



Speech by

Mr L. SPRINGBORG

MEMBER FOR SOUTHERN DOWNS

Hansard 13 May 2003

ANGLICAN CHURCH DIOCESE OF BRISBANE REPORT; HEINER INQUIRY

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (11.30 a.m.): On 1 May 2003, the Premier came into parliament and tabled a report of an inquiry that had been conducted on behalf of the Anglican Church into allegations of child sexual abuse in its schools. As one of the reasons for tabling the report into Archbishop Hollingworth's alleged failure to act on child abuse allegations, the Premier stated—

But let me make it clear: what is inappropriate here is child abuse. It would also be inappropriate if this report was kept in the dark. It would also be inappropriate if this report was not available in full to the victims and their families. That is the basis of my decision and why it has been tabled in this parliament today.

Also on 1 May the Premier stated—

His—

that is Archbishop Aspinall—

grounds for taking this course of action were that this would facilitate reasonable analysis in the public arena without any shadow of its having initially been released in circumstances which could arguably give rise to a liability in defamation.

The government has not always been so solicitous to ensure that parliamentary privilege be used to avoid problems of defamation when dealing with allegations of child sexual abuse. I ask members to keep in mind that the Premier was a member of a government that, within cabinet, destroyed documents in relation to the abuse of children—

Government members interjected.

Mr SPRINGBORG: The members opposite can laugh—at the John Oxley Centre, which were uncovered—

Mr Lucas interjected.

Mr SPRINGBORG: Exactly. I am coming to that point—by the Heiner inquiry. On 12 February 1990, by decision No. 00101, the Goss Labor cabinet acknowledged that during the course of his investigation Mr Heiner gathered information of a potentially defamatory nature. It went ahead and destroyed the documents. There is a very important principle involved here and that is that certain documents had been gathered as part of evidence during that inquiry into—

Mr Lucas interjected.

Mr SPRINGBORG: No, during that inquiry in the late 1980s. Much of that information was sensitive and, as I said, carried serious allegations. Those allegations deserved to be properly considered and properly investigated, even if it were found at some future time that there was not the depth of evidence that may have sustained prosecution or further action.

My issue is not so much about all of the conspiracy theory nonsense that has come since that time; my issue is about the consistency and the inconsistency that has gone on. Some very significant parallels can be made. We had a report that was prepared by the Anglican Church. I believe that the church did the right thing in preparing that report. In gathering evidence and information to prepare that report, there was potentially defamatory material obtained. Without some form of legal privilege, it would have been impossible for that report to have seen the light of day. The reason it did not have legal privilege in the broad community was that it was not constituted as an action of this parliament or an action of the executive. So it required that legal privilege.

I supported the Premier's action, but I want to speak in a little while about the precedent than it sets and how we need to deal with that. I refer to the foundation of that Heiner inquiry in the late 1980s. Some very serious allegations were made in relation to the abuse of children who were in the care of the state in the John Oxley Youth Detention Centre. The Goss government came to power and it considered—

Mr Lucas interjected.

Mr SPRINGBORG: We set up the inquiry. When the incoming Goss government had a chance to look at that inquiry, it argued that the inquiry was not legally constituted, so the evidence gathered may have been potentially defamatory.

Mr Lucas interjected.

Mr SPRINGBORG: I am not going to doubt that, because I do not have legal advice that contradicts the advice that was given to the government of the day. But that does not take away from the fact that evidence was collected that contained very sensitive issues of alleged abuse and sexual abuse against those children who were in a state institution.

We have always argued that there should have been retrospective validation by an act of this parliament so that that inquiry could have continued or that evidence could have been potentially used.

Mr Terry Sullivan: The Crown Law advice was to the contrary.

Mr SPRINGBORG: The honourable member for Stafford seems incapable of seeing the capacity of this parliament to have acted to give legal privilege to the evidence that was gathered. I believe that, because there was some deficiency in the establishment of that inquiry, there was potential defamation if its findings were put out in the public arena. That is true. But I argue that statutory tools existed for the government to be able to give retrospective privilege to that material or, as was proven the other day by the Premier, for that information to be have been tabled in parliament.

Unfortunately, conspiracy theories have taken away from the fact that serious allegations of abuse and sexual abuse of children in the John Oxley Centre were made and they have never been resolved properly in any way whatsoever. That evidence was pulped. Notwithstanding any of the legal advice which was given to the government of the day, there were ways of acting. Unfortunately, that action has given rise to all the nonsense and conspiracy theories that have gone on. All I am saying is that there should have been a right to have that evidence heard at the time and properly adjudicated and that could have been done if the government had done exactly what the Premier did the other day. That happened because some of the allegations related to trade unionists with links to the Labor Party.

Government members interjected.

Mr SPRINGBORG: At the time there was a fair bit of evidence about that as well. So that is why there is an inconsistency in the approach. Government members can laugh all they want, but on the one hand we had the Premier tabling the Anglican Church report, which I supported, and on the other hand a report relating to the alleged sexual abuse of children in a state institution was shredded. That is an inconsistency.

I agree with what happened the other day. The public has a right to know the contents of that report, which was initiated by the Anglican Church. But in relation to the tabling of reports, we need to put in place procedures to ensure that the privilege of this parliament is going to be used judiciously and in a very cautious way when tabling reports. The Members' Ethics and Parliamentary Privileges Committee, or another committee or the Speaker, should sit down and give some due consideration to this matter, because there may be other scenarios that will come about in the future where such parliamentary privilege is sought and needs to be applied.

They could be in all sorts of inquiries. There are disciplinary inquiries of an internal nature in sporting organisations, the trade union movement and other areas which may uncover material which could potentially be defamatory. Nevertheless, there may be a public interest in that being disclosed.

In order to ensure we do not have a precedent established that could go unchecked, there is a need for the Members' Ethics and Parliamentary Privileges Committee to look at this issue and decide whether a set of procedures that are benchmarked needs to be put in place. Those procedures can then be looked at and compared, if this needs to be brought about in future in the Queensland parliament. It may need to be. I am not aware of any other instance of this around Australia. There was a public desire for this to happen here and it happened, but we need to make sure it happens in a judicious way in the future.

Time expired.