

Question on Notice
No. 618
Asked on 26 August 2014

MS PALASZCZUK asked the Premier (MR NEWMAN)—

In relation to the document entitled, 'File note, dated 6 August 1996, by Acting Executive Director, Administration of Justice and Criminal Justice Program, Mr Barry Read, relating to Mrs Jo-Ann Miller' which the Premier tabled in Parliament on 21 November 2013—

- (1) Who advised the Premier of the existence of the document?
- (2) Who provided the Premier with a copy of the document?
- (3) With whom did the Premier have any conversations about the contents of that document?

ANSWER:

I understand the document (the contents of which are attached), was submitted by a private citizen, who provided an assurance the information provided was correct.

J
21/11/13.

FILE NOTE

Re: Jo-Ann Miller

I had a telephone call at 9.15 a.m. on Tuesday, 6 August, 1996 from Jo-Ann Miller's husband, Neil Miller. From the telephone d-term he appeared to be ringing from a business phone as the name on the phone appeared as Tim Maloney, although I did not note the extension number.

Mr Miller said that Jo-Ann was having a nervous breakdown. I asked him what he meant by this and he said that she was in such a state that her parents had to come to look after Jo-Ann and their children and he was arranging for her to see her doctor.

I said to him that I was sorry she was unwell as I understood she was happy to be receiving an offer of a Voluntary Early Retirement Package.

He said that it was the way the Department had treated her which was the problem.

Because of his comment I feel it is necessary to make a few brief notes leading up to today.

Some weeks ago, the activities of the Justices of the Peace Council were curtailed. As a result, the time which Jo-Ann Miller spent with the Council was to cease and she was to be deployed on other activities in connection with the Justice of the Peace Program.

I became aware through discussions with the former Executive Director of the Courts Division and the Manager of the Justices of the Peace Branch that the Minister intended to review the Justice of the Peace legislation which would reduce to some extent the pressures which were being placed upon the Branch because of 1 November, 1996 cut-off date.

When I took over acting as Executive Director of the Courts Division from 15 July, I was informed by the Director-General that Jo-Ann would no longer be required to undertake the JP duties she was undertaking because of the intention of the Government to amend the legislation and that I was to find other duties for her.

In conjunction with this, I was aware that the large area which she occupied as an office was required to accommodate an additional unit within the Courts Division, the Juvenile Justice Branch.

I arranged for Jo-Ann to move out of the accommodation and found alternative accommodation in the general office for her.

She had a desire to have an office of her own but there was limited accommodation available and I located an area within the general office but which was constructed such that adequate privacy was allowed for Jo-Ann from the general office.

I knew that she was not happy with this arrangement and she had expressed a view to me that she should have been given an office.

She felt that someone was endeavouring to "get her". I told her that it seemed to me that the cut-back in activities unfortunately fell her way at this time.

I was of course aware that other areas of the Department were about to be subjected to cut-backs and that a number of staff may well be in a position where they would have to find alternative duties and in fact be retrained in other areas.

I was also aware that some months ago, perhaps more than a year, Jo-Ann had said to me that she would have liked to obtain a Redundancy Payment and she thought that she could do things quite well in the private sector.

I repeated my explanation that it seemed to me that she was unfortunately in the first area of cut-backs in the Department and she was going to be the first person to have to find alternative employment.

I was also aware as a member of the Department's Executive that the Director-General had indicated that he was not intending to offer VERs to any people affected by the cut-backs and that staff were to be redeployed and retrained, if necessary, with VERs being a last resort only after all avenues were pursued.

Jo-Ann had indicated to me some months ago that she was hopeful of obtaining a VER and I gathered from my discussion at that time that she would rather have welcomed an offer of a VER. I asked her if she would like me to approach the Director-General to see if he would offer her a VER. I took this initiative because I knew that she was unhappy with her situation, she had told me earlier that she would have liked a VER, I believed in my mind that she would have been happy to receive a VER and I knew from discussion at the Executive that the likelihood of her receiving such an offer some months or even weeks down the track could be quite remote unless the Director-General changed his mind for a whole class of employees. I was also conscious that I could have been criticised for giving her preferential treatment at this time; but decided to take the following course of action, anyway.

I approached the Director-General towards the end of July; it may have been Friday, 26 or Monday, 29 July and asked if he would consider making Jo-Ann an offer of a VER, as I thought that she might have appreciated the offer. He said to me that he would think about it.

A day or so later I again spoke with the Director-General and he informed me that he would offer Jo-Ann a VER and he asked me to arrange for the offer to be made.

I asked Peter Kent, the Executive Manager, Human Resource Services Branch to prepare the letter. He subsequently gave me a copy of the letter late on the afternoon of 31 July. I gave it to Jo-Ann at 9.15 a.m. on Thursday, 1 August, 1996.

She seemed happy at receiving the offer and set about tidying up her papers.

I arranged for her to pass all information on to the Manager of JP Branch, Sean Harvey or Bob Scullen who would take over handling some of the Ministerial correspondence she was working on.

Later on 6 August, I spoke with Peter Kent as to whether I ought to remind Neil Miller that his wife needed to make an election by 5.00 p.m. on 14 August. After considering Peter's views I decided that I should phone Neil Miller, which I did on his work number on Extension 75425. I explained if Jo-Ann wished to pursue the voluntary early retirement she needed to be mindful of the date she was required to respond by. I informed him that the offer may not be made in the future because a number of people were about to be put in a situation where they would have to be re-deployed.

He then went on to say that he considered she had been harshly treated and that she had been made to sit in a passageway.

I did not want to get involved in a dialogue with him because of the situation. I said that this was not correct as I had been involved in arranging Jo-Ann's transfer from her office area and she was not sitting in a passageway. He just repeated that in his view she should have been treated better. I informed him that I did not want to get into a conversation on those issues as I was merely only ringing him to ensure that she was aware of the situation re the VER.


He said that he thought that Jo-Ann may come in to work later in the week and in any case after she had settled down. I said that in light of his earlier conversation I thought that she may have been more seriously ill. He said that she had not been sleeping for sometime and that this was catching up on her but she may be back at work later in the week anyway.

I completed that conversation with Neil Miller at 12.05 p.m. on Tuesday, 6 August, 1996.

At 12.15 p.m. on 6 August, 1996 I saw Sean Harvey in the passageway on Floor 16 and informed him that Jo-Ann was away sick and he told me she had been speaking to people today in the JP Branch, including himself.

I remarked to Sean that when speaking to Neil Miller I should have offered to approach the Director-General to pay Jo-Ann her entitlement as at 14 August, if she elected to take the VER and to recommend that she be permitted to leave without returning to duty.

I said to Sean that I did not feel disposed to ringing her husband again on the matter and if he was speaking to Jo-Ann again to make the offer to her and that I would be prepared to approach the Director-General accordingly.


Barry Read
Acting Executive Director
Administration of Justice & Criminal Justice Programs
6 August 1996