



CRIMINAL JUSTICE COMMISSION

REPORT ON THE INVESTIGATION INTO THE
COMPLAINT OF MR T. R. COOPER, MLA,
LEADER OF THE OPPOSITION AGAINST THE
HON. T. M. MACKENROTH, MLA, MINISTER
FOR POLICE AND EMERGENCY SERVICES

JULY 1991



CRIMINAL JUSTICE COMMISSION
QUEENSLAND

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Dear Sirs

In accordance with Section 2.18 of the Criminal Justice Act 1989-90, the Commission hereby furnishes to each of you its Report into the investigation of the complaint of Mr T R Cooper, MLA, Leader of the Opposition against the Hon T M Mackenroth, MLA, Minister for Police and Emergency Services concerning the use of a Government aircraft in April 1991.

Yours faithfully

SIR MAX BINGHAM QC
Chairman

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A. INTRODUCTION

BACKGROUND TO COMPLAINT

On 7 April 1991, Mr Philip Arthur Heath, MLA for Nundah, was reported as a missing person to the Queensland Police Service.

At 10.43pm on 7 April 1991, police issued a message in relation to Mr Heath, which stated that he had been reported missing by Ms Rachel Monaghan, whom the message described as Mr Heath's "secretary and defacto". The message stated that Ms Monaghan believed that Mr Heath may have been suicidal.

On 8 April 1991, a police message was sent to all news editors stating that police were anxious to locate Philip Arthur Heath, Labour Member for Nundah, who was a missing person. The message further stated that police were anxious to locate Mr Heath, but did not suspect foul play.

At 9.20pm on the evening of 8 April 1991, Mr Heath was located in Port Macquarie New South Wales, as a result of information provided earlier that day by a Queensland police officer to the effect that Mr Heath may have been in that area. Mr Heath was located and spoken to by Detective Sergeant R B Williams of the New South Wales Police Service, who persuaded Mr Heath to accompany him to the Port Macquarie Police Station so that Queensland police could be contacted about the matter.

Detective Williams contacted the duty officer of the Queensland Police Service Task Force at Brisbane and a message was passed to the Minister for Police and Emergency Services, the Honourable T Mackenroth, that Mr Heath had been located in New South Wales. A decision was taken that Mr Mackenroth, his private secretary Mr Gary Hannigan, and Mr Heath's father would fly to Port Macquarie in an aircraft owned by the State Government, for the purpose of speaking to Mr Heath.

Detective Sergeant Williams was informed of the proposed flight, and met Mr Mackenroth and his party at the airport at 12.30 am on 9 April 1991. Mr Mackenroth and members of his party subsequently met with Mr Heath, and a discussion took place. Mr Heath declined to return to Brisbane in the aircraft, which made the return flight later that morning.

On 9 April 1991, the Speaker of the Legislative Assembly, the Honourable J Fouras MLA, advised Parliament that he had received the resignation of Mr Heath, the Member for Nundah, "effective from 5.00pm on 5 April 1991".

On 11 April 1991, Mr Russell Cooper, MLA, Leader of the Opposition, made a complaint to the Criminal Justice Commission in relation to the Government aircraft being used to travel to the meeting with Mr Heath. On the same day, and in essentially the same terms as outlined in his letter to this Commission, Mr Cooper raised the matter in Parliament by questions without notice to Mr Mackenroth and

to the Honourable W Goss MLA, Premier of Queensland. The Premier replied in detail to Mr Cooper's questions in the House, and stated that he endorsed Mr Mackenroth's actions.

ALLEGATION

Mr Cooper's letter of complaint to the Commission dated 11 April 1991 set out a number of concerns in relation to the use by Mr Mackenroth of the Government aircraft to travel to Port Macquarie to meet with Mr Heath. Essentially, Mr Cooper alleged that as Mr Heath had resigned his public office effective from 5.00pm on 5 April 1991, the use of the aircraft amounted to the utilisation of public funds to fly to the aid of a private citizen.

The issues identified by the Commission as being central to the allegation made by Mr Cooper were:

- **Mr Heath's Status:** Was Mr Heath still the holder of a public office at the time of Mr Mackenroth's flight to Port Macquarie on 7 April 1991; or

Was Mr Heath, at the time of the flight, a private citizen by virtue of the forwarding of his resignation on 6 April 1991?
- **Mr Heath's Welfare:** Was there genuine concern regarding Mr Heath's welfare and health prior to the decision being taken to make the flight, and if so, was the concern reasonably based on the information which had been provided?
- **The Guidelines for use of Government Aircraft:** Was the use of the Government aircraft in the circumstances a breach of the guidelines issued by the Division of Aviation Services?

B. JURISDICTION OF THE CRIMINAL JUSTICE COMMISSION

Under the Criminal Justice Act 1989-1990, the Criminal Justice Commission is required to investigate all cases of alleged or suspected official misconduct by persons holding appointments in Units of Public Administration (cf. Section 2.20(2)(e)(ii) Criminal Justice Act).

Section 1.4 of the Act provides that a "Unit of Public Administration" includes the Legislative Assembly of the State of Queensland, and the Commission therefore has jurisdiction to investigate any allegation of official misconduct against a member of the Legislative Assembly.

Section 2.23(1) of the Act defines the general nature of "official misconduct". It provides, inter alia, that official misconduct is -

- "(a) *conduct of a person, whether or not he holds an appointment in a unit of public administration, that adversely affects, or could adversely affect, directly or indirectly, the honest and impartial discharge of functions or exercise of powers or authority of a unit of public administration or of any person holding an appointment therein;*

- (b) *conduct of a person while he holds or held an appointment in a unit of public administration -*
 - (i) *that constitutes or involves the discharge of his functions or exercise of his powers or authority, as the holder of the appointment, in a manner that is not honest or is not impartial;*

 - or*

 - (ii) *that constitutes or involves a breach of the trust placed in him by reason of his holding the appointment in a unit of public administration;*

...

and in any such case, constitutes or could constitute -

- (d) *in the case of conduct of a person who is the holder of an appointment in the unit of public administration, a criminal offence, or a disciplinary breach that provides reasonable grounds for termination of the person's services in the unit of public administration;*

- (e) *in the case of any other person, a criminal offence.*

For the purposes of determining its jurisdiction to conduct the investigation into the allegation made by Mr Cooper, the Criminal Justice Commission found that Mr Mackenroth, as a Minister of the Crown and a member of the Legislative Assembly, was the holder of an appointment in a unit of public administration, in terms of the Act.

The Commission then considered, as a preliminary issue, whether Mr Mackenroth's behaviour, if as alleged, could amount to official misconduct. The Commission concluded on the material before it that:

- (i) Mr Mackenroth's use of the aircraft in the circumstances outlined in the complaint could not amount to a criminal offence; and

- (ii) His use of the aircraft could amount to either conduct which involved a discharge of functions or exercise of powers in a manner that was not honest or impartial; or conduct that constituted a breach of trust by a public official, which conduct in either case could constitute a disciplinary breach that would provide reasonable grounds for the termination of his services.

The Commission has formed the view that there is clear authority for the proposition that a Member of the Legislative Assembly may be expelled for certain acts of misconduct, as an incident of the Parliament's power to regulate its own constitution. This power is examined in detail in Erskine May's treatise on the Law, Privileges, Proceedings and Usage of Parliament.¹ The following passage from that work refers to examples of a Member's conduct which may lead to expulsion:

"The expulsion by the House of Commons of one of its Members may be regarded as an example of the House's power to regulate its own constitution, though it is, for convenience, treated here as one of the methods of punishment at the disposal of the House. Members have been expelled as being in open rebellion; as having been guilty of forgery; of perjury; of frauds and breaches of trust; of misappropriation of public money; of conspiracy to defraud; of fraudulent conversion of property; of corruption in the administration of justice, or in public offices, or in the execution of their duties as Members of the House; of conduct unbecoming the character of an officer and a gentleman; and of contempts, libels and other offences committed against the House itself."

Later, in considering the manner in which Parliament may inform itself of possible misconduct of a Member, the following passage appears²:

"Where Members have been legally convicted of offences which warrant expulsion, it is customary to lay the record of conviction before the House. In other cases the proceedings have been founded upon reports of Commissions or Committees of the House or other sufficient evidence."

It would appear therefore that in appropriate circumstances the Legislative Assembly could move to expel a Member, where evidence was placed before it which established that the Member had been guilty of some serious misconduct. The Commission therefore considers that an improper use of the aircraft could constitute "official misconduct", and it has jurisdiction to determine whether any such misconduct has occurred.

¹ Erskine May, "Parliamentary Practice" (1989), Page 112.

² Erskine May, op cit, p113

C. LOGISTICS OF THE INVESTIGATION

Investigations into the allegation were conducted by an Inspector of Police attached to the Commission, in consultation with the Chief Officer of the Complaints Section.

All relevant Queensland and New South Wales police messages, notes, and occurrence sheets in relation to the reporting of Mr Heath as a missing person and his subsequent location were reviewed (Refer Appendices 1 and 2). Officers of the Commission also reviewed the Hansard report of proceedings in Parliament on 10 and 11 April 1991, regarding the questions by the Leader of the Opposition in relation to this matter, and the responses given by the Premier and Mr Mackenroth (Refer Appendix 4).

Regard was also had to matters raised in correspondence with this Commission and to the Commissioner of the Queensland Police Service by Mr Cooper, Mr Goss and Mr Mackenroth (Refer Appendices 3, 5 and 8).

Interviews were conducted with Detective Sergeant R B Williams of the New South Wales Police Service, and Detective Sergeant 1/c S A Smith of the Task Force, Brisbane.

It was noted that a request from Mr Noel Newnham, Commissioner of the Queensland Police Service, to Mr A R Lauer, Commissioner of the New South Wales Police Service for a report on the role played in this matter by the New South Wales police officer Detective Sergeant Williams, had met with a negative response. A request was accordingly made to Mr Lauer in writing by the Chairman of this Commission on 17 May 1991 and the information requested was provided on 24 June 1991 (Refer Appendix 9).

The information provided by Mr Lauer included a statement from Detective Sergeant Williams as to his contact with Mr Heath, Mr Mackenroth and Mr Hannigan, and copies of the contemporaneous record contained in Detective Williams' occurrence sheet for 8 April 1991.

