

'We, the undersigned citizens of Tasmania, do hereby respectfully petition all elected members of the Tasmanian House of Assembly and the Tasmanian Legislative Council to urge support for approval by both Houses for the Bell Bay pulp mill as proposed by Gunns Limited to proceed as soon as practicable.'

I should also, for the benefit of the House, advise that this is a copy of the original. The original was tabled by the member, Ivan Dean, yesterday in the Legislative Council.

Leave granted.

JUSTICE - THE 'HEINER AFFAIR'

[6.07 p.m.]

Mr MICHAEL HODGMAN (Denison) - As Her Majesty's shadow attorney-general for the State of Tasmania, I wish to raise a matter of injustice which has concerned me greatly, and I will be, with the consent of the minister, tabling in the House and making available to *Hansard*, the full article written by Australia's leading writer, Piers Akerman, and published nationally under the headline 'Tragic tale needs ending'. It relates to what has become known as the 'Heiner affair'. It arises in Queensland but it is a matter of concern to all in Australia who are committed to the pursuit of justice. The article speaks for itself, but I am grateful to the minister for allowing me to table it because it will save me reading it into *Hansard*. Piers Akerman puts a very strong case for a proper judicial inquiry into a shocking injustice, an injustice which has been covered up for 19 years. It was raised at the Standing Committee of Shadow Attorneys-General meeting in Sydney on Friday, which I attended; it was chaired by the Commonwealth Attorney-General, the Honourable Philip Ruddock MP. It was further raised at the national conference of Australians for a Constitutional Monarchy, which I addressed in Sydney the following day.

I seek leave to table the article by Piers Akerman and have it incorporated into *Hansard*. I commend it to all members. If you accept, as I do, that the case here is overwhelming, then the matter will be listed for proper debate in this Parliament at a later time. Justice delayed is justice denied. The girl who suffered this massive injustice needs to have the matter put right and I appeal to all of you to read the article carefully and I hope you will support me when I intend to bring the matter back to the Parliament for debate later this session.

Leave granted.

The article read as follows -

'Tragic tale needs ending

Federal Opposition leader Kevin Rudd may be called to answer questions relating to the destruction of evidence as a police investigation into the rape of Queensland girl 19 years ago gains new momentum.

The girl, who we will call Alice, was just 14 at the time and resident at the John Oxley Youth Detention Centre, in the care of the Queensland Government, when she was gang raped by other inmates.

Though some of the rapists confessed, no charges were pressed and the police inquiry at the time was at best belated and perfunctory.

Alice's tragic story is but one strand of this horror, the other is the Goss ALP government's attempt to ignore her plight and bury the incident without trace.

That attempt began when an investigation directed by former magistrate Noel Heiner and launched by the Cooper National Party government was shut down by the Goss government when it came to power.

The Goss cabinet ordered the shredding of all the documents collected by Heiner and this marked the beginning of the Heiner Affair.

Rudd was premier Wayne Goss's chief of staff at the time and subsequently became the director-general of his cabinet office. It was widely held that nothing took place within cabinet without his knowledge, and he has also claimed his experience running Goss's cabinet has equipped him to be prime minister of Australia.

Though both Rudd and Queensland Premier Peter Beattie claimed as recently as last week that the shredding of the documents needed no further investigation, it has never been fully examined.

Both Rudd and Beattie also rejected the view of former chief justice of the High Court Sir Harry Gibbs and an unprecedented plea from a former West Australian chief justice (David Malcolm), two retired New South Wales chief judges (Jack Lee, now deceased, and Dr Frank McGrath), two retired New South Wales Supreme Court justices (Roddy Meagher and Barry O'Keefe), one of Australia's foremost QCs (Alec Shand) and a legal academic and barrister (Alastair MacAdam) that an independent special prosecutor be appointed to examine the matter.

The most thorough inquiry to date was conducted by a House of Representatives committee chaired by federal MP Bronwyn Bishop, which recommended that 'members of the Queensland cabinet at the time that the decision was made to shred the documents gathered by the Heiner inquiry be charged for an offence pursuant to Section 129 of the Queensland Criminal Code Act 1899. Charges pursuant to sections 132 and 140 of the Queensland Criminal Code Act 1899 may also arise'.

Further, a recent two-year audit of the matter by prominent Sydney QC David Rofe, which ran to 3 000 pages contained in nine volumes, concluded there were 67 unaddressed alleged prima facie criminal charges against the cabinet and civil servants that needed to be urgently addressed.

Alice still suffers profound psychological problems, exacerbated by repeated charges that she is a liar, but filed a complaint with the Queensland Police Service in March 2006, following the release under Freedom of Information legislation, which included evidence that the rapists had confessed to both a staffer at the youth centre, and the director of the facility, Peter Coyne.

The documents show that not only was she raped, she was also denied her legal rights by the Queensland police - and those entrusted with her care.

Alice has been interviewed by members of the Queensland police taskforce Argos and a senior detective from Argos last Tuesday sought an interview with another person who has maintained an interest in the matter.

Rudd, who describes himself as a 'compassionate Christian' has not sought any inquiry into the attacks on the girl and has not offered any explanation of the destruction of the documents, though he had the responsibility for the business of the cabinet. Whether the Queensland police are now up to fully investigating such a highly charged political matter, given their studious attempts to ignore it, is questionable.

As a number of the nation's most senior legal figures have pointed out, there is a strong precedent for bringing charges against those who ordered and participated in the shredding of the Heiner material, as shown by the case brought against a Baptist pastor Douglas Ensbey.

Ensbey suspected that a member of a family in his congregation was being abused and, while dealing with the mother, was given pages of notes written by the victim. The family said they would deal with the issue and asked for the pages back, but Ensbey had guillotined them, making them difficult to read.

The victim went to the police, aged 20, and the assailant immediately confessed. The police, however, concentrated on the sliced pages and charged Ensbey with the destruction of evidence under S129. He was found guilty by a jury in March 2004, convicted and sentenced to two year's jail (reduced on appeal to six months, wholly suspended).

The action of the Goss cabinet falls under the same section of the law the police used to pursue Douglas Ensbey.

Many see parallels in the campaign by crusaders against child abuse to hound former governor-general Peter Hollingworth from office, though it was never alleged he was involved in a crime.

Former Opposition leader Simon Crean said: 'You cannot have people in authority who have covered up for child sex abuse. It is as simple as that'.

And it is. But what can be said about an Opposition Leader who may have been complicit in the illegal shredding of evidence? If the ALP stands by the standards it applied to Hollingworth, Rudd should resign and answer the questions that the Queensland ALP has worked hard to avoid for 19 years.

If he has a shred of decency, he would consider Alice, and her need for release from the hell she has been forced to live in because of this nauseating cover-up.'