



Speech by

Peter Lawlor

MEMBER FOR SOUTHPORT

Hansard Wednesday, 24 May 2006

JUDICIAL PROCEEDINGS, PUBLIC INVESTIGATION

Mr LAWLOR (Southport—ALP) (5.51 pm): I support the amendment moved by the Attorney-General. The 'Heiner affair', as this issue is known, would be a suitable topic for a Dan Brown novel. The *Da Vinci Code* has nothing on the Heiner affair when it comes to conspiracy theories.

The Heiner issue is an annual event. It is often raised by the opposition. However, on this occasion it has been raised by the Independent member for Gladstone and supported by the other Independents and One Nation members—with the best of intentions, I might add. I do not want anything I say to reflect personally on any member who supports this motion and, particularly, the mover of the motion.

There must be some finality to all inquiries, as with court appeals. You cannot keep demanding inquiries in the hope of findings that will suit your personal views and theories. This is the most inquired-into topic in Queensland history. So far, the following bodies have inquired into the matter: the Criminal Justice Commission, two Senate select committees, Senate Privileges Committee, the Parliamentary Criminal Justice Committee, the Queensland police force, the Electoral and Administrative Review Committee, the Auditor-General, the Connolly-Ryan inquiry, and barristers Morris and Howard, who referred their findings to the Director of Public Prosecutions. That is at least 11 inquiries.

I do not question the motives of those who support this motion. Also, I do not believe that they are seeking to score political points on this matter, as the opposition often does and as One Nation has done in the past.

However, it is important to understand the history of this matter. In 1989 the National Party government established the Heiner inquiry relating to the management and abuse issues raised by staff at the John Oxley Youth Detention Centre. The inquiry was not properly constituted as there was no protection for witnesses, as mentioned by previous speakers.

In 1989 the Goss government was elected. That government sought crown law advice in relation to the Heiner inquiry. That advice was clearcut: discontinue the inquiry and refer the documentation from the two days of evidence to the state archivist for destruction. The Goss government accepted the advice, notwithstanding that it could have scored political points. Members should remember that the inquiry was incorrectly established by the then National Party government. They should remember also that the John Oxley Youth Detention Centre had been under the control of the coalition government for the previous 32 years.

Cabinet acted in accordance with the legal advice. No legal proceedings were on foot. There was no reason not to proceed with the course of action recommended by the Solicitor-General, keeping in mind that the member for Gladstone's motion calls on the government to appoint a special prosecutor—another lawyer, in addition to the 11 inquiries conducted, basically, by legal people—to inquire into this matter. It is worth recalling the comments contained in the Morris report. The Morris report states at page 208—

If there is any substance at all in the allegations made by Mr Harris and Mr Reynolds, that can only be on the basis that there is a widespread web of corruption which not only exists within the Queensland Police Service but which extended or extends to the Fitzgerald Inquiry, the Office of the Director of Prosecutions, the Criminal Justice Commission, the Parliamentary CJC and at least two officers of the New South Wales Police.

In other words, Tony Morris QC found that all the allegations relating to the Heiner affair were based on pure paranoia and the most fantastic of conspiracy theories.

The allegations contained in the motion relating to the 14-year-old girl—as disturbing as they are—have been investigated on numerous occasions, particularly by the Forde inquiry. There is no new evidence to warrant a new inquiry. In fact, given the time that has elapsed and the numerous inquiries—all of which could not find sufficient evidence to result in charges—this sad chapter in Queensland's history should finally be confined to history.

I cannot understand the reference to the various cases. I have had a quick look at them and I cannot see how they relate to the Heiner matter, particularly the case of Ensbey. In that case, a minister of religion had documents in his possession. Remember that the documents the subject of this motion could not be used in criminal proceedings.

In the case of Ensbey, the appellant was a pastor who became aware of an inappropriate sexual relationship between a child and an adult parishioner. The appellant had in his possession the diary of the child which documented her activities with the adult parishioner. The appellant was asked to return the diary notes to the family and returned them shredded and illegible—in other words, an attempt to pervert the course of justice by destroying the evidence that could have and should have led to a criminal charge against one of the parishioners. There is no analogy between that and the Heiner situation.

Time expired.