rights must of course be protected while matters are investigated; and
 - views expressed about how matters of complaint should be dealt with in the future.

My own views in this regard are as follows:

- It seems to me that the broad industrial process prefers conciliation before arbitration, and the Family Law Court prefers non-legal mediation before going to a court. This two stage process should apply also within the Department. The Department should provide access to mediators to resolve issues as quickly and simply as possible. If that fails and an arbitration process is required, it must be specific in nature and sufficiently formal to ensure that people are justly treated. I have doubts that the existing grievance procedures would stand a serious test.
- The present Inquiry was launched without mediation of specific complaints occurring first. It had an enormously wide brief, no legislative base, no declared rules and no appeal process. This part of discussion with the Unions will probably be coloured by the views that they indicated they held about the Inquiry.

6. De-briefing

- Because of the high level of feeling that has been aroused by this process and the likely after-effects of the Inquiry, I think that some effort should be put into a de-briefing process. This could include:
 - letters of thanks to Mr Heiner, Barbara Flynn and Jan Cosgrove;
 - letters to Peter Coyne and Anne Dutney;
 - a memo to staff at John Oxley Youth Centre which might indicate outcomes of the Inquiry, confidence in management and staff, processes for dealing with difficulties in the future;

- a visit to John Oxley Youth Centre by yourself or George Nix for an event, such as afternoon tea, with the opportunity "to" speak to individuals or groups and perhaps respond to comments.

I hope this is useful.

FOI RELEASE