For the purposes of the investigation, Commission staff also reviewed several newspaper reports, purporting to contain accounts by various parties of the events surrounding this incident, and reviewed the account of the matter made in a newsletter from Mr Cooper entitled "Opposition Leaders Report", Volume II number 4, May 1991, which contained an article, "The Mercy Dash: Compassion, Conceit or Concoction?" (Refer Appendix 6).

D. CHRONOLOGY OF EVENTS

5 April 1991 Mr Mackenroth spoke with Mr Heath on the telephone in the afternoon of 5 April 1991, in relation to a proposed speech by Mr Heath to the Parliament during the week of 8 April 1991.

At 11.00pm Mr Heath left his residence in circumstances which later resulted in his being reported as a missing person.

7 April 1991 Mr Heath was reported to the Queensland Police Service as a missing person by his secretary, Miss Rachel Monaghan, who stated that she believed Mr Heath to be suicidal.

8 April 1991 As a result of a transaction at Port Macquarie on an automatic teller machine, an officer of the Queensland Police Service formed the view that Mr Heath may have been in Port Macquarie. At 4.50pm on that date, the officer telephoned Detective Sergeant R B Williams at the Port Macquarie Police Station and provided information regarding Mr Heath to the effect that he was a Member of the Queensland Parliament, that he had been reported as a missing person in the State of Queensland, and that he appeared to be suffering from depression. The officer also supplied to Detective Sergeant Williams details of the vehicle which Mr Heath was believed to be driving.

At 9.13pm, a police message was sent to all News Editors indicating that the police were anxious to locate Philip Arthur Heath, Labour Member for Nundah, who had been reported as a missing person. The message also stated that there was no evidence of foul play at that time.

At 9.20pm, Detective Sergeant Williams identified Mr Heath's vehicle in Port Macquarie and followed it to a caravan park where he located and spoke to Mr Heath. Mr Heath agreed to return to the Port Macquarie Police Station, and to speak on the telephone to officers of the Queensland Police Service.

At about 9.30pm, Detective Sergeant S A Smith, Duty Officer, Task Force, Brisbane received a telephone call from Detective Sergeant Williams who advised that he had Mr Heath with him. Mr Heath spoke to Detective Sergeant Smith and was then driven back to the caravan park by Detective Sergeant Williams. Detective Sergeant Williams returned to the Police Station and again telephoned Detective Sergeant Smith. During

this call Detective Sergeant Williams expressed the opinion that Mr Heath was in a stressed state.

Shortly after that telephone call, Detective Sergeant Williams was telephoned by Mr Gary Hannigan, private secretary to the Minister for Police and Emergency Services, Mr Mackenroth. During that conversation, Detective Sergeant Williams told Mr Hannigan that Mr Heath had appeared to him to be "stressed". Mr Hannigan indicated that he would contact Detective Sergeant Williams again. He telephoned Williams a short time later to indicate that the Minister and he would be travelling to Port Macquarie to speak to Mr Heath.

At 9.55pm, as a result of the information provided by Detective Sergeant Williams, a message was sent from the police communications centre to all News Editors stating that Mr P A Heath had been located safe and well at Port Macquarie, New South Wales. This news was subsequently broadcast on ABC radio at 10.00pm.

At approximately 11.30pm, Mr Mackenroth travelled to Port Macquarie on a State Government jet aircraft, accompanied by his private secretary, Mr Hannigan, and Mr Heath's father.

9 April 1991 At 12.30am, Mr Mackenroth's party was met at the Port Macquarie airport by Detective Sergeant Williams, who took them to the caravan park where Mr Heath was staying. They met with Mr Heath and Detective Sergeant Williams subsequently drove Mr Mackenroth's party back to the airport, from which they departed at 2.45am.

During the sittings of Parliament later that day, the Speaker, the Honourable J Fouras, announced that he had received the resignation of Mr Heath, the Member for Nundah, "effective from 5.00pm on 5 April 1991".

10 April 1991 Mr R E Borbidge, MLA, directed a question in Parliament to the Honourable Mr D M Wells, MLA, and Attorney-General, in relation to "the private use of a Government aircraft on 8 April 1991 to visit a sick and distressed friend who had resigned as a Member of Parliament effective 5.00pm Friday, 5 April 1991 ...".

11 April 1991 The Leader of the Opposition, Mr T R Cooper MLA, directed a question in Parliament to the Minister for Police and Emergency Services, Mr T M Mackenroth, and to the Premier

of Queensland, Mr W K Goss, alleging that Mr Mackenroth had misled the House about the reasons for the trip in the Government jet. Mr Cooper also tabled a copy of the police message sent at 9.55pm indicating that Mr Heath had been located and was "safe and well".

Mr Cooper forwards a letter of complaint to the Criminal Justice Commission.³

E. ISSUES RAISED BY THE CIRCUMSTANCES OF THE FLIGHT

In his complaint to this Commission, Mr Cooper alleged that the use of the Government aircraft in the circumstances was improper, as it was for private or party political purposes. In this regard, he stated that at the time the decision was taken to fly to Port Macquarie, Mr Heath had resigned and had ceased to be a Member of Parliament from midnight on 5 April 1991. He further stated that at the time the flight was made, it had been reported by police that Mr Heath had been located and was safe and well, and that Mr Mackenroth was aware of this.

In those circumstances, Mr Cooper alleged that the utilisation of public funds to fly to the aid of a private citizen who was a friend, constituted a breach of travel entitlements, and that, as the trip was either a party political or a private excursion, the cost of the trip should be met by either the Labour Party, or jointly by Mr Mackenroth and Mr Heath Snr.

The issues raised by Mr Cooper's allegation will be canvassed in terms of the three issues identified by the Commission as being relevant to the investigation.

- **Mr Heath's Status: Had Mr Heath resigned?**

From the information provided, it seems Mr Heath forwarded his letter of resignation on the date it bears, namely 6 April 1991, although it appears that the letter was not received until at least 8 April 1991, and was not formally announced by the Speaker in Parliament until 9 April 1991. The Speaker, when announcing the resignation of Mr Heath to Parliament, noted that the resignation was effective from the date nominated by Mr Heath, that is, 5 April 1991.

In relation to Mr Cooper's allegation that Mr Heath had ceased, at the time of the decision to travel to Port Macquarie, to be a Member of Parliament, it is clear from the statements of both the Premier and Mr Mackenroth that they were of the opinion that the letter of resignation did not take effect until it was formally

³ The letter of complaint is reproduced in full at Appendix 3.

accepted by the Speaker of the House on 9 April 1991, and officially announced to the Parliament.

Their belief in this regard is evidenced not only by their statements in Parliament on 11 April 1991, but also by contemporaneous comments made by either Mr Mackenroth or Mr Hannigan during their meeting with Mr Heath on 7 April 1991. According to the evidence of Detective Sergeant Williams provided during his interview with officers of this Commission, during the course of the conversation at the caravan park on 7 April 1991, one of the parties to the conversation spoke to Mr Heath about the necessity for, and cost of, conducting a by-election if he persisted with his intended resignation.

The Premier also referred, in his letter to this Commission dated 28 May 1991, to his expressed view that his Government and his Party had a responsibility, where practicable, to avoid, where possible, the cost to the community of incurring a by-election.⁴

It is clear from these statements that whether or not Mr Heath's resignation became effective at some time earlier than 9 April 1991, at the time the decision was taken to fly to Port Macquarie, both the Premier and Mr Mackenroth believed that Mr Mackenroth's meeting with Mr Heath could have resulted in the withdrawal of his resignation, and the resumption of his duties as a Member of Parliament.

- **Mr Heath's Welfare: Was there a genuine and reasonable concern about Mr Heath's welfare and health?**

Mr Mackenroth stated in Parliament on 11 April 1991, that at least part of the reason for his trip to Port Macquarie was his concern for Mr Heath's welfare, resulting from information which had been provided to a member of his staff by the Queensland Police Service.⁵

Mr Cooper alleged that Mr Mackenroth would have been well aware that the police, at that time, considered that Mr Heath was safe and well.

When Detective Sergeant Smith of the Queensland Police Service was telephoned by Mr Gary Hannigan, secretary to the Minister for Police and Emergency Services, at about 9.30pm on 8 April 1991, Smith reported that Mr Heath had been found in Port Macquarie and appeared to be "okay".

It is clear that this information was provided to Mr Hannigan prior to a second telephone call to Smith from Detective Sergeant Williams. As previously outlined, when Detective Sergeant Williams returned to the Port Macquarie Police Station

⁴ Appendix 8

⁵ Appendix 4, at p.2

after taking Mr Heath back to the caravan park, he again telephoned Detective Sergeant Smith in Brisbane, and told him that Mr Heath appeared to be in a stressed state. Detective Sergeant Williams said that he had been unable to speak freely on the occasion of the first telephone call, as Mr Heath had been standing near the telephone. It would appear that Detective Sergeant Smith did not pass on the information provided in the second telephone call until he submitted a report on the matter some days later.

Detective Sergeant Williams has stated that shortly after the second telephone call he made to Detective Sergeant Smith, he was telephoned by Mr Gary Hannigan in relation to the matter. Williams stated that he informed Mr Hannigan that he believed Mr Heath was in a stressed state, and that it would be desirable for a friend or relative to talk to him. It was shortly after that conversation that Mr Hannigan telephoned Detective Sergeant Williams again and advised him that he would be flying to Port Macquarie with the Minister to speak to Mr Heath. Mr Hannigan did not at that time particularise the reasons for the trip to Detective Sergeant Williams.

Detective Sergeant Williams recalls that after he met with Mr Mackenroth's party at the airport and drove them to the caravan park, there was some conversation with Mr Heath regarding the cost to the public of a by-election, and he also recalls being advised by either Mr Mackenroth or Mr Hannigan that Mr Heath's resignation would take effect when Parliament resumed at 10.00am that morning.

The Premier stated in his letter to the Commission dated 28 May 1991⁶ that he discussed the proposed flight to Port Macquarie with Mr Mackenroth prior to any decision being taken in the matter. He stated that he formed the view at that time that it was appropriate for Mr Mackenroth to try to speak personally to Mr Heath about his future, and, given the concerns expressed in relation to Mr Heath's emotional state and welfare generally, that it would be appropriate and of assistance to have Mr Heath's father accompany Mr Mackenroth.

