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BRISBANE

28 January 2020


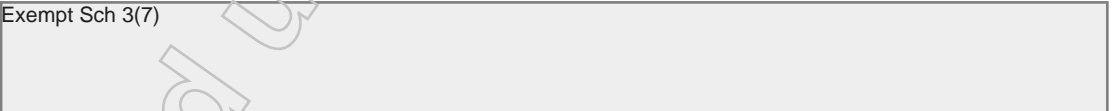
Mr Mike Summerell  
Executive Director and State Archivist  
Queensland State Archives  
PO Box 1397  
SUNNYBANK HILLS QLD 4109

Dear ~~Mr Summerell~~ *Mike*

I am writing to you in my capacity as Chairperson of the Public Records Review Committee (the Committee).



During the Committee's meeting on 18 November 2019, you sought advice about specific statutory matters, including the conduct of investigations; the content of Queensland State Archives Annual Reports; the administration of the *Public Records Act 2002* (the Act); and State Archivist statutory functions.

Consequently, the Committee resolved that it required you to obtain Crown Law advice on the following issues:

- Exempt Sch 3(7) 
- Exempt Sch 3(7) 

The Committee required this advice so that its implications could be considered at the Committee's next meeting which is scheduled for 30 March 2020. It may be that the outcome of the Committee's consideration is formal advice to the Minister pursuant to section 29(2)(a) of the Act. I therefore further request that you expedite obtaining the necessary advice to enable the Committee's members to have sufficient time to consider it carefully prior to the scheduled meeting.

I can be contacted directly on telephone (07) 3738 7995 should you have any further inquiries about the matter.

Yours faithfully   


Julie Steel  
Chair  
Public Records Review Committee

OFFICE:  
QEII Courts of Law  
415 George Street  
Brisbane  
POSTAL:  
PO Box 15167  
City East  
4002  
TELEPHONE:  
(07) 3247 4313  
WEB:  
www.courts.qld.gov.au

**From:** David Hamill  
**To:** [hpw@ministerial.qld.gov.au](mailto:hpw@ministerial.qld.gov.au)  
**Cc:** [Heather Rayfield](#)  
**Subject:** Recommendations to the Minister from the Public Records Review Committee  
**Date:** Monday, 5 March 2018 11:12:52 PM  
**Attachments:** [PRRC Acting Chairpersons letter to the Minister - March 2018.pdf](#)

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Dear Minister

I have attached a documents containing recommendations from the Public Records Review Committee pursuant to s. 29(2)(a) of the Public Records Act 2002.

Yours sincerely

The Hon Dr David Hamill AM  
Acting Chairperson

Sent from [Mail](#) for Windows 10

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## PUBLIC RECORDS REVIEW COMMITTEE

The Honourable Michael de Brenni MP  
Minister for Housing and Public Works  
Minister for Digital Technology  
Minister for Sport  
PO Box 2457  
BRISBANE QLD 4001

5<sup>th</sup> March 2018

Dear Minister

### PUBLIC RECORDS REVIEW COMMITTEE – 1 MARCH 2018 REPORT

As the Acting Chairperson, I am writing to provide you with the Committee's recommendations from its recent meeting.

1. The Public Record Review Committee ('the Committee') met on 1 March 2018 and were provided a copy of the State Archivist's report to Jamie Merrick, Director General, Department of Science Information Technology and Innovation ('DSITI') titled, "Statutory Investigation into Allegations of Unauthorised Disposal of Public Records by Honourable Mark Bailey MP, Minister for Main Roads, Road Safety and Ports and Minister for Energy, Bio-fuels and Water Supply - 24 October 2017 a. The Committee was also provided with a letter from the Queensland Integrity Commissioner Dr Nikola Stephanov dated 23 October 2017 ("the documents")
2. The Committee considered the documents and resolved that they raised matters which affected the administration and enforcement of the *Public Records Act 2002* ("the Act").
3. The Committee is obliged, pursuant to s 29(2)(a) of the Act, "*to advise the Minister about issues affecting the administration or enforcement of this Act.*" In exercising that function, the Committee wishes to draw the following matters to the attention of the Minister:
  - a. The Committee considers that the review of the Act has become critical and recommends that the Minister pursue it as a matter of priority.
  - b. Within the scope of that review, the Committee urges the Minister to:
    - i. reaffirm the independence of the State Archivist and clarify the powers, duties and responsibilities of that office; and
    - ii. reaffirm the independence of the Committee and clarify the powers, duties and responsibilities of the Committee.
  - c. Although various sections of the Act create obligations regarding the management of public records, the majority of these provisions fails to provide a mechanism to ensure that these obligations are met and fails to establish any appropriate sanctions in the event that these provisions are breached.
  - d. The review ought to consider mechanisms to improve compliance with the requirements of the Act, particularly with respect to the management of public records and specifically, to ensure that public records created in private media can be preserved in the public record.

As always, the Committee continues to be grateful for the assistance and support of the team at Queensland State Archives who keep members updated on key initiatives and developments.

If you would like additional information on any of the matters addressed, please do not hesitate to telephone me on .

