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Date: 3.12.2012

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PARLIAMENT  
2.9.94.

23 February 1990.

The State Archivist  
Queensland State Archives  
162 Annerley Road  
DUTTON PARK QLD 4102

(ACCOUNTS FOR  
DOCUMENT 4.)

Dear Ms McGregor

Your advice is sought regarding certain public records which I am advised fall within the meaning of the Libraries and Archives Act 1988.

In early November 1989, Mr N.J. Heiner, a retired Stipendiary Magistrate was engaged by the Department of Family Services to investigate and report on certain matters relating to the John Oxley Youth Centre.

During the course of the investigation, questions were raised concerning the possibility of legal action against Mr Heiner and informants to the investigation because of the potentially defamatory nature of the material gathered. Because of the limited value of its continuation, the Department of Family Services has decided to terminate the investigation.

Subsequently, the material was handed to the Department of Family Services by Mr Heiner and forwarded to the Cabinet Secretariat for safe-keeping pending a submission seeking Cabinet's view on what should be done with the material.

As Mr Heiner has handed the material to the Crown, the Crown Solicitor has advised that the Government would be entitled to claim possession of the documents and other material gathered by Mr Heiner in the course of his Inquiry. The material is therefore considered to be "public records" within the meaning of Section 5 (2) of the Libraries and Archives Act 1988.

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I am also advised that the material could not be fairly described as "Cabinet documents" unless they were created for the purpose of submission to Cabinet. This appears not to be the case and any claim by the Crown for "Crown Privilege" would, therefore, have little chance of success in order to maintain the confidentiality of the material.

[The Government is of the view that the material, which I understand includes tape recordings, computer discs and hand-written notes, is no longer required or pertinent to the public record.]

The question of the destruction of the material therefore falls within the responsibility of the State Archivist under Section 55 of the Libraries and Archives Act 1988 and your urgent advice is sought as to the appropriate action to be taken in this regard.

Any further information concerning the material may be obtained from Ken Littleboy, Acting Principal Cabinet Officer, telephone 224-4858.

Yours faithfully

  
S.P. TAIT  
A/Secretary to Cabinet