The Premier also noted in his letter that Mr Mackenroth holds the position of Leader of the House, and that Parliament was due to sit the morning after the flight to Port Macquarie. He considered in those circumstances that it was appropriate for Mr Heath to return on the Government aircraft to Brisbane to discharge his duty to attend Parliament if it transpired that his behaviour was in some way an aberration, and that upon advice and counselling from Mr Mackenroth and Mr Heath's father, he decided to resume his duties.

⁶ Appendix 8

- **The Guidelines for the Use of Government Aircraft: Was the use of the Government aircraft a breach of the guidelines issued by the Division of Aviation Services?**

The aircraft used for the flight in question was Government Aircraft BAe 125, one of the aircraft maintained for use by the Government Aviation Division. The Commission has reviewed the guidelines printed under the auspices of the Division of Aviation Services, which purport to govern the usage of aircraft and helicopters by Ministers of the Crown.⁷ The document states that the Bureau of Emergency Services operates a Westwind II Jet aircraft, a Super Kingair 200 aircraft, a Twin Engine IFR helicopter (based in Brisbane) and a single engine VFR helicopter (based in Cairns). The guidelines specify that the aircraft are available for Ministerial use in limited circumstances, and that priority at all times will be given to community service and emergency service operations.

Mr Mackenroth's office has advised that the guidelines covering the use of the Government Kingair and Westwind aircraft also applied to the BAe 125 aircraft, the only additional restriction on the use of the BAe 125 being that, as it was for sale, the BAe 125 was not to be considered a "primary use" aircraft and was only to be used when other Government aircraft were unavailable. The aircraft had been used on several occasions previously for transferring human organs for transplant, for emergency service during the Charleville and North Queensland floods, and to transport the State Governor, His Excellency, Sir Walter Campbell.

The decision to use the BAe 125 in preference to any other aircraft was made by officers of the Aviation Division, Bureau of Emergency Services and not by Mr Mackenroth or any member of his staff. The manager of the Aviation Division, Mr Walsh, advised that the BAe 125 was selected in preference to other aircraft on the basis of crew competence and familiarity with the aircraft, the urgency and timing of the task, and the compatibility of the aircraft with facilities at the destination airfield. Specific reasons given were:

- (i) the two pilots available had not crewed the other available aircraft together previously and the junior pilot was not fully qualified on the other available aircraft for night operation. He was fully qualified on the BAe 125. Both pilots were better able to operate the BAe 125 at night;
- (ii) The task involved landing at an unfamiliar airfield at night. Port Macquarie airfield has only limited approach aids and lighting for night operation and a relatively short runway. The pilots had more confidence in operating the BAe 125 into the airfield as it required less runway length than the other available aircraft.
- (iii) The BAe 125 could be prepared more quickly for departure from Brisbane.

⁷ Appendix 8A

In relation to administrative matters, the guidelines state that both the Ministerial air unit and the helicopters are under the administrative control of the Aviation Services Division, Bureau of Emergency Services. Full cost of the operation of the aircraft and the helicopters are met by the Bureau of Emergency Services, however, overnight and travelling expenses of the pilots is charged against the Ministerial Office concerned.

Part 3 of the document governing usage of the aircraft sets out the guidelines for aircraft use. It provides that the prime function of the aircraft and the helicopters is to service community requirements, and that, as a general rule, the following conditions apply:

"The Minister for Police and Emergency Services will decide, on a case by case basis, whether circumstances warrant the use of the aircraft by a Minister or a Department.

The aircraft are not a substitute for normal commercial travel and should only be used when alternative means are not adequate to service a Minister's official requirements.

Travel to and from a Minister's electorate shall not be made in the aircraft unless that travel is to a specific function which is related to the discharge of a Minister's official responsibilities (that is, portfolio related)."

None of the other conditions listed in the guidelines would appear to be applicable to the situation under review, as they cover the use of the aircraft by Departmental officers, the use of the aircraft for travel solely within a Minister's electorate, and use of the aircraft to operate on the basis of a one way flight, returning to Brisbane empty.

Upon interpretation of the guidelines it would seem that, as a general rule, the main criterion for the use of the Government aircraft by a Minister would be that the travel was connected in some way with the discharge of a Minister's official responsibilities. Mr Mackenroth, as Minister for Police and Emergency Services, had authority under the guidelines to decide whether the circumstances warranted the use of the aircraft by a Minister. On this occasion, the Premier was also aware of the proposed use and considered it appropriate in the circumstances.

F. STANDARD OF PROOF

The Commission in considering issues in relation to possible disciplinary charges of official misconduct, must make determinations at the conclusion of its investigation subject to the requisite standard of proof which a Misconduct Tribunal would apply in hearing any such charge.

The Commission considers that a Misconduct Tribunal sitting in relation to a disciplinary charge of official misconduct would be required to apply the standard of proof "on the balance of probabilities".

Although the Criminal Justice Act (1989-1990) is silent on the question of the standard of proof, section 2.43(1) of the Act states :

"A Misconduct Tribunal is not bound by rules or the practice of any Court or Tribunal as to evidence or procedure in the exercise of its jurisdiction, but may inform itself on any matter and conduct its proceedings as it thinks proper".

As Carter J noted in Re : Seidler (1986) 1 QR 486 at page 491, such a clause clearly distinguishes disciplinary proceedings from criminal proceedings. It is considered in those circumstances that the criminal standard of proof would not apply to investigative findings of, or proceedings before, this Commission.

The Commission considers on the authorities that the appropriate standard of proof is the civil standard, which varies according to the gravity of the finding to be made. The standard of reasonable satisfaction necessary before findings should be made was defined by Sir Owen Dixon in Briginshaw -v- Briginshaw (1938) 60 CLR 336 at pages 361-362, where he stated :

"Except upon criminal issues to be proved by the prosecution, it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether an issue has been proved to the reasonable satisfaction of the tribunal. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect references ... This does not mean that some standard of persuasion is fixed intermediate between the satisfaction beyond reasonable doubt required upon a criminal inquest, and the reasonable satisfaction which in a civil issue may, not must, be based on a preponderance of probability. It means that the nature of the issue necessarily affects the process by which reasonable satisfaction is attained".

The Commission also finds support for its view that the requisite standard of proof for matters which it investigates is that of "reasonable satisfaction" in the adoption of that standard by inquiries such as the Royal Commission appointed to inquire into the loss of the Australian naval ship "Voyager", the National Hotel Royal

Commission, and the recent Commission of Inquiry into certain allegations concerning Mr Justice Vasta, conducted by Sir Harry Gibbs, Sir George Lush, and the Honourable Michael Helsham.

G. FINDINGS

Upon the commencement of its investigation into the complaint of Mr Cooper, the Commission determined that the circumstances as outlined in relation to the use of the Government aircraft by Mr Mackenroth could not amount to a criminal offence. In making this determination, the Commission had regard to the fact that Mr Mackenroth was the Minister responsible for authorising the use of the aircraft, and that the use was, on this occasion, approved by the Premier.

The Commission, therefore, proceeded to consider whether the use of the aircraft could amount to official misconduct. As previously stated, it is considered that the behaviour would amount to official misconduct only if it was conduct which involved the discharge of Mr Mackenroth's powers in a manner not honest or impartial or involved a breach of the trust placed in him by reason of his position and, in either case, was a disciplinary breach that could provide reasonable grounds for the termination of his services.

In relation to the issues raised, the Commission is satisfied to the requisite standard of proof of the following conclusions:

- **Mr Heath's Status:**

The Commission is satisfied that when, with the approval of the Premier, Mr Mackenroth decided to fly to Port Macquarie, both Mr Mackenroth and the Premier considered that Mr Heath's resignation would not take effect until Parliament resumed at 10.00am on 9 April 1991, and that it was appropriate for Mr Mackenroth to meet personally with Mr Heath to try to persuade him to withdraw his resignation, thus avoiding the inconvenience and cost to the community of a by-election.

- **Mr Heath's Welfare:**

The Commission is satisfied that, at the time the flight was made, both Mr Mackenroth and the Premier had a genuine concern, reasonably based on information provided by Detective Sergeant Williams of Port Macquarie, that Mr Heath was suffering from stress and would benefit from being counselled by a friend or relative.

The Commission is further satisfied that although a police message was sent to all News Editors at 9.55pm on 8 April 1991, prior to

Mr Mackenroth undertaking the flight to Port Macquarie, to the effect that Mr Heath had been located "safe and well" at Port Macquarie, information had been provided to Mr Mackenroth's private secretary, Mr Gary Hannigan, to the effect that concerns were still held for Mr Heath's welfare.

- **The Guidelines for use of Government Aircraft:**

The Commission is satisfied that Mr Mackenroth was the Minister responsible for authorising the use of the Government jet under the relevant guidelines.

The Commission is also satisfied that, although the use of the Government jet by a Minister for purposes in no way connected with official duties of the State could, in some circumstances, amount to official misconduct, both Mr Mackenroth and the Premier believed at the relevant time that a clear nexus existed between the use of the aircraft, and the fulfilment of official duties. The Commission is further satisfied that this belief was reasonable.

H. CONCLUSION

The Commission is satisfied that the use of the Government aircraft, as complained of by Mr Cooper, did not amount to official misconduct on the part of any of the persons involved. In the circumstances, the Commission does not intend to take or to recommend the taking of, any action against any person in this matter.

APPENDICES

- APPENDIX 1 Police message re missing person Philip Arthur Heath, 23:43 hours, 7 April 1991.
- APPENDIX 1A Police message re missing person Philip Arthur Heath, 21:11 hours, 8 April 1991.
- APPENDIX 1B Police message re missing person Philip Arthur Heath, 21:55 hours, 8 April 1991.
- APPENDIX 1C Message to Assistant Commissioner Comrie from Detective Sergeant Smith re missing person Philip Arthur Heath, 00:01 hours, 9 April 1991.
- APPENDIX 2 Police occurrence sheet compiled by Detective Sergeant R B Williams, Port Macquarie police re: missing person Philip Arthur Heath, commencing 16:50 hours, 8 April 1991.
- APPENDIX 2A Police occurrence sheet prepared by Detective Sergeant S A Smith re: missing person Philip Arthur Heath, commencing 21:30 hours, 8 April 1991.
- APPENDIX 2B Notes prepared by Detective Sergeant Smith re missing person Philip Arthur Heath and conversation with Sergeant Williams commencing 21:45 hours, 8 April 1991.
- APPENDIX 3 Letter dated 11 April 1991 from Mr R Cooper, MLA, Leader of the Opposition to Sir Max Bingham QC, Chairman of the Criminal Justice Commission.
- APPENDIX 3A Letter dated 13 May 1991 from Mr R Cooper, MLA, Leader of the Opposition to Sir Max Bingham QC, Chairman of the Criminal Justice Commission.
- APPENDIX 4 Extract from Hansard's Report of proceedings in Parliament, 10 and 11 April 1991.
- APPENDIX 5 Letter dated 16 April 1991 from the Honourable T Mackenroth MLA, Minister for Police and Emergency Services to the Commissioner of the Police Service (Queensland).

