



Speech by

**BILL FELDMAN**

**MEMBER FOR CABOOLTURE**

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Hansard 30 July 1998

**MOTION OF CONFIDENCE**

**Mr FELDMAN** (Caboolture—ONP) (Leader of the One Nation Party) (12.24 p.m.): We are here today to talk about confidence. In October 1996, a distinguished QC and an equally distinguished barrister-at-law released a detailed 219 page report into allegations of high-level corruption in Queensland which happened in the post-Fitzgerald era. In their conclusion, the eminent gentlemen called for a public inquiry in the national interest to investigate the serious allegations raised by a Mr Kevin Lindeberg.

The report was the professional work of Mr Anthony Morris, QC, and Mr Edward Howard, barrister-at-law. This is also the report that has been pigeonholed by previous Governments and, until the Premier comes clean on his intentions, it may very well be pigeonholed by this Government as well. And at whom is this report directed? It is directed at former Ministers of the Crown, five of whom presently sit on the Government benches. Shame, shame and shame!

It is the belief of many eminent people that those five members should not be sitting in this House because they have disqualified themselves by being directly—I repeat "directly"—involved in what has become known as Shreddergate. Shreddergate is that notorious decision by Ministers of the Crown in the Goss Labor Government to shred evidence required for trial and, in doing so, to deprive people before the courts of natural justice, to indirectly—I repeat "indirectly"—cover up child abuse in Government institutions and to pervert the course of justice in Queensland. The whole affair stinks to high heaven and cries out for resolution, restitution and for justice to be done.

The Premier, who has recently taken a high moral position in relation to this Parliament and its operation, now holds a position from which he can clean up this stinking mess and show that he is a man of principle and high moral fibre, as well as one of word and wind. We come here with no allegiance to either side of the House. We come here as One Nation to assist the member for Nicklin to decide on this motion of confidence. I move the following amendment to the motion by adding after the Opposition's amendment—

"Furthermore to remove the cloud of uncertainty and the taint of possible illegality hanging over the heads of current Government Ministers, being the Honourable Terence Mackenroth, the Honourable David Hamill, the Honourable Robert Gibbs, the Honourable Paul Braddy and the Honourable Dean Wells, arising from the findings of the report to the Honourable the Premier of Queensland and the Queensland Cabinet of an investigation into allegations by Mr Kevin Lindeberg, under the terms of reference granted on 7 May 1996 by State Cabinet to Mr Morris, QC, and Mr Howard of counsel by—

The Premier in his capacity as leader of the party in power when the Goss Cabinet of the same party met on 5 March 1990, and authorised the shredding of the Heiner documents, immediately—

authorising the release of all relevant Cabinet papers and documents pertaining to such destruction (the privilege documents); and

tabling those documents immediately with the Speaker of Parliament."

This is a matter of great importance, because today we are speaking to a motion of confidence in the Beattie Government, and his attitude to Shreddergate is one major issue upon which we can

judge whether confidence or non-confidence is warranted. This is also a matter of accountability. One Nation wants to see whether the Premier is truly accountable to the Queensland people for actions, rightly or wrongly, committed by members now sitting on the Government benches and, in today's case, including five of those members who were Ministers in the 1990 Goss Cabinet.

Shreddergate has contaminated every arm of Government and set tongues wagging in every corner of the Public Service, and since exposed by the Courier-Mail set most Queenslanders' tongues wagging in anger and disbelief. Shreddergate is a cancer of systemic corruption that dates back to 5 March 1990. It was then that the Government embarked upon one of the most extraordinary initiatives in Australian political history: to knowingly shred public records to stop their use in known court proceedings and to cover up suspected child abuse at the John Oxley Youth Detention Centre. There is hardly a more serious breach of public trust in the recent history of public administration.

This House would like to hear from the five members involved in that notorious Cabinet action. They all sat around the Cabinet table and decided to shred evidence. The other 13 members have seen the light and have since departed from this House. One Nation is resolved that this House will not tolerate such action so incompatible with the high standards that the Premier seeks for this Parliament.

Shreddergate involved a fundamental question of whether Executive Government is beyond the law—the same law to which we are all accountable. If Executive Government is beyond the law, then our notion of equality before the law is now history and absurd—and down the drain with such rights under the great Bill of Rights as the right to own and carry firearms.

Shreddergate also involves the proper and impartial protection of records. One must question the part played in this affair by our super watchdog, the Criminal Justice Commission. We are told that not once since 1990 has the CJC spoken to the key witness at the State Archives. The Australian Society of Archivists has gone public to reject totally the CJC's position, and with good cause. The Australian Society of Archivists has no axe to grind; it seeks only to uphold the professional reputation of its members. I ask: can we in this Chamber do differently? That is a serious question. Can we in this Chamber do differently?

