



Speech by

**BILL FELDMAN**

**MEMBER FOR CABOOLTURE**

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Hansard 22 August 2000

**MR C. UEBERGANG; MR T. IRVING**

**Mr FELDMAN** (Caboolture—CCAQ) (7.05 p.m.): The Queensland District Court wrongfully imprisoned Mr Colin Uebergang, a Goondiwindi farmer, in 1996. In 1997 the Queensland Court of Appeal unanimously acquitted Mr Uebergang on the basis that he had committed no offence. Mr Uebergang was wrongly prosecuted and wrongly convicted. I seek leave of the House to table his report in relation to his imprisonment.

Leave granted.

**Mr FELDMAN:** It is not as though there were not special circumstances in the case of Uncle Toby's v. Uebergang. It contained a number of irregularities. Perhaps the most important are the circumstances surrounding the exhibits submitted by the DPP in order to intentionally deceive the court and the defence. After the trial it was later found that two exhibits were fabrications. Vital pages of these crucial exhibits were deleted and added to with inappropriate pages from a document that was not in existence for two years after the crime was supposed to have been perpetrated by Uebergang. Under international and Australian law, if a person is wrongly convicted of a criminal offence and the conviction is overturned, he must be compensated. All Australian States, including Queensland, have agreed to guarantee an enforceable right to compensation for innocent people who have been wrongfully imprisoned.

The Queensland Attorney-General, the Honourable Matt Foley, has repeatedly failed to comply with the requirements of Article 14 of the UN Covenant on Civil and Political Rights, which requires that States pay compensation to persons imprisoned for crimes they did not commit. He has given the most woeful excuses to try to get out of admitting that his justice system has performed so badly. In February this year he informed Mr Uebergang that compensation was only payable in exceptional circumstances. But is it not an exceptional circumstance when innocent Queenslanders get locked up in prison, or is that just business as usual for the justice system of this State and its administrator, the Attorney-General?

In June this year the Attorney-General wrote to Colin Uebergang and told him yet again he would not pay compensation. This time he had a different excuse. He told Uebergang this time that he would not obey the covenant because he said that it does not apply to people who have been acquitted by the courts. So to whom does he think the covenant should apply? If Queensland has agreed to be bound by the covenant, why can the Attorney-General not be honest enough to tell the United Nations and everyone else that he is just going to ignore the law and continue to treat innocent Queenslanders and their families shamefully?

Is he aware of another Queenslanders who was also disgracefully treated by his justice system and who has also complained to the UN because the Attorney-General has refused to pay him compensation? Cairns concreter Terry Irving was sent to prison for four and a half years for a crime he did not commit. But the Attorney-General also refuses to pay him compensation. How does he expect a bloke who has been locked up for four and a half years without any income to find the money to sue the Government or the Attorney-General? All the time he knows that under international law and any test of the principles of humanity he should pay compensation to Irving without any need for the matter to go to court. The Attorney-General is aware also that four CJC officers are currently being investigated for falsely reporting to him and the Deputy Commissioner of Police about a shameful cover-up that left

Irving in prison when the CJC knew that he was innocent. Does he as the Minister for Justice really care about this man?

Why will he not establish proper commissions of inquiry into both of those cases and stop innocent Queenslanders going to jail? All other States act responsibly. The South Australian Government paid compensation and established the Shannon royal commission over the wrongful imprisonment of Edward Splatt with respect to his wrongful conviction for murder. The State of New South Wales paid compensation and set up a royal commission into the imprisonment of Frederick McDermott. The New Zealand Government paid compensation and established a royal commission into the wrongful imprisonment of Arthur Thomas. The Canadian Government paid compensation and established a royal commission into the imprisonment of Donald Marshall Junior. The Northern Territory paid compensation and established the Morling royal commission into Lindy Chamberlain's wrongful conviction. All of those Governments showed real concern about the failures in their justice system. All established royal commissions. Not one of those Governments forced its citizens to go to the courts in order to fight for that compensation.

The Attorney-General's refusal to take any action with respect to the matter of Colin Uebergang and the Irving case sends the worst possible message to Queenslanders. Complaint after complaint has been made to him about what went wrong in these cases, all of which are treated with contempt—and sometimes with utter contempt. Why is he so unwilling to try to correct a justice system which fails so badly and so often? Does he really care about the state of justice in the State of Queensland?

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