- APPENDIX 5A Letter dated 16 April 1991 from Commissioner of the Queensland Police Service to Mr A R Lauer, Commissioner of the New South Wales Police Service.
- APPENDIX 5B Letter dated 15 May 1991 from Mr A R Lauer Commissioner of the New South Wales Police Service to Commissioner of Police Queensland Service.
- APPENDIX 5C Letter dated 20 May 1991 from Commissioner of Police Service (Queensland) to the Honourable T Mackenroth, MLA, Minister for Police and Emergency Services.
- APPENDIX 6 Opposition Leaders Report, Volume II Number 4, May 1991 "The Mercy Dash: Compassion, Conceit or Concoction?"
- APPENDIX 7 Report from Sunday Mail 12 May 1991, "Runaway MP Blames Goss".
- APPENDIX 7A Report from Sunday Sun 12 May 1991, "MP Living with His Secretary".
"Pay For Jet Use - Opposition".
- APPENDIX 7B Report from Courier Mail 13 May 1991, "Police Told Heath Was Suicidal: Goss".
- APPENDIX 7C Report from Courier Mail 14 May 1991, "Police Files Back Government Claim That MP Was 'Suicidal'".
- APPENDIX 8 Letter dated 28 May 1991 from the Honourable the Premier of Queensland to Sir Max Bingham QC, Chairman of the Criminal Justice Commission.
- APPENDIX 8A Guidelines -
Division of Aviation Services
(Ministerial Air Unit and State Government Helicopters)
Usage of aircraft and helicopters by Ministers of the Crown, Brisbane, January 1991.
- APPENDIX 9 Letter dated 24 June 1991 from Mr A R Lauer APM, Commissioner of Police (New South Wales) to Sir Max Bingham QC, Chairman, Criminal Justice Commission.
- APPENDIX 9A Statement by Detective Sergeant Williams dated 14 June 1991.

VDU MESSAGE 984 part from HOIB.26 on 07/04/91 at 20:42

TO : HADMO3
 ATTN : ASSIST COMMISSIONER, TASK FORCE
 FROM : DUTY OFFICER, TASK FORCE (CRIME OPERATIONS)
 SUBJECT: OCCURRENCE SHEET - 07/04/91

ITEM 1: MISSING PERSON
 0720HRS PHILLIP ARTHUR HEATH, 24/09/54, STATE MEMBER OF PARLIAMENT FOR NUNDAH OF FLAT 2, 240 KINGSFORD SMITH DRIVE, HAMILTON REPORTED AS A MISSING PERSON BY RACHEL POTTS MONAGHAN (SECRETARY) & DEFACTO. HEATH LAST SEEN AT ABOUT 11PM ON 5.4.91 AT THE HOME ADDRESS. MONAGHAN BELIEVES M.P. MAY BE SUICIDAL. G.B. AND MISSING PERSON REPORT BY CONST. KLEINIG OF NORTH BRISBANE MOBILES. DET. SGT. DUNN OF HOMICIDE ALSO ASSISTED IN ENQUIRIES. DUNN TO FURNISH SPECIAL OCCURRENCE SHEET.

ITEM 2: ARMED ROBBERY
 12 HRS INFORMATION FROM OPERATIONS THAT ARMED HOLD UP HAD BEEN COMMITTED AT B.P. SERVICE STATION, ORIEL AND KITCHENER RDS, CLAYFIELD. OFFENDER MALE PERSON ARMED WITH PISTOL. NUNDAH UNIFORM & C.I.B. ATTENDING

**** END OF MESSAGE ****

Note: As the above VDU message is difficult to read in parts, it has been re-typed below:

VDU MESSAGE 984 part from HOIB.26 on 07/04/91 at 20:42

TO: HADMO3
 ATTENTION: ASSIST COMMISSIONER, TASK FORCE
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**** END OF MESSAGE ****

8 APR 91 21:13

QPD MESSAGE 2158 SENT FROM HPOC45 ON 08/04/91 AT 21:11
TO: XMET+HMRLO1+HPOC01+HPOC05
ATTENTION NEWS EDITORS
FROM: INSP. MICK O'BRIEN-POLICE COMMUNICATIONS CENTRE BRISBANE
SUBJECT: MISSING PERSON PHILIP ARTHUR HEATH

POLICE ARE PRESENTLY CONDUCTING INQUIRIES INTO THE PRESENT
WHEREABOUTS OF PHILIP ARTHUR HEATH, LABOUR MEMBER FOR NUNDAH WHO WAS REPORTED AS
A MISSING PERSON BY HIS FAMILY ON SATURDAY MORNING. THERE IS NO EVIDENCE OF
FOUL PLAY.
POLICE ARE ANXIOUS FOR MR. HEATH TO CONTACT THEM TO ESTABLISH THAT
HE IS SAFE AND WELL.

INQUIRIES OF A POLITICAL NATURE ARE NOT TO BE DIRECTED TO STAFF AT
THIS OFFICE.

Message: *** ** received On 11/03/91 at 21 h 12 Elapsed : 02 m 33

8 APR 91 21:56

QPD MESSAGE 2213 SENT FROM HPOC45 ON 08/04/91 AT 21:55

TO: XMET+HYRL01-HPOC04-HPOC05

ATTENTION NEWS EDITORS

FROM: INSPECTOR J D CRAINE, POLICE COMMUNICATIONS, BRISBANE

SUBJECT: MISSING PERSON PHILIP ARTHUR HEATH

MISSING PERSON PHILIP ARTHUR HEATH LOCATED SAFE AND WELL AT

MACQUARIE, NEW SOUTH WALES. NO FURTHER BROADCASTS REQUIRED.

THANK YOU

Message: *** ** received On 11/03/91 at 21 h 55 Elapsed : 01 m 50

VDU MESSAGE 3 sent from HOIB.28 on 09/04/91 at 00:01

TO : HOLD
 ATTN : ASSISTANT COMMISSIONER COMRIE
 FROM : DET SGT 1/c S.A. SMITH, DUTY OFFICER, TASK FORCE, CRIME OPERATIONS.
 SUBJECT: OCCURRENCE SHEET - 08/04/91

ITEM 1. MISSING PERSON LOCATED
 2100 HRS. PHONE CALL FROM DET. SGT. WILLIAMS OF PORT MACQUARIE C.I.B. STATING HE HAD PHILIP ARTHUR HEATH IN THE OFFICE WITH HIM. SPOKE TO HEATH ON PHONE TO HEATH ON PHONE. HE ADVISED HE WAS PRESENTLY RESIDING AT SANDOWNER BREAKWALL CARAVAN PARK. HE SUPPLIED P.O. BOX 1403 PORT MACQUARIE AS HIS POSTAL ADDRESS. HE ALSO STATED THAT HE EXPECTED TO MOVE INTO A FLAT IN THE NEXT DAY OR TWO. HE STATED THAT HE WAS ALRIGHT AND THAT HE HAD FORWARDED LETTERS TO MEMBERS OF PARLIAMENT AND MS RACHEL MONAGHAN EXPLAINING HIS ACTIONS AND INTENTIONS.

MR GARY HANNIGAN, POLICE MINISTERS SECRETARY HAS SPOKEN TO DET. SGT. WILLIAMS OF PORT MACQUARIE POLICE RE HEATH.

NO OTHER SPECIAL OCCURRENCE.

*** END OF MESSAGE ***

Note: As the above VDU message is difficult to read in parts, it has been re-typed below:

VDU MESSAGE 3 sent from HOIB.28 on 09/04/91 at 00:01

TO: HOLD
 ATTENTION: ASSISTANT COMMISSIONER COMRIE
 FROM: DET SGT 1/c S.A. SMITH, DUTY OFFICER, TASK FORCE, CRIME OPERATIONS
 SUBJECT: OCCURRENCE SHEET - 08/04/91

ITEM 1
 2130 HRS MISSING PERSON LOCATED
 PHONE CALL FROM DET. SGT. WILLIAMS OF PORT MACQUARIE C.I.B. STATING HE HAD PHILIP ARTHUR HEATH IN THE OFFICE WITH HIM. SPOKE TO HEATH ON PHONE. HE ADVISED HE WAS PRESENTLY RESIDING AT SANDOWNER BREAKWALL CARAVAN PARK. HE SUPPLIED P.O. BOX 1403 PORT MACQUARIE AS HIS POSTAL ADDRESS IT ALSO STATED THAT HE EXPECTED TO MOVE INTO A FLAT IN THE NEXT DAY OR TWO. HE STATED THAT HE WAS ALRIGHT AND THAT HE HAD FORWARDED LETTERS TO MEMBERS OF PARLIAMENT AND MS RACHEL MONAGHAN EXPLAINING HIS ACTIONS AND INTENTIONS.

MR GARY HANNIGAN, POLICE MINISTERS SECRETARY HAS SPOKEN TO DET. SGT. WILLIAMS OF PORT MACQUARIE POLICE RE HEATH.

NO OTHER SPECIAL OCCURRENCE.

