



Speech by

**Hon. R. E. BORBIDGE**

**MEMBER FOR SURFERS PARADISE**

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Hansard 16 May 2000

**MINISTER FOR PUBLIC WORKS AND MINISTER FOR HOUSING**

**Hon. R. E. BORBIDGE** (Surfers Paradise—NPA) (Leader of the Opposition) (4.30 p.m.): In the interests of accountability, the Premier must not be permitted to sweep the Schwarten affair under the carpet. In this place today we have seen the death of accountability. We have seen the retreat from Fitzgerald, we have seen a possible cover-up involving Labor mates, and we have seen questions of possible corruption at the highest levels of Government. What has been the response of the Government? Minister Schwarten says that he cannot answer the questions because they are personal. Minister Barton says that he cannot answer the questions because they are operational. Premier Beattie says that he cannot answer the questions because it is all over.

I have news for the Government: it is just beginning. This entire matter must be investigated by the appropriate authority. We have the clear potential that there has been a bid to pervert the course of justice in order to protect the one-seat majority of the Government with the equally clear potential that the Premier himself may have played a crucial role in this effort. If that was established, the Premier's Government would be in tatters. That is the scale of the issue.

Certainly, on the very clear evidence to date, the Premier has engaged in a deliberate campaign to mislead the people on the significance of this issue. In reality we have an allegation of an assault occasioning actual bodily harm—not the common assault charge peddled by the Premier but the indictable offence of assault occasioning bodily harm perpetrated by a member of his Cabinet. The fact is that if the Minister were convicted of an assault occasioning bodily harm as opposed to a conviction for common assault, then, like any member of this House so convicted, he would immediately be disqualified from holding his seat.

The impact of that on the Government would be obvious. The Premier holds a one-seat majority. If he were to lose that majority, he would be forced to seek the support of at least one Independent to remain in office. Under circumstances in which he lost his majority through a piece of thuggery, there would have to be doubt as to whether any Independent would be prepared to provide that support. That is a powerful motive for the skulduggery that *prima facie* has taken place in relation to this incident and has certainly taken place in relation to the misinformation deliberately peddled by the Premier.

Nobody should be in any doubt as to the seriousness with which the Government would have met the news, as recently as 5 May, that the Minister, the member for Rockhampton, was on the verge of being charged with assault occasioning bodily harm. We need to go through the facts insofar as they are so far known. Witnesses have told police that the member for Rockhampton, the Minister for Public Works and Minister for Housing, became involved in a heated argument with Mr Craig Brown, who is the spouse of the Federal Labor member for Capricornia, Ms Kirsten Livermore, at a barbecue on the evening of Labour Day in Rockhampton. Witnesses have alleged that the member for Rockhampton tossed beer in Mr Brown's face before throwing a series of punches. A report on the incident by police indicates that the injuries to Mr Brown were of a nature sufficient to maintain the serious charge of assault occasioning bodily harm.

It is important to note that on 2 May, after the Cabinet meeting on that date, the Premier told the media—

"I spoke to the Minister after Cabinet. My advice is that the Minister was forced to defend himself."

At around that time the Premier repeated that claim in a range of other interviews in which he was as dismissive as he could possibly be. The incident was merely "unfortunate", it rated "negative" on the Richter scale, the Premier had "bigger fish to fry".

However, the Rockhampton police took an entirely different view of the assault. On 5 May they were to interview Mr Swarten in Rockhampton with the possibility and, indeed, the probability that a charge of assault occasioning bodily harm would have been laid. The interview did not take place, apparently because Mr Swarten was not in Rockhampton. Apparently, some minutes after that advice had been received by police, Mr Swarten was seen in that city. At this point, who told the police that Minister Swarten was not in Rockhampton on 5 May is unknown. Then on Saturday, 6 May, the member for Chatsworth, the Minister for Local Government, travelled to Mackay for a meeting with the member for Rockhampton and Mr Brown. Another well-known Labor identity and friend of Mr Brown, Mr Jeff Slowgrove, was also in attendance, as was apparently a barrister by the name of Mr Harrison. The Minister for Local Government has suggested that the only motivation for the meeting was to show support for his friend and Cabinet colleague. However, he has been described by the Premier as an intermediary, which begs the question: an intermediary for the Premier? An intermediary for what purpose? In any event, within hours of that meeting, Mr Brown withdrew his allegation of assault against the member for Rockhampton.

Now we are told that the Rockhampton detectives who were investigating the matter are concerned about the potential for political interference in their investigation. They have reportedly expressed concern that the comments of the Premier had at the least hampered their inquiries and may have put pressure on Mr Brown to withdraw the charges. It is pertinent to read to the House section 132 of the Criminal Code, which is headed "Conspiring to Defeat Justice", and which states—

"Any person who conspires with another to obstruct, prevent, pervert, or defeat, the course of justice is guilty of a crime, and is liable to imprisonment for 7 years."

Section 133 of the Code concerning the compounding of crimes may also be relevant. It states—

"Any person who asks, receives, or obtains, or agrees, or attempts to receive or obtain, any property or benefit of any kind for himself, herself or any other person, upon any agreement or understanding that the person will compound to conceal a crime, or will withhold any evidence thereof, is guilty of an indictable offence."

This lesser charge is treated as a misdemeanour and would make a person liable to a prison term of three years.

However, the central issue goes to the substance of the behaviour of the Minister and the charge which would, without direct political interference, almost certainly have been laid against him by police in Rockhampton on 5 May. The Premier can say until he is blue in the face that there was nothing untoward in what occurred. He should not be believed. He will say anything to avoid scrutiny on this topic, such is the potential fallout for both he and his Government.

As I said at the outset, there must be accountability, and that is particularly the case given the statements of the Premier to date. His deliberate and clear bid to mislead the community ought to heighten in the minds of any reasonable person the potential that there is something more sinister here. If the Premier can tell deliberate untruths about the very nature and severity of the assault and its impact on his Government to throw people off the scent—and he so clearly attempted to do that—then he is also obviously capable of telling equally blatant untruths about the extent of any bid to pervert the course of justice.

This matter must be investigated. This is the most serious incident of potential political misbehaviour that we have seen in this State post Fitzgerald. We have a Minister who was about to be charged. We have a recommendation from the investigating police that he should be charged with an indictable offence which, if carried in the courts, would have meant that he would have ceased to have been a member of Parliament and the Government would have lost its majority in this place. We have a situation in which the flying psychiatrist, the Minister for Local Government, is dispatched to Mackay on a Saturday. For what reason? The Premier will not tell us. The Minister for Public Works and Minister for Housing will not tell us. Of course, the Minister for Police says that it is an operational matter.

In terms of resolving this matter, the consummate deal maker said that he had involved an intermediary. Was Minister Mackenroth the intermediary? Was he the person charged with doing the deal? Why did the Minister for Public Works and Minister for Housing lie about his whereabouts when the police were moving to charge him with an indictable offence? Why did he run for cover? Was it because he knew that a deal was about to be consummated? Did the Minister know that he had to play for time to protect himself, his position in the Cabinet, his position as a member of Parliament, and the Government's majority on the floor of the House? Why were the recommendations of the investigating police overturned? Who overturned them? What was the degree of dialogue, contact or involvement by the Premier in this shabby, disgraceful, disgusting exercise?