



The 'Heiner Affair' - A matter of professional concern



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Today the Australian Society of Archivists Inc. (ASA) and the Records Management Association of Australasia (RMAA) joined with former judges, academics and legal practitioners in signing a Statement. The Statement expresses our concern over the unresolved Heiner affair and questions the legality of past decisions by the Queensland Government not to investigate the affair any further. Submitted to the Hon. Premier Ann Bligh MLA, Queensland Premier and Minister for the Arts and Leader of the Opposition, Mr John-Paul Langbroek, the Statement urges the Queensland Government to reconsider an earlier request for an independent inquiry on the destruction of the Heiner Inquiry records in 1990. The ASA and RMAA seek from this Inquiry the establishment of an independent State Archivist reporting directly to Parliament on matters relating to the creation and disposal of public records.

Background

Following the disbandment of an inquiry into allegations of abuse at the John Oxley Youth Centre in Brisbane, the Queensland Cabinet requested the State Archivist's approval of the destruction of records generated by the Inquiry. The records identified for destruction included those documenting allegations of abuse at the Youth Centre during the 1980's. The destruction of these records was authorised by the State Archivist in accordance with Part V of the *Libraries and Archives Act 1988*.

Poor recordkeeping controls during the inquiry and the application of hasty ad hoc disposal practices exposed the malleability of the role of State Archivist where it is not independent of political or bureaucratic influence and control. The affair also confirmed that the integrity of public records depends on transparent, accountable professional recordkeeping.

Despite the significant and ongoing public and professional scrutiny of the complex events that became known as the 'Heiner affair' there has never been a formal and thorough investigation into the affair. This Statement seeks the Government's support in establishing such an investigation as a key step in resolving the many issues arising from the Heiner affair.

Importance to Recordkeepers

At the time of the destruction of the Heiner Inquiry records the destruction of public records could only be carried out with the approval of the State Archivist (s.55 of the *Libraries and Archives Act 1988*). However, the authority of the State Archivist was subject to directions from the Minister, the Library Board and the Director and the State Librarian (s.51(2)(b) of the *Libraries and Archives Act 1988*). For recordkeeping professionals the Heiner affair cast a serious shadow over the capacity of a government archivist to effectively act as an agent of accountability where professional decisions may conflict with their obligations as employees and be overturned at the discretion of the archivist's superiors.

Additionally, the scope of appraisal decisions was challenged by some officials within Queensland as being limited only to determining the historical value of records. This view disregarded the established practice within Queensland State Archives and more broadly across the archival profession of applying multifaceted appraisal criteria covering the legal, administrative, historical and accountability values of records. These criteria were outlined in the first edition of *Keeping Archives*. This book was published three years before the shredding of the Heiner Inquiry records and confirmed that established archival appraisal practice was broader than just consideration of the historical values of records to support research interest in records.

Since the Heiner affair there has been much debate over professional principles, practices and, to a lesser extent, ethics in records appraisal and disposal. The engagement of the archival and records management profession in the core issues, responsiveness to those issues and integrity of the professional response was also extensively questioned, debated and criticised. The Heiner affair provided the catalyst for a raft of legislative and regulatory changes and the codification of records management principles and practices to provide the authority and professional benchmarks that were largely absent in 1990. Without a doubt the Heiner affair changed the profession.

Key issues

As representatives of the archival and recordkeeping professionals in Australia the ASA and RMAA condemn any actions (or inactions) that adversely impact on the integrity, transparency, accountability and trust in our profession and our practices.

The post-Heiner changes in legislative and administrative accountability frameworks for records and information were made on the premise of improving transparency and minimising the opportunities for corruption and misconduct. Recent reforms in recordkeeping, freedom of information and privacy laws highlight that recordkeeping is a matter of community interest within a broader push for more open and accountable government. All of these changes have occurred in Queensland since 2002. While the role of the State Archivist is strengthened under the *Public Records Act 2002* and includes independence in relation to disposal, in practice the role of State Archivist remains that of an employee of a Department and vulnerable to the budgetary control, direction and pressure of senior bureaucrats and ministers. To act independently as an agent of accountability, the role of State Archivist must be fully independent and reporting to Parliament in the same way as other accountability officials such as the Auditor-General. Recordkeeping is a critical and necessary mechanism within the accountability chain.

Lack of independence and authority is an issue that extends beyond Queensland. In the midst of rolling legislative reform in most jurisdictions of Australia are various administrative cost-driven reforms that serve to further undermine the authority and integrity of government archivists in Australia. These changes occurring in one jurisdiction become dangerous precedents for others to follow. Administrative reforms include: the merger in Tasmania and the Northern Territory of archival authorities with libraries (which are designed for purposes other than being agents of accountability); the reduction of the role of State or Territory Archivist to that of part time middle level public servant in Tasmania and the Northern Territory; the reduction of the nation-wide physical delivery of the National Archives in Australia's (NAA) access services in at least three states and territories over the next few years; and the centralisation of NAA's current recordkeeping services and regulation over the previous decade. Each of these actions weakens government transparency and accountability and the impact of archives and records authorities.

Call to action

As a first step in providing a full and independent inquiry into the Heiner affair and examination of the purpose, role and authority of the State Archivist and the centrality of proper public recordkeeping, the ASA and RMAA urge the Queensland Government to adopt the recommendations in the Statement.

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