*** END OF MESSAGE ***

Date, time, and occurrence No.	Report of occurrence	Police in charge action taken
8.4.91 7.35pm	MISSING SITTING MEMBER OF THE QUEENSLAND PARLIAMENT - HEATH.	All Police.
91/311	<p>About 4.50pm this date Detective Kerry Dunn, Homicide Unit, Brisbane, contacted this station and gave particulars of a missing sitting member of the Queensland Parliament.</p>	<p>NOT FOR PRESS.</p> <p>Given to Highway Patrol on Duty.</p>
	<p>The missing person is: Philip ARTHUR HEATH, born 24.9.54, Unit 2, 240 Kingsford-Smith Dve., Hamilton, Queensland, Described as 178cm tall, eighty kilograms, medium build, fair complexion, light brown collar length hair, blue eyes, DRIVING a 1988 Holden Commodore sedan, red in colour, Queensland number 157.ACK,</p>	<p>Motels, caravan parks and other accommodation being checked by Sen. Conat. McIntosh.</p>
	<p>Heath was last seen on Friday evening, the 5th of April, 1991, at 11pm in Brisbane.</p>	<p>Patrol Commander, Inspector Kay informed.</p>
	<p>It is known that he has made three withdrawals at the St. George Building Society's automatic telling machine, Horton Street, Port Macquarie. The first was at 10.15am on the 7th of April, 1991. The other two were at 9.19am, and 2.41pm this date.</p>	<p>Heath located staying at the Sundowner Breakwell Caravan Park. See Occurrence Pad entry 91/112.</p> <p><i>(Signature)</i> rbw, det.sgt. 9.4.91</p>
	<p>Detective Dunn states that the particular vehicle is fitted with distinctive gold magnesium wheels and has slightly tinted windows.</p>	
	<p>He further stated that it appears that Mr. Heath is suffering from depression.</p>	
	<p>He has further requested that should Mr. Heath be located that he be contacted on Brisbane 07.364.6709, or his pager, (dial 07.821.6199, ask for 28842 and leave message). If he can not be contacted the Duty Inspector, Brisbane, on telephone 07.364.4360 be contacted.</p>	

(Handwritten signature)

Date, time, and occurrence No.	Report of occurrence	Police in charge action taken
		RECORDED.
8.4.91	1140	
11.20pm	3 havenly/poisoning M1	
	PL 228 274 78	
	SLPD Toroni, No. 253253 2405140	
91/311A	HEB12357 OF 612561	
	CHESHAM	
	Shoppers.....\$190	
	Miscellaneous.....\$-	
	Food.....\$13.71	
	Warrant.....\$70-	
	Prisoners.....\$-46-	
	Licensing.....\$	
	Bail.....\$	
9.4.91 3.05am.	FURTHER TO ENTRY 91/311 - MISSING MEMBER OF THE QUEENSLAND PARLIAMENT LOCATED.	Det. Sgt. Williams.
91/312.	About 9.20pm on the 8th of April, 1991 whilst off duty I saw the Queensland vehicle 157.ACR, believed to be driven by the missing member of the Queensland Parliament travel east in Clarence Street passed the intersection of Ray Street. I followed this vehicle to an on-site caravan at the Sundowner Breakwall Caravan Park where I spoke to Mr. Philip Arthur Heath. I informed him that he had been reported as a missing person from Brisbane and requested that he accompany me to the Police Station so that he may telephone Brisbane. He agreed to accompany me, but stated that he would only speak to the Queensland Police. At the Port Macquarie Police Station I telephoned Inspector Steve Smith, Duty Inspector of the Task Force, Brisbane and told him that Heath had been located and was present to speak to him. This Heath did after which I again spoke to Inspector Smith. After this conversation I returned Mr. Heath to his caravan. Whilst at the caravan	Inspector Kay informed. <u>STRICTLY NOT FOR PRESS.</u>

P. 108


Date, time, and occurrence No.	Report of occurrence	Police in charge action taken
	<p>ENTRY P1/312 CONTINUED.</p> <p>Mr. Peter Perry, who told me that Mr. Heath booked into the park on Sunday the 7th of April, 1991 and paid up to Sunday the 14th of April, 1991 using an American Express card. At the time he booked in he gave his address as c/o 9 Myuna Street, Bulimba, Queensland.</p> <p>On returning to the station I was contacted by Mr. Garry Hanigan, the Secretary to the Minister of Police, Queensland and I told him what had occurred in respect of locating Mr. Heath. He requested that I wait at the station whilst he made some inquiries. He subsequently contacted me again and told me that the Minister of Police, Queensland, Mr. Terrence Mackenroth, Mr. Philip Heath's father, and himself would be flying to Port Macquarie immediately to speak to Philip Heath.</p> <p>They all in fact arrived at the Port Macquarie Airport at 12.30am and were met by myself. On their arrival I was informed that Philip Heath had tendered his resignation from Parliament unexpectedly and that he was having some domestic problems. They stated that they were concerned for him and would endeavour to have him return with them to Brisbane before Parliament resumed which is 10am this date. They wished to do this so that Heath could withdraw his resignation and to allow himself time for reconsideration of his actions.</p> <p>I took Mr. Mackenroth, Mr. Hanigan and Mr. Heath, Snr., to the Sundowner Breakwall Caravan Park where lengthy discussions were held between them and Philip Heath, but these were to no avail and he refused to return to Queensland.</p> <p>Mr. Mackenroth, Mr. Hanigan and Mr. Heath, Snr., were returned to the Port Macquarie airport where they departed at 2.45am for Brisbane.</p> <p>No further action is desired by any party in this matter.</p> <p><i>Robert B. Williams</i> Robert B. Williams,</p>	

8 April 1991

0800 - 1600

Det. Snr. Sergt. T.LUNNEY.

No special occurrences received.


T.LUNNEY

Det. Snr. Sergt. 1550

1600 hrs - 2400 hrs. Set. Sgt. 1/c S.A.SMITH.

ITEM 1. MISSING PERSON HEATH

- 2130 Telephone Call from Det. Sgt. Bob WILLIAMS of Port Macquarie C.I.B. stating that he had Mr. HEATH with him at the Office. HEATH spoken to on phone and he stated that he was now residing in Port Macquarie at Sundowner Breakwall Caravan Park. He expected to move into a flat in the near future. He gave P.O. Box 1408 Port Macquarie as his postal address. He also informed me that he had sent letters to Members of Parliament explaining his situation. He also had sent a letter to Rachael HONAGHAN.
- Det. Sgt. Bob WILLIAMS of Port Macquarie C.I.B. has spoken to Mr. HONAGHAN the Police Ministers Secretary, in relation to Mr. HEATH's welfare at this time.


S.A.SMITH

Det. Sgt. 1/c 2245.

Bols WILLIAMS Det Sgt.
065-830143 OK.

Phillip. HEATH

9.20pm.

Port Mc Quarrie.

Mound prison &

Miss MONIGHAN. Letter.

& M.P. in Parliament Letter

Arrived Sunday Morning.

Called Pt Mc Quarrie Police.
 to contact QLO Police
 Sunday Morning 9AM.

Safe & Well.

Taking up residence
 in Pt ~~At~~ Mc Quarrie.

P.O. Box 1408.

Sunderman Break wall.
 Cerama Park.

Will be out of the town.

9.20

9.45 pm.

Tally about selling car.

Post in advance for 1 week.

c/o ^{game} address.
9 Myuna St

Bulimba.

Arrived the book to 14th

Post by American Express.

WILLIAMS doesn't think he's
real well.

Joe HANIGHAN. Has been
in contact with WILLIAMS

~~For~~

Bill DAVIS. Railways Dept.

2-10 A. LENNOR



Leader of the Opposition,
Parliament House,
Brisbane.

April 11, 1991.

Sir Max Bingham, Q.C.,
Chairman,
Criminal Justice Commission,
557 Coronation Drive,
TOOWONG. Q. 4066

Dear Sir Max,

I wish to bring to the attention of your Commission an issue involving what appears to be improper use of a jet aircraft, owned by the State Government, for private or party political purposes.

The facts of this matter as they appear to me are as follows:

- (a) Late on the afternoon of Friday, April 5, 1991, a letter of resignation from the Member for Nundah, Mr Philip Heath was submitted to the Office of the Speaker.
- (b) At 9.13 p.m. on Monday April 8, 1991 a message from the Police Communications Centre, Brisbane listed Mr. Philip Arthur Heath, the Member for Nundah as a missing person and indicated that police were anxious to contact him to establish that he was safe and well.
- (c) At 9.55 p.m. on Monday, April 8, 1991 a message from the Police Communications Centre Brisbane indicated that Mr Heath had been located safe and well at (Port) Macquarie, New South Wales. This was subsequently reported on the ABC Radio news at 10.00 p.m.
- (d) At approximately 11.20 p.m. on Monday, April 8, 1991, the Minister for Police and Emergency Services, Mr. Mackenroth, accompanied by a member of his private staff and the father of Mr. Philip Heath flew out of Brisbane for Port Macquarie where they reportedly spoke with Mr. Heath for about two and a half hours. They then flew back to Brisbane leaving Mr Heath in Port Macquarie.
- (e) In State Parliament on April 9, 1991, the Speaker advised that he had received the resignation of the Member for Nundah "effective from 5.00 p.m. on 5th April, 1991."

.2.

(f) In subsequent public comments and reports on the issue, the Minister for Police and Emergency Services has claimed that the Monday night flight was a "mercy dash" to help a friend. The Minister's actions were subsequently endorsed by the Premier during Opposition questioning in State Parliament.

I submit that while Mr. Mackenroth's actions may have been well-intentioned, they were contrary to the travel entitlements of Members or Ministers.

At the time of the flight in the State Government jet, the Member for Nundah had resigned and ceased to be a member of Parliament from midnight on April 5, 1991. It had also been reported by police that he had been located "safe and well".

Thus the Minister's actions in utilising public funds to fly to the aid of a private citizen who was a friend constituted a breach of his travel entitlements.

I submit that as the trip was either a party political or private excursion, the costs of it should be met by either the Labor Party or jointly by Mr. Mackenroth and Mr. Heath's father.

I enclose for your information a copy of the relevant police bulletins referred to above. The issue was also the subject of several questions in Parliament on April 10 and 11, 1991 and I commend perusal of Hansard and associated newspaper reports to you.

I would appreciate your Commission's investigation of the events outlined above as part of its current inquiries into Parliamentary travel entitlements and would appreciate your advice in due course.

Yours faithfully,



RUSSELL COOPER.



Leader of the Opposition,
Parliament House,
Brisbane.

May 13, 1991.

Sir Max Bingham, Q.C.,
Chairman,
Criminal Justice Commission,
P.O. Box 157,
NORTH QUAY. Q. 4002

Dear Sir Max,

I refer to my letter of 11th April, 1991 and your subsequent acknowledgment of 23rd April, 1991.

