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23 February 1990

Phone call from Ken Littleboy, Cabinet Office.

Mr Heiner, retired Stipendiary Magistrate, hired as a private consultant to investigate and report on the John Oxley Youth Centre. The government has stopped the investigation. Mr Heiner has handed his notes over to the Department. ~~Cabinet feels that they contain much defamatory material and would prefer them destroyed. Advice has been obtained from Crown Law who felt that the material was originally Mr Heiner's property but now that he has handed it over to the Department of Family Services, it has now become a public record. Crown Law also advised that the material does not appear to be covered by Crown privilege.~~ I raised the matter of Freedom of Information legislation and was advised that this will probably be passed in a few years. I pointed out that in general, if material is worth keeping, it should be kept regardless and a long closure period put on it. Freedom of Information legislation would have to consider areas such as this where defamation laws may make it extremely difficult for the government to grant access to this type of material.

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One carton of records was delivered to my office and Kate McGuchin and myself went through them. The records consisted mainly of tapes and transcripts of interviews with staff of the John Oxley Youth Centre plus a small quantity of related notes and correspondence. On the transcript of Peter Coyne it was clearly stated that the proceedings were being recorded solely for Mr Heiner's use. In general the interviewees complained about various aspects of the management style. Staff transferred from another Youth Centre were the main complainants. Most of the correspondence consisted of copies of letters and reports which would be in the Family Services Department's own records.

The State Librarian was notified of the situation. I also notified Ken Littleboy that disposal would be approved. A letter of reply to Stuart Tait is being faxed across this afternoon.

L. McGregor
Ms. L. McGregor
State Archivist