



Speech by

Mr L. SPRINGBORG

MEMBER FOR WARWICK

Hansard 25 August 1998

MEMBERS FOR KEDRON, BUNDAMBA, IPSWICH, CHATSWORTH AND MURRUMBA

Mr SPRINGBORG (Warwick—NPA) (6.21 p.m.): I move the following amendment—

"Omit all words after 'That' and insert—

'Given the information tabled in this Parliament on 30 July by the Premier, and any other information which may come to light, the Parliament calls on the Government to recommission Messrs A J H Morris, QC, Barrister at Law and Edward J C Howard, Barrister at Law to complete their Investigation into Allegations by Mr Kevin Lindeberg and report to the Parliament.' "

Documents tabled by the Premier on 30 July established that Cabinet was aware that documents it ordered be destroyed had been sought for potential legal action. The question as to whether Cabinet committed an offence or offences by that decision then comes down to whether the documents had the protection of the law if they were simply demanded for a potential legal action, as they had been repeatedly, or whether they gained the protection of the law only when an action was actually commenced. At the time of the destruction, no such action had commenced.

Many honourable members will be aware that there are conflicting views on this central point of culpability. Crown law advice to the then Government maintained that the documents gained the protection of the law only if an action had commenced. Messrs Morris and Howard in their report to the previous coalition Government maintained, quoting some formidable authorities, that the documents gained such protection in the face of merely the potential for legal action.

The background to this matter does not have to be dealt with here. The simple fact is that Cabinet ordered the destruction of certain documents and we know now that Cabinet was aware that they had been requested in relation to potential legal proceedings. That is the issue, and the fact that the Cabinet examined the matter three times in a month is, I believe, very significant.

The fate of these documents was considered on 12 February 1990, on 19 February 1990 and again on 5 March 1990. Cabinet knew that it was dealing with an issue of great sensitivity. By 19 February Cabinet was explicitly aware that the Heiner documents were being sought—indeed, were being demanded—by solicitors on behalf of certain staff members. Notwithstanding this, the first option under consideration continued to be the destruction of the material. On 5 March, at its third consideration of the issue, Cabinet ordered that the documents be handed to the State Archivist for destruction under the terms of the Libraries and Archives Act.

Maybe the course adopted by the Cabinet of the day is to its credit. Perhaps the multiple consideration of the issue showed simply that it realised the sensitivity of what it was dealing with and wanted to be sure that the matter was dealt with properly and legally. That may be the explanation, but there is, of course, the contrary explanation as well. Is it that Cabinet knew it was embarking on a thoroughly questionable action, a potentially illegal action, and was reluctant to take the final step until it could hide behind the Crown Solicitor and the State Archivist, as it certainly did in the text of the decision on 5 March? This issue has been running now for over eight years. It has not gone away. It is unlikely that it will go away.

Mr Foley: You want it to run for another eight years, by your amendment.

Mr SPRINGBORG: No, I do not, with respect to the Honourable the Attorney-General. It is unlikely that this issue will go away until there is a clear resolution. The best way to achieve that, in my view, is for Messrs Howard and Morris to be again engaged to study the Cabinet documents. That was the missing link in relation to their first examination of the matter, which concluded that some officers of the Department of Family Services may well have engaged in illegal activity in relation to the fate of the Heiner documents. Now that the material is available, they should have the chance to finish their report and perhaps resolve this matter once and for all.