I wish to bring to the attention of your Commission public comments reportedly made by the former Member for Nundah, Mr. Phil Heath as they appeared in both The Sunday Mail and Sunday Sun newspapers of May 12th, 1991. (Copies attached).

It is my opinion that the views expressed by Mr. Heath, according to these articles, indicate that his absence was due to political matters, not health related as repeatedly claimed by Government spokesmen.

This reinforces the Opposition's view that the use of the Government jet as outlined in previous correspondence was for party political purposes and as such, costs of the trip should be met by the Australian Labor Party.

I would appreciate your Commission's consideration of this matter as part of its current inquiries into Parliamentary travel.

Yours faithfully,

RUSSELL COOPER.

await the outcome of the proceedings before the Cooke inquiry. If I am required to take any action on the basis of the outcome of those proceedings, then I will take that action.

Use of Government Aircraft by Minister for Police and Emergency Services

Mr BORBIDGE: I ask the Attorney-General: in view of precedents set by the courts in recent months, does he consider that the private use of a Government aircraft on 8 April to visit a sick and distressed friend who had resigned as a member of Parliament, effective 5 p.m., Friday, 5 April 1991—

Mr Schwarten: How low can you get!

Mr BORBIDGE: I suggest that the honourable member look at a few of the charges that are before the courts.

Mr Ardill: Sit down, sleaze bag.

Mr BORBIDGE: Sit and cop it!

Mr SPEAKER: Order! I ask the member for Surfers Paradise to put his question.

Mr BORBIDGE: In view of precedents set by the courts in recent months, does the Attorney-General consider that the private use of a Government aircraft on 8 April to visit a sick and distressed friend, who had resigned as a member of Parliament, effective 5 p.m., Friday, 5 April, constitutes a misappropriation of public funds?

Mr WELLS: The honourable member will be aware, in referring to precedents set by courts, that courts do not determine hypothetical questions.

Opposition members interjected.

Mr SPEAKER: Order!

Mr Cooper interjected.

Mr SPEAKER: Order! The Leader of the Opposition!

Queensland Coal Board

Mr SMYTH: In directing a question to the Minister for Resource Industries, I refer to an article in a recent issue of *Business Queensland* about the Queensland Coal Board and its alleged powers. I ask: can he clarify the role of the board and its future direction?

Mr VAUGHAN: I am very pleased to address the question from the member for Bowen. I appreciate the interest that he has in Queensland's coalmining industry, which is very important to this State. I noted the article in *Business Queensland*. There are quite a number of very serious inaccuracies in the article and in the arguments put forward by the correspondent. The Queensland Coal Board is a specialist policy adviser to the Government on a very important industry. Honourable members would be aware that the worth of this industry to this State was approximately \$3 billion last financial year. That figure could increase this financial year.

One of the issues raised in the article, which was very inaccurate, was the suggestion that the Coal Board was going to be involved in the marketing of coal. On a number of occasions, I have made the position quite clear—very specifically, in fact—that the Queensland Coal Board would not be involved in the marketing of coal. Although I spelt this out in no uncertain manner, unfortunately the message did not get through to the people associated with the article. The article also referred to a call for a review of the board. I point out that I have done that. When I became the Minister, I conducted a review of the board and, as a result, I have restructured it. In conjunction with that restructuring, I have sent out a comprehensive document to the people involved in the industry—a Green Paper—so that they could understand what I was on about and so that there could be no misunderstanding. Opinions were sought from the coalmining

QUESTIONS WITHOUT NOTICE

Use of Government Aircraft by Minister for Police and Emergency Services

Mr COOPER: In directing a question to the Minister for Police and Emergency Services, I put it to him that he has misled the House by claiming that his trip in the Government jet on Monday night to see Phil Heath was a mercy dash and that he was acting on police concerns when, in fact, a police message expressing concern for Mr Heath, issued from Brisbane headquarters at 9.13 p.m. on Monday night, was rescinded less than an hour later at 9.55 p.m., and when a later police bulletin used the words that he had been located "safe and well". I also put it to him that he did not take off from Brisbane in the Government jet until 11.20 p.m., which was almost an hour and a half later and that, therefore, he knew full well that Mr Heath was safe and well. I ask: will he now admit that this was a private trip, the cost of which should be met by the Labor Party that sent him to Port Macquarie to talk Mr Heath out of resigning in the first place?

Mr MACKENROTH: In answer to the honourable member's question—I left at 11.35 p.m. The situation is that the information that had been supplied to me by the Queensland police and by the New South Wales police was that they were concerned about Mr Heath. I do not intend to go into that.

Mr Cooper: You got a message to say that he was safe and well.

Mr MACKENROTH: I inform the honourable member that, if he wishes, I will tell him the information with which I was supplied. I will do that privately, if he wishes. The information in relation to a police message being sent out that Mr Heath had been found was supplied so that he would no longer be listed as a missing person. The information that was provided to me by the Queensland police through a member of my staff, who had spoken to the sergeant in New South Wales and who, in turn, had spoken to Mr Heath, was that they were concerned about him, and that is the reason why I went to Port Macquarie.

Mr COOPER: For the benefit of the House, I table the police bulletin that was issued.

Use of Government Aircraft by Minister for Police and Emergency Services

Mr COOPER: I ask the Premier: in the light of the fact that the Police Minister has misled the House and has clearly abused the use of the Government jet by claiming to be on a mercy dash when he was in fact looking for a man who was lost but had been found and who was described by police as "safe and well", what action will be taken against the Minister? Will the ALP now pay for the cost of the trip to Port Macquarie, which was clearly a political dash and not a mercy dash?

Mr W. K. GOSS: Let me say quite unequivocally that the Minister for Police has my full support and, furthermore, that I endorse the action he took. Let me also say that, late on Monday evening, the Police Minister telephoned me at my home and told me that the police had located Mr Heath.

Mr Borbidge: It was on the 10 o'clock ABC news.

Mr W. K. GOSS: I am telling the honourable member that the Police Minister telephoned me.

Mr Borbidge: And an hour and a half before you sent him.

Mr W. K. GOSS: The point is quite irrelevant, Mr Speaker, and I will come to what is relevant in a moment. The Minister for Police indicated to me that, given the reports that had been made to the Queensland police originally by people close to Mr

Heath expressing concern about his well-being and his emotional state—they were the original reports coming to police on Friday or at some time over the weekend about the concern of people close to Mr Heath in respect of his emotional well-being—and given reports from the New South Wales police officers of their concern, he felt the appropriate thing to do was to travel to Port Macquarie and take Mr Heath's father with him. The advice that was forthcoming to the Minister was that if Mr Heath would listen to anyone in terms of making decisions about his future, he would listen to his father. On that basis, I agreed with the Police Minister that it was appropriate for him to go with Mr Heath's father out of that concern—

Mr Littleproud: He wasn't a member of Parliament.

Mr W. K. GOSS: —and because of the fact that Mr Heath was the subject of serious concern about his emotional well-being. I will take the interjection.

Opposition members interjected.

Mr SPEAKER: Order! I would like to hear the answer. I will not accept interjections in the numbers that have been made. I warn members that they must not interject.

Mr Veivers interjected.

Mr SPEAKER: Order! I warn the member for Southport under Standing Order 123A.

Mr W. K. GOSS: As I understand the position in relation to the interjection, which I am happy to take because I am happy to deal with every aspect of this matter in detail, Mr Heath was still a member of Parliament and his resignation did not become effective until it had been legally and officially received by the Speaker, which I understand—

Mr FitzGerald interjected.

Mr SPEAKER: Order! I warn the member for Lockyer under Standing Order 123A.

Mr W. K. GOSS: I understand that that occurred at some time on Tuesday morning, when it came into the possession of the Speaker. In relation to this trip, let me deal quite specifically with the hypocrisy and grubbiness of the actions taken by members of the opposition parties. On Tuesday morning and as late as Wednesday morning, the Leader of the Opposition said that he would not play the man and that he would leave the matter alone. In contrast to that, of course, the member for Toowong played the man. The reaction to his quite disgraceful and atrocious attack on an individual and his family who were in a pretty desperate situation was such that the member for Toowong backed off.

Mr Veivers interjected.

Mr SPEAKER: Order! The member for Southport!

Mr W. K. GOSS: It was such that the member for Toowong backed off with his tail between his legs yesterday, and so he should have.

As to the Leader of the Opposition—he is a bit slow on the uptake, so he decided yesterday afternoon to get into the gutter, which is where he is now. He knows that neither the Minister for Police nor I will go into the very personal detail of this matter in public.

Mr Cooper: I bet you won't.

Mr SPEAKER: Order! If the Leader of the Opposition does not cease interjecting, I will warn him under Standing Order 123A.

Mr W. K. GOSS: The Leader of the Opposition knows that we do not want to cause any further stress to Mr Heath's family or to other people who are close to him.

Mr Veivers interjected.

Mr SPEAKER: Order! I warn the honourable member for Southport for the last time under Standing Order 123A. I have been extremely tolerant. My tolerance is coming to an end.

Mr W. K. GOSS: In that sense, we are witnessing the courage of a man who stands behind a woman, some children and some other family members to make his attack. He knows that the Minister for Police and I will not come back at him hard because we do not want to cause harm to innocent people.

Furthermore, and in conclusion——

Mr Hobbs interjected.

Mr SPEAKER: Order! I warn the member for Warrego under Standing Order 123A.

Mr W. K. GOSS: Perhaps this brave individual who calls himself the Leader of the Opposition might care to explain to the public the difference between this event and the occasion on which Sir Joh Bjelke-Petersen flew in the Government jet to see his injured son.

Mr PREST: I have two questions, the first being to the Premier.

Mr Borbidge interjected.

Mr SPEAKER: Order! I warn the member for Surfers Paradise under Standing Order 123A.

Honourable members, tomorrow is Friday and we will all be away from this place. I would like to hear the question being asked by the member for Port Curtis but, because you are all screaming out, I cannot hear him.

Special Premiers Conference

Mr PREST: I ask the Premier: has his attention been drawn to reports that there are attempts in Canberra to stop any discussion of any shift in the responsibility for community services from the Federal Government to the States? Can he inform the House what process was agreed to at the Special Premiers Conference last year in Brisbane for these matters to be discussed?