One Nation seldom agrees with the Australian Democrats, but apparently we are in accord where Shreddergate is concerned. Senator Woodley told the Commonwealth Senate in May 1997 that Shreddergate threatened our Government's accountability and democracy and the administration of justice. This is what he said, and I commend it to the House—

"The issue at stake is essentially a simple one, but one of great importance. If the Crown or the State, through its statutory keeper of public records, cannot be relied on to impartially and independently protect public records from destruction when those records are known to be required or foreshadowed in court proceedings or when it is known that they are the subject of a legally enforceable access statute, the due administration of justice is gravely imperilled."

According to the evidence, the State Archivist could have broken the chain of systemic corruption as early as May 1990. By remaining silent, the Archivist became party to the cover-up and the shredding of child abuse evidence. We have fresh evidence that the Archivist also allowed child abuse evidence to be shredded. Senator Woodley has underlined this ongoing situation. One Nation cannot and will not tolerate such a situation. We would urge other members not to tolerate such an on-going situation, either.

The Government cannot hide behind the CJC. It cannot claim that the CJC has investigated Shreddergate thoroughly or impartially. A smokescreen will no longer fool anybody. It certainly will not fool any One Nation member of this Parliament. Indeed, the CJC's handling of the Lindeberg allegations must also be scrutinised. Why? Because its approach to this affair has been scandalous! The performance of senior CJC officers has been a travesty of justice. The CJC must account for its performance. It must also be accountable. It must account for its performance in an open forum.

One Nation's attitude towards the CJC is this: we cannot and will not accept its continuing existence if it cannot guarantee that it will act with honesty, integrity and impartiality in all cases, no matter what the political consequences might be. Shreddergate clearly puts the CJC in the dock. The jury will stay out until all the facts are known. Only the tabling of the 5 March 1990 Cabinet papers and associated documents will assist in cleaning up the mess and return good Government to Queensland. One Nation does not like and will not support the carrying of bad baggage for the sake of the guilty ones.

The Constitution Act of 1867 deals with the powers and privileges of Parliament. Section 41, in particular, says—

"The Legislative Assembly of the said State and any committee of such House duly authorised by the House to send for persons and papers may order any person to attend before the House or before such committee as the case may be and also to produce to such House or

committee any paper, book, record or other document in the possession or power of such person."

The do nothing attitude will simply mean business as usual. It might also suggest that the Premier does not acknowledge the gravity of Shreddergate and its implications. Let me advance a few examples to illustrate its gravity.

Let us consider the Crown law office. It gives Government advice on countless matters of vital importance. The evidence would indicate that Crown law assisted in the obstruction of justice in Shreddergate. It appears to have bowed deeply to the unlawful wishes of Cabinet in the destruction of documents, knowing that they were evidence for imminent court proceedings.

A dark cloud hangs over Crown law because it just cannot offer Government advice on this matter because it has a vested interest in the outcome. Every member of this House must know that, if Crown law advice is correct, that advice will be followed. Crown law must acknowledge the rights of citizens and not just the wants of Executive Government. A dark cloud hangs over Crown law that can be cleared only by the presentation of the relevant Cabinet documents.

We call on the Premier to remove the stench about Crown law because of Shreddergate by acting quickly to clear up the mess. The scandal also touches the police, the Audit Office, the Office of the Information Commissioner, the Director of Public Prosecutions and others. We call for the Cabinet documents because the system cannot be trusted any more. The situation is incredible, totally incredible!

The Office of Public Prosecutions looked at the Morris/Howard report and concluded that it was not in the public interest to pursue the matter. We might well ask, "Whose public interest?" It certainly was not in the interest of the public that we know—the 438,000 or so electors who voted for us. At the same time, the same office pursued a railway worker for allegedly taking home shampoo samples and soaps, and it did so in the public interest. Shame, shame and shame! That case went back 20 years and was thrown out of court because the worker had come by the articles legally. There is a huge credibility gap in the administration of justice in Queensland.

Premier Beattie was one of those who protested against our soldiers being in Vietnam and gave encouragement to communist aggression in that once free country. He probably berated President Lyndon B. Johnson and chanted a pro-communist dirge such as, "LBJ, how many kids did you kill today?" In view of Shreddergate, Queenslanders today would be quite in style to berate Premier Peter D. Beattie by chanting a similar slogan such as, "PDB, how many abuses did you devise today?"

One Nation cannot and will not tolerate such corruption. We must send the right message to voters. We must assure the voters that evidence held by Government for important court trials will not be shredded or destroyed. We must send a message that evidence in child abuse cases will be protected and saved. We must send a message that individuals and businesses seeking legal redress from the State can be assured that important evidence will be preserved. We must send a message that taxpayers' money will never be used to bribe or to buy silence. We must send a message that law enforcement agencies operate on one standard alone—the best standard. We must send a message that this Parliament cares about truth and justice.

We call on every member of this House to think hard and seriously about the implications of Shreddergate. Let us put behind us all the attempts to avoid, bury, dodge and justify corruption. We have had too much of that in the past. Let us look ahead to a brighter and cleaner future where corruption such as Shreddergate will just be a memory. We urge this House to support the amendment to the motion in order to root out the villains in public office and wipe away the tears of those afflicted and victimised by a system gone mad.

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