

G. P. O. Box 1601,
BRISBANE, QUEENSLAND, 4001

DX 401 Brisbane Uptown

FACSIMILE: (07) 229 0993

TELEPHONE: 22 74235
WHEN TELEPHONING OR
CALLING PLEASE ASK FOR

Ref. Mr. Thomas
BJT:LJP



FCI 94 222 20

Crown Solicitor,
State Law Building,
50 Ann Street,
Brisbane, Queensland. 4000.

18 April 1990

Ms. R. Matchett,
Acting Director-General,
Department of Family Services
and Aboriginal and Islander
Affairs,
G.P.O. Box 806,
BRISBANE. Q. 4001

QCPCI 3 (e)

Date: 3.12.2012

Exhibit number: 191

Dear Ms. Matchett,

I refer to your letter of 19 March 1990 and discussions with your officers concerning the John Oxley Youth Centre.

I understand that Cabinet has not been asked to consider the destruction of the material forwarded by Ms. Walker on 10 October 1989 and which you supplied to my office.

It appears that this material was supplied by the Union to Mr. Pettigrew on condition "that they are supplied to you personally on the understanding that they will not be circulated widely".

A brief history of these statements shows that they have been supplied to Mr. Heiner who returned them to yourself; they have remained in the custody or control of the Department for over six (6) months. In such circumstances, it is difficult to now say that they were some type of personal briefing notes of Mr. Pettigrew's rather than a Departmental record.

Therefore it appears that only two (2) options exist; firstly, to destroy them in accordance with the Libraries and Archives Act 1988 or to retain them with the consequent problem which may arise.

If the documents are retained, Regulations 46 and 65 of the Public Service Management and Employment Regulations must be complied with where appropriate.

It is my understanding that the statements have not been placed on any file or record specifically relating to Mr. Coyne. In that case, Regulation 46 would not appear to be applicable.

However, Mr. Coyne, though his solicitor's letter of 8 February has specifically sought to exercise his rights under Regulation 65. While it may be argued that the statements are not part of a Departmental file held on Mr. Coyne, it would appear artificial to say they are not part of a Departmental record held on him as all but one of the statements specifically identify Mr. Coyne by name or by position. (The exception is the statement of 3 October 1989 signed "very concerned".)

Therefore, if a decision is made not to destroy the statements Mr. Coyne would appear to be entitled to read them and to obtain a copy of all but the one statement identified above.

None of the statements appear to identify Ms. Dutney, and therefore, I am of the opinion that she has no entitlement to view them.

I have not drafted a response to the solicitor for Mr. Coyne or Ms. Dutney until I have your instruction concerning the disposition of the statements.

I enclose the copies of the statements forwarded should they be needed for destruction.

Yours faithfully,

(K. M. O'Shea)
Crown Solicitor.



Enc.

Daniel Lannan

David Smith

Marianne Pearce

Lorraine Mc Gregor

Brendan Collins

Peter Mc Neven

Very concerned

Lex Clements

Sabina Konicar

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RECEIVED

2 COPIES
18 APR 1990

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Dept. of Family Services and
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Vol 1 Vol 2



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Yours faithfully,

These copies were photocopied. They were destroyed today.

*Don Smith
23/5/90.*

K M O'Shea

(K. M. O'Shea)
Crown Solicitor.

[Signature]

Enc.