Mr W. K. GOSS: This is an important issue, because the Special Premiers Conference process is one that does hold out some prospect—certainly no certainty, but some prospect—of important and much needed reforms in this country in the operation of government, particularly at the Federal and State levels, and in the efficiency of government. To the extent that those reforms can be successful, I believe that they will be good for the public. They will lead to the improved delivery of Government services to members of the public for the same dollars, which is most important in all areas, particularly in the welfare areas where there are many people who need the support and assistance of the community through Government. The extent to which we can maximise the actual delivery of services is important.

The Special Premiers Conference agenda applies across a wide range of issues, but it should be remembered that last year in Brisbane at that historic Special Premiers Conference a proper process was agreed to by the Prime Minister and the respective Premiers and Chief Ministers of the various States and Territories. The process involves all of those parties—the Commonwealth, the States and the Territories—working together in a cooperative way, which is unprecedented. One of the matters is the future of tied grants. On behalf of the Commonwealth, the Prime Minister has made a commitment to reduce tied grants in favour of general grants to give the States greater spending discretion. The States should have that discretion. I believe that will reduce the extent of duplication of government, which can only maximise the dollars and the services going to the public as the cost of administration and the cost of government in those areas is reduced.



MINISTER FOR POLICE AND EMERGENCY SERVICES

The Hon. Terry Mackenroth M.P.

Member for Clatsworth

16th April, 1991

Noel Newnham
Commissioner of Police
Police Headquarters
Roma Street
BRISBANE QLD 4000



Dear Noel,

I refer to the issue of my travelling to Port Macquarie on April 8, 1991 to render assistance to the then Member for the State seat of Nundah, Phil Heath.

On Saturday, April 6, Mr Heath was reported as a missing person to the Queensland Police Service. It was alleged that he was depressed and could be suicidal. The Queensland Police Service conducted extensive inquiries to locate Mr Heath. On Monday, April 8, Port Macquarie police advised that Mr Heath had been located. I later went to Port Macquarie and spoke to Mr Heath.

The whole issue of the locating of Mr Heath was the subject of a report by the Acting Commissioner of Police, Bob Kirkpatrick. That report advises that Detective Sergeant Bob Williams of the Port Macquarie CIB contacted the Duty Officer at the Task Force on two occasions to advise on the condition of Mr Heath. Detective Sergeant Smith on the first occasion Smith was advised that Heath was "safe and well". On the second occasion Sergeant Williams advised Smith that Heath was stressed and in need of help.

My staff spoke to Sergeant Williams who indicated that Mr Heath was stressed and should be spoken to by a friend or family member.

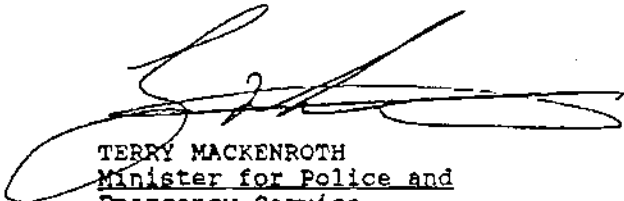
It is important that Detective Sergeant Williams be interviewed in relation to the information he supplied to Detective Sergeant Smith of the Task Force. The information from Sergeant Williams will confirm the advice that he gave Sergeant Smith and which is outlined in this report. Sergeant Williams is presently in Brisbane on another matter and it would be opportune for a senior member of your staff to obtain this statement.

...2/..

- 2 -

You may be pleased to urgently advise the arrangements put in place to obtain this statement from Detective Sergeant Williams.

Yours sincerely,



TERRY MACKENROTH
Minister for Police and
Emergency Service



QUEENSLAND POLICE SERVICE

COMMISSIONER'S OFFICE
100 ROMA STREET
BRISBANE

COPY

TEL: (07) 364 6464

Our Ref.

Your Ref.

BOX 1440,
G.P.O. BRISBANE 4001
TELEGRAPHIC ADDRESS:
VEDETTE, BRISBANE
TELEX: 40337
FAX (Operations) (07) 236 2359
FAX (Admin Branch) (07) 236 1478

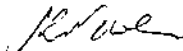
CONFIDENTIAL

16 April 1991

Chairman
Criminal Justice
Commission
BRISBANE

Mr. A.R. Lauer, A.P.M.
Commissioner of Police
Police Headquarters
Box 45, G.P.O.
SYDNEY N.S.W. 2001

For your information.


N.R. NEWNHAM
COMMISSIONER
16.4.91

Dear Mr. Lauer

I enclose a copy of a memorandum from my Minister who seeks a statement from a member of your Service relating to the location in Port Macquarie of a member of the Queensland Parliament.

I think the background is self-explanatory from that memorandum, but I do not believe it appropriate that I should endeavour to obtain a statement from a member of your Service, over a matter which is essentially outside the charter of this Service.

I would be grateful if you would consider obtaining a statement from Detective Sergeant Bob Williams, of Port Macquarie C.I. Branch, and providing it through me as early as may be practicable.

Yours sincerely

N.R. NEWNHAM
COMMISSIONER

New South Wales Government



New South Wales Police Service

POLICE HEADQUARTERS

14-24 College Street
Sydney
Box 45, G.P.O.
Sydney, N.S.W. 2001
Telegrams and Cables:
"Nemesis" Sydney



15 May 1991

Telephone: 339 0277
Extension:

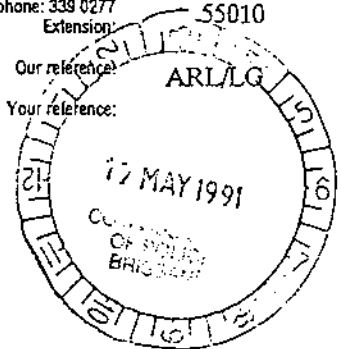
55010

Our reference:

ARL/LG

Your reference:

Commissioner N.R. Newnham
Queensland Police Service
100 Roma Street
BRISBANE QLD 4000



Dear Noel

I refer to your letter of 16 April 1991 regarding Mr Philip Heath. I have given careful consideration to the issues raised by you and that of the Minister for Police and Emergency Services, the Hon. Terry Mackenroth, MP, regarding this matter.

I am firmly of the view that the provision of a statement by a member of the New South Wales Police Service in this matter to a third party would be a gross intrusion to Mr Heath's right to privacy. Equally, I am of the view that any further consideration of this matter could only be given subsequent to the written consent of Mr Heath for the information sought to be disclosed.

Yours sincerely

A. R. LAUER
Commissioner

COPY

20 May 1991

MINISTER FOR POLICE AND EMERGENCY SERVICES

I refer again to your memorandum of 16 April 1991 requesting that a statement be obtained from Detective Sergeant Bob Williams, of Port Macquarie Police, New South Wales.

The Commissioner of Police, New South Wales, has responded to my request for his assistance, declining that request, unless written consent of Mr. Heath is provided.

Under all the circumstances, I recommend that this matter not be pursued further.

N.R. NEWNHAM
COMMISSIONER



OPPOSITION LEADER'S REPORT

From Russell Cooper, M.L.A.

Volume 2 No. 4

May, 1991

The Mercy Dash: Compassion, Conceit or Concoction?

The Police and Emergency Services Minister, Mr. Mackenroth, has always cultivated the public image of a tough-talking, tough-acting public avenger, but is he really just a closet softie?

Last month he heard one of his mates had cleared off to Port Macquarie in northern New South Wales and, in a marvellously selfless gesture, Mr. Mackenroth - no doubt inspired by the most noble of motives - rushed off to give that mate the wise, professional counselling that only a qualified welder and Labor numbers man could.

We are expected to believe that the fact the mate just happened to be a runaway Labor M.L.A. was purely incidental and co-incidental.

The history of this so-called "mercy" dash deserves documenting.

For his own reasons, the Labor M.L.A. for Nundah, Mr. Heath, decided he'd

had enough of the job and did a bolt. On his way south he sent a letter to the Speaker of Parliament informing him

his resignation was effective from 5 p.m. on Friday, April 5. That letter arrived in the Speaker's Office on the following Monday.

Mr. Heath, at the same time, wrote to the Premier, Mr. Goss, telling him the glad tidings. Mr. Goss told Parliament the next week he "became aware at some stage over the weekend of that resignation" but later said he was advised "some time on Monday" there was "a threat or intention to resign".

The Speaker - fortunately enough for the Labor Party - wasn't in his office on Monday to receive the resignation



RUSSELL COOPER

letter legally despite the fact everybody - including Mr. Goss by his own admission - knew it was sitting in the in tray ticking away like a time bomb. The Speaker didn't receive it legally until the Tuesday morning when he turned up at Parliament House.

Over the weekend and on Monday, the Labor Party was in turmoil and anguish over the prospect of an unwanted by-election. Not so the warmly human Mr. Mackenroth whose only concern was the emotional and physical well-being of a fellow human being.

Touching, isn't it?

According to Mr. Mackenroth, a member of his staff had spoken to a Port Macquarie police officer who had spoken to Mr. Heath and the message was the New South Wales police "were concerned" about Mr. Heath. By the way, Mr. Mackenroth didn't feel the need to talk to that police officer himself and there is no evidence at all to suggest Mr. Heath ever wanted to talk to Mr. Mackenroth.

At 9.11 p.m. on the Monday night, the Police Communications Centre in Brisbane issued a media release saying Mr. Heath was missing and police wanted to establish he was "safe and well". At about 10 p.m., a later police bulletin to the media confirmed Mr. Heath was, in fact, "safe and well".

According to Mr. Goss, Mr. Mackenroth telephoned him to pass on that news "late on Monday evening".

Now, the rest of us were relieved to hear that news via the media and went

to bed knowing a personal tragedy was averted but a by-election was inevitable. Not so the caring Mr. Mackenroth, who either couldn't accept the police advice, or was so overcome with compassion, that he just had to provide Mr. Heath with the finest professional counselling possible - his own.

When the taxpayers are paying, expense is no object.

At 11.35 p.m., Mr. Mackenroth left Brisbane for a 90 minute round trip to Port Macquarie at a cost of between \$3,000 to \$4,000 to the taxpayers.

Questioned in Parliament, Mr. Goss said very plainly, "Let me say quite unequivocally that the Minister for Police has my full support and, furthermore, that I endorse the action he took".

