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Consultants

24 May 2013

QCPCI 3 (e)

Date: 18-06-2013

Exhibit number: 371

The Hon Tim Carmody SC
Commissioner
Queensland Child Protection
Commission of Inquiry
PO Box 12196
GEORGE STREET QLD 4003

BY FACSIMILE: 3405 9780

Dear Sir

THE HONOURABLE TERENCE MACKENROTH

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We have received instructions from the abovenamed with respect to providing a statement in response to the matters raised in your letter addressed to our client dated 8 April 2013.

In this regard we *enclose* a statement of Mr Terence Michael Mackenroth dated 22 May 2013 for your information.

Yours faithfully

RYAN HEATH
Partner

PARTNERS

THE HONOURABLE CON SCIACCA AO
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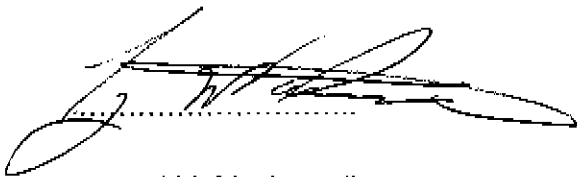
STATEMENT

Terence Michael Mackenroth states:

1. I am currently a Company Director. I retired from public life on 25 July 2005.
2. I was elected to the Queensland Parliament as the member for Chatsworth on 12 November 1977.
3. The Australian Labor Party was elected into government at the general election held on 2 December 1989. I was sworn in subsequently as the Minister for Police and Emergency Services, the Ministry I held at the time of the events the subject of this statement.
4. I have read the following Cabinet documents:
 - a. 12 February 1990 – Decision No. 00101 - **Exhibit 151**;
 - b. Cabinet-in-Confidence Submission No. 100, which relates to the above Decision;
 - c. Cabinet Decision No. 00118 dated 19 February 1990 - **Exhibit 168**;
 - d. Cabinet-in-Confidence Submission No. 00117, relating to the above Decision;
 - e. Cabinet Decision No. 00162 dated 5 March 1990 - **Exhibit 181**;
 - f. Cabinet-in-Confidence Submission No. 00160, relating to the above Decision.
5. I have no knowledge of **Exhibits 151A** and **180**. They appear to be documents that the relevant Minister may have had. I did not see them.
6. Anne Warner was the Minister for Family Services and Aboriginal and Islander Affairs, and the responsible Minister in relation to these Submissions to Cabinet.
7. When this matter was first brought to the attention of Cabinet on 12 February 1990, Cabinet decided to provide indemnity in favour of Mr N.J. Heiner in relation to his conduct of the Investigation of the John Oxley Youth Centre, which Investigation was begun by the previous Government.

8. On 12 February 1990, the Minister held advice from the Crown Solicitor that there was, in her opinion, no legal impediment to the destruction of the Investigation material.
9. On 12 February 1990, apart from deciding to indemnify Mr Heiner, Cabinet decided that a further Submission should be placed before it, setting out the various options which Cabinet might take in relation to the future of the Investigation material.
10. On 19 February 1990, Cabinet was presented with four "options" as to the future of the Investigation material. I recall Cabinet being advised by the Minister that her preferred option was Option 1, destruction of the Investigation material.
11. On 19 February 1990, Cabinet decided to defer a decision upon the range of options in order to obtain the opinion of the State Archivist as to whether the Investigation material could be lawfully destroyed.
12. On 5 March 1990, Cabinet was advised by the Minister that the Crown Solicitor had advised that the Investigation material constituted a "public record" for the purposes of the *Libraries and Archives Act 1988*, and that the written approval of the State Archivist must be obtained before such destruction could take place. Cabinet was advised by the Minister that the State Archivist had given approval in writing for the destruction of the Investigation material in accordance with s.55 of the *Libraries and Archives Act 1988*.
13. On 5 March 1990, therefore, Cabinet had the advice of the Crown Solicitor that, upon the written advice of the State Archivist, the Investigation material could be lawfully destroyed. Cabinet also had before it the advice of the State Archivist that the Investigation material could be destroyed in accordance with the relevant Act, s.55.
14. Accordingly, on 5 March 1990, Cabinet decided that, acting upon the advice of both the State Archivist and the Crown Solicitor, the investigation material be handed to the State Archivist for destruction pursuant to the relevant Act, s.55.
15. My independent recollection of this process, refreshed by a perusal of the relevant Cabinet Submissions and Decisions, is that Cabinet acted strictly in accordance with its legal advice, from two separate quarters, and acted in good faith in relation to the matter. I therefore respectfully observe that the Cabinet, of which I was a member,

gave a considered and appropriate response to the matter, between 12 February and 5 March 1990.

A handwritten signature in black ink, appearing to read 'T.M. Mackenroth', written over a horizontal dotted line.

Hon. T.M. Mackenroth

22 May 2013