Yours sincerely



The Hon Dr David Hamill AM  
**Acting Chairperson**  
**Public Records Review Committee**

PO Box 1397 Sunnybank Hills  
Queensland 4109 Australia  
Telephone +61 7 3037 6777  
Facsimile +61 7 3131 7764  
Email [info@archives.qld.gov.au](mailto:info@archives.qld.gov.au)  
Website [www.archives.qld.gov.au/government/review.asp](http://www.archives.qld.gov.au/government/review.asp)

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**From:** [SUMMERELL Mike](#)  
**To:** [OSA Office of the State Archivist](#)  
**Subject:** PRCC legal advice  
**Date:** Tuesday, 12 May 2020 9:33:02 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)

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Can you find out if Julie has received any response on this from the PRCC request for Crown Law advice.

Can you inform her that Exempt Sch 3(10) has written to me again on this matter (QBCC failure to create records). I am unable to conclude my investigation which dates from early 2019 as I have been unable to ask Crown Law for legal advice Exempt Sch 3(7)

[REDACTED], the inability to obtain the same legal advice is delaying the conclusion of 2 investigations involving potential breaches of the Public Records Act at this point.

Mike

### Mike Summerell

Executive Director & State Archivist

Queensland State Archives | Department of Housing and Public Works

435 Compton Road, Runcorn QLD 4113

GPO Box 1397, Sunnybank Hills QLD 4109

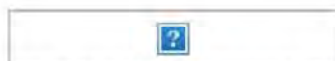
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P 3037 6601 M 49 Sch 4

[Emike.summerell@archives.qld.gov.au](mailto:mike.summerell@archives.qld.gov.au)

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**From:** [SUMMERELL Mike](#)  
**To:** [Julie.Steel@justice.qld.gov.au](mailto:Julie.Steel@justice.qld.gov.au)  
**Cc:** [OSA Office of the State Archivist](#)  
**Subject:** Legal advice  
**Date:** Friday, 29 May 2020 9:55:28 AM  
**Attachments:** [STATE ARCHIVES - Advice - Public Records Review Committee.pdf](#)  
[image001.jpg](#)  
[image002.jpg](#)

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Hi Julie

The PRRC legal advice attached

Andrew suggested a catch up next week to discuss/update on the department response which at this stage is very much looking to establish a committee to refer investigations to where there are legislative considerations such as those under the PRA. For us the committee feels a positive development at this stage

Heather will work with everyone to arrange hopefully

Mike

### Mike Summerell

Executive Director & State Archivist

**Queensland State Archives** | Department of Housing and Public Works

435 Compton Road, Runcorn QLD 4113

GPO Box 1397, Sunnybank Hills QLD 4109

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P 3037 6601 M

[Emike.summerell@archives.qld.gov.au](mailto:Emike.summerell@archives.qld.gov.au)

[archives.qld.gov.au](http://archives.qld.gov.au) [facebook.com/qldstatearchives](#) [twitter.com/qsarchives](#)

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Pages 7 through 13 redacted for the following reasons:

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Exempt Sch 3(7)

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**From:** Julie Steel  
**To:** [SUMMERELL Mike](#)  
**Subject:** RE: PRRC legal advice  
**Date:** Tuesday, 19 November 2019 9:33:46 AM  
**Attachments:** [image003.png](#)

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Mike

Glad it helped.

The Committee has resolved that the advices should be obtained. We'd appreciate you actioning this by going through DHPW legal to complete the formalities – as I'm sure that this is what would be the process if it went through the Minister's office anyway. If you encounter any difficulties in achieving this, please let me know and I'll escalate.

Kind Regards

Julie

**Julie Steel**

Executive Director

Supreme District and Land Courts Service

P: (07) 3738 7995

M:

E: [julie.steel@justice.qld.gov.au](mailto:julie.steel@justice.qld.gov.au)



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**From:** SUMMERELL Mike [mailto:Mike.SUMMERELL@archives.qld.gov.au]

**Sent:** Tuesday, 19 November 2019 4:58 AM

**To:** Julie Steel <Julie.Steel@justice.qld.gov.au>

**Subject:** PRRC legal advice

Hi Julie

Thank you for the advice and guidance PRRC provided yesterday.

Further to the legal advice request

I would appreciate your thoughts on how the committee expected to proceed.

Are you expecting that QSA will request the Legal advice from Crown Law on PRRC's behalf through DHPW legal as the secretariat for the Committee or are you planning to write to the Minister requesting the advice from him.

Mike

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**From:** [OSA Office of the State Archivist](#)  
**To:** [Julie Steel](#)  
**Subject:** Legal advice requested by the PRRC  
**Date:** Tuesday, 12 May 2020 9:50:00 AM  
**Attachments:** [image001.jpg](#)

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Good morning Julie

Mike has asked me to contact you in your position as Chairperson of the Public Records Review Committee to ask if you have received a response regarding the PRRC's request for Crown Law advice.

Mike has received a follow-up letter from Exempt Sch 3(10) regarding his investigation (QBCC failure to create records).

He is unable to conclude the investigation which dates from early 2019 as his request for Crown Law advice Exempt Sch 3(7)

has not been approved to proceed.

The inability to obtain the same legal advice is delaying the conclusion of two investigations involving potential breaches of the Public Records Act.

We look forward to your response

Hope you are well

Regards Heather

**Heather Rayfield**

Acting Manager Office of the Executive Director & State Archivist

Queensland State Archives | Department of Housing and Public Works

435 Compton Road, Runcorn QLD 4113

PO Box 1397, Sunnybank Hills, QLD, 4109

Ph 07 3037 6661 (ext 76661) | email [Heather.rayfield@archives.qld.gov.au](mailto:Heather.rayfield@archives.qld.gov.au)

[www.hpw.qld.gov.au](http://www.hpw.qld.gov.au)

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