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FAX COVER SHEET

Please reply to Fax No. 64 3 379 5659

TO:

Person: Michael Deaker
Ministry of Education

Fax No: (04) 471 6181 City: Wellington

FROM:

Person: Jo Appleyard File No: CCC717480

Date: 21 February 1995 Time:

No of Pages: (including this cover sheet)

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Message:

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21 February 1995

The Ministry of Education
P O Box 166
WELLINGTON

FAX: (04) 471 6181

Attention: Michael Deaker

Dear Sir

1. We refer to your telephone conversation with the writer yesterday morning.
2. We act for Christchurch City Council who are being sued by former employees of the Christchurch Civic Creche arising out of the closure of the creche in late 1992.
3. The hearing is to commence on Monday, 27 February 1995 in Christchurch and is expected to continue for approximately two weeks.
4. Our purpose in contacting you was to ascertain whether you had been approached by the representatives of any other party to appear as a witness at the hearing. You have advised us that although Peter Lawson discussed the possibility of issuing you with a subpoena approximately one year ago you subsequently gained the impression that the case was no longer proceeding. You have not received any further notice to suggest that you will be required to attend and give evidence.
5. The representatives for the employees have intimated to us that they intend to produce the enclosed memorandum which has been obtained from the Ministry of Education under the Official Information Act. We assume that the memorandum was prepared by you on 3 September 1992. We have advised Peter Lawson that if the document is to be relied on we will require him to subpoena you formally to produce the document, in Court, so that we can then question you on the matters raised in it.
6. As discussed yesterday, the particular points that arise from the memorandum are as follows:
 - (a) The memorandum outlines a meeting which took place at the office of John Gray on 3 September 1992. It also lists a number of individuals who were present at the meeting.
 - (b) The memorandum goes on to set out a discussion during which the Police set out their concerns regarding the creche and affidavits were produced to you.

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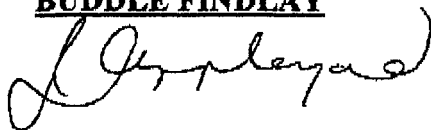
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- (c) We are concerned that the memorandum gives the impression that the discussions with Police Officers and the production of affidavits occurred in the presence of Mr Gray and other city officials. Mr Gray's recollection is that this is not correct.
7. You have explained to us that you (and presumably other members of the Ministry) met with Inspector Brian Pearce and one of his colleagues in John Gray's office. You were briefed by the Police and affidavits were shown to you. You skim read the affidavits and returned them to Inspector Pearce. At no stage was John Gray involved in these conversations or shown copies of the affidavits. During this time he was sitting at his desk at the other end of the office.
8. You have told us that you then met with John Gray and advised him that you were satisfied that it was not in the interests of the children that the Civic Creche continue to operate. Your meeting with John Gray was very brief and you simply handed him the letter announcing suspension. He responded that the Council would not contest the suspension and you then gave him a further letter stating that the licence would be cancelled under Section 14 (2) of the ECE Regulations.
9. There was then a discussion regarding the mechanism for closure ie notification of the staff, media releases and the like in which you took no part.
10. We would be grateful if you could confirm that the above correctly sets out the entire discussion and meeting between yourself and Mr Gray. At this stage we do not intend to call you as witness for the Christchurch City Council. However, if you are contacted by representatives for the other party or you are served with a subpoena we would ask that you contact us so that we can discuss your evidence in more detail.
11. If you have any queries please do not hesitate to contact the writer.

Yours faithfully

BUDDLE FINDLAY



JO APPLEYARD (Ms)

Solicitor