Mr. Mackenroth also remained unrepentant and said, "If tonight I again faced the need to make such a decision, I would make exactly the same decision".

Does this man's noble self-sacrifice know no bounds?

Well, yes it does.

When asked if he would make a similar taxpayer funded late-night mercy dash for an ordinary little taxpayer, he flatly said "no". Even the most caring and sharing of people have to draw the line somewhere, don't they?

Apparently the line is drawn on the basis of whether or not a person happens to be a Labor M.L.A. who has just quit.

Incidentally, guess who has the power and responsibility for approving Ministerial trips on the fleet of Government jets? Yes, it is "Florence" Mackenroth. And just who said this in Parliament during the uproar, "apart from the BAe 125 flight to Port Macquarie last Monday night, it has been used only for medical purposes and by His Excellency the Governor".

Yes, "Florence" Mackenroth again.

Even he, in that reply, inadvertently let the cat out of the bag by admitting his "mercy" dash was not for "medical" purposes - so we can all quickly and reasonably deduce what the real reason was.

I've demanded the A.L.P. pay for the flight - they have refused - and I've asked the Criminal Justice Commission to investigate this blatant and sordid abuse of taxpayers' funds.

And it all happened on the jet Mr. Goss said before the election would be sold and after the election said wouldn't be used by Ministers.

Rights, Racehorses and Ripoffs

Late last month, the Auditor-General reported Queensland's Aboriginal and Islander Councils had more than \$3 million in outstanding debts. That Report said livestock worth almost \$700,000 was missing from Aboriginal communities while the estimated cash and stock shortages for "enterprise operations" totalled \$250,000.

It was a damning indictment of the lax management of these Councils and

stated, "numerous irregularities and shortages were revealed in the examination of the receipting and banking of monies, payment of creditors and wages and stock control functions".

The Auditor-General also said almost 3,000 cattle and horses had "vanished" during shipment and from fenced properties and holding paddocks at these Councils. However, while vast herds of cattle and mobs of horses had "vanished", another six horses were added to the assets of the Woorabinda Aboriginal Council.

The disclosure about the purchase of these six racehorses by the Council for \$24,500 came only days before the Auditor-General's Report and the Government's reaction to both events was curious and contradictory to say the least.

On the matter of the trifling deficiencies revealed by the Auditor-General, the Premier, Mr. Goss, courageously admitted, "there has been a lot of wasted money" and that "many" of the councils "do recognise they have a responsibility to do a better job". It was as close as he would ever come to outright criticism of Aboriginal Councils although he hasn't shown any similar reluctance to give other Councils a right old blast in the past for real or imagined sins.

However, we went on to witness the saga of the racehorses and the Aboriginal Affairs Minister, Ms. Warner, wouldn't hear a breath of criticism of the Council or speak ill of it.

AN EXTRACT FROM "THE COURIER MAIL", MAY 12, 1991.

RUNAWAY MP BLAMES GOSS

By GUY KER

RUNAWAY MP Phil Heath has returned to Queensland to move in with his glamorous ex-secretary and tip a bucket on his former ALP colleagues.

The man whose shock resignation has forced next week's Nundah by-election is living with Rachel Monaghan, his former electorate secretary, in her Brisbane riverside flat.

When The Sunday Mail confronted the couple last week at her trendy Hamilton apartment, Mr Heath broke his silence on the mystery which has rocked the Goss Labor Government.

He angrily rejected rumors that he had quit politics because of ill-health or because of the love triangle that helped ruin his marriage. He blamed it on his disillusionment with politics under Premier Wayne Goss.

"You can tell people, tell your readers, that the reasons I resigned are political — not personal and not health," he said.

"Rumors they may have heard which refer to personal or health reasons are wrong. The reasons are political."

When asked whether he had been unable to accept the slow pace of reform within the Goss Government, Mr Heath nodded, before jumping into his car and speeding off.

The trendy father of two now sports an ear-ring, and mocks the Premier in a message on Ms Monaghan's telephone answering machine.

The recording last week said: "Hello, I'm Wayne Goss. I have to admit this in State of Origin week but I have to go for the Blues, not only at Lang Park but in the by-elections and in the NSW State elections and all of that makes me very blue. If you leave a message I might get back to you."

Police Minister Terry Mackenroth had claimed he was "worried about Phil's welfare" when he flew to Port Macquarie by government jet in a bid to head off Mr Heath's resignation.

But Mr Heath made it clear his only problems were with the Government.

As a member of Attorney-General Dean Wells' parliamentary committee, he had been unhappy with the Government's handling of homosexual law reform and had strongly objected to the conservative approach to equal opportunity legislation.

He also wrote a paper showing his discontent with the Government approach to enterprises and corporations.

Mr Heath slipped back into Brisbane to support Ms Monaghan's bid to attend the June State ALP conference as an official delegate — a contest in which she was directly opposed to the wife of ALP State campaign director Wayne Swan.

However Mr Swan yesterday said he and Mr Heath had been "good friends" and denied any animosity between them.

Continued, Page 2

SUNDAY Sun

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Runaway former member turns up



Phil Heath: surprise exit

MP LIVING WITH HIS SECRETARY



Rachel Monaghan leaves her Hamilton unit yesterday. PHOTO: DAVID CAMP

By GREG ABBOTT

RUNAWAY former MP Phil Heath is back in Brisbane and living with his former electorate secretary Rachel Monaghan.

Mr Heath, 36, forced an embarrassing by-election in Mundah when in early April he quit politics, leaving the ALP, his wife, two children and a puzzled electorate behind him.

Mr Heath and Ms Monaghan are living in a unit on Kingsford Smith Drive, Hamilton.

A spruce, fit-looking Mr Heath emphasised on Friday that politics had driven him from Queensland — not his health nor a marriage break-up.

He said he would not be helping the ALP in the Mundah by-election campaign but refused to give reasons.

Earlier Ms Monaghan barricaded herself and Mr Heath in the unit and pleaded for a deal to keep her name out of print.

Ms Monaghan, 27, worked in the office of the Federal MP for Lilley, Mrs Elaine Darling, before joining Mr Heath's office.

Yesterday Mr Heath's wife, Mrs Jean Heath, attacked what she claimed were attempts to bring politics into the issue on the eve of the by-election next Saturday.

"Only Phil can clear this up," she said.

Mr Heath's surprise exit from politics involved a nationwide police search, which followed Ms Monaghan's concern over his health and possible suicidal tendencies.

Police Minister Terry Mackenroth commandeered the 'Joh jet' and made a taxpayer-funded midnight flight to Port Macquarie in a vain attempt to persuade Mr Heath to reconsider.

Continued Page 4

My agony: Wife talks on rift

JEAN Heath spoke for the first time yesterday of the heartbreak she has endured since her husband left her and their two young children late last year.

She said one day her husband was there, and the next she knew he was living with his electoral secretary, Rachel Monaghan.

"I don't know why Phil is trying to shelve the blame home to politics alone," Mrs Heath said. She added that her family had struggled through a taxing time, and it hurt to hear politics being blamed.

She would not go into the details of her marriage, but said the first she knew it had failed was when she was told Mr Heath was living with Ms Monaghan.

She said the family had closed ranks over the pain of her husband's departure.

"But I don't care any more if you dump on Phil," she said.

"I think he is wrong to blame the ALP or politics alone for this matter."

Mrs Heath said she believed an argument between her husband and Ms Monaghan triggered his journey south.

By GREG ABBOTT

"Phil intended to resign and she did not want him to," Mrs Heath said.

She said the people of Nundah had gained a lot from the Goss Government and things had changed since the ALP won the seat.

"The people were not wrong when they voted ALP and I believe their best interests would be served in retaining an ALP person," she said.

Mrs Heath said she was a strong ALP person and felt her husband had let the side down.

"People must understand that he cannot put the whole blame on politics," she said.

"His personal behavior and health must be examined carefully."

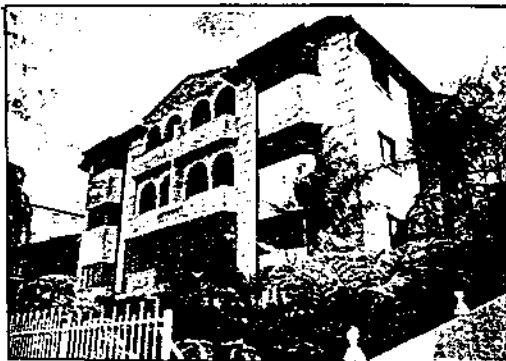
She said a husband with two children did not leave for no reason.

"That is what he did - he just up and left," she said.

Mrs Heath said she had not spoken before out of respect to her husband's personal life.

"But I am upset he is going on the way he is about why he left," she said.

"We are settling down after a tiring time. We want to get on with living our own lives."



The Hamilton block in which Mr Heath and Ms Monaghan are living.

MP lives with secretary

● From Page 1

Approached at the unit overlooking the Brisbane River, Mr Heath said hello and dashed to his car.

Mr Heath, dressed in a casual shirt and jeans, waited until an ALP minder drove Ms Monaghan away.

"No comment, no comment," she repeated as she ran to the car.

Earlier Ms Monaghan said she would make a deal. "If you promise to leave me out of the story I will let you talk to Phil," she said.

When this was rejected, Ms Monaghan, who has been linked romantically with Mr Heath for some time, arranged to be collected.

An argument between them was thought to have prompted Mr Heath's flight south.

"I really can't comment on that," she said.

After Ms Monaghan left the unit, Mr Heath opened the door but shut it again when he saw photographers.

"No cameras, no cameras. Drop the cameras."

Put them on the ground," he said.

He then ran to his car, saying he had business to do and must hurry.

"You can tell your readers I left because of political reasons. It was the coming ALP State political, not personal, not health or anything else," he said.

Asked what he was doing at Ms Monaghan's unit, he replied: "I live here."

Mr Heath said he would not be helping the ALP to keep Nundah.

Asked if he would help the ALP cause at all, he said no.

He refused to be drawn on what specific political issue prompted his departure.

He also refused to be drawn on why he had not told the people of Nundah why he quit politics so suddenly and whether he owed them an apology.

ALP sources said Mr Heath had been in town for at least two weeks.

They said he helped Ms Monaghan in her unsuccessful campaign to become a delegate to conference and another unsuccessful attempt to become an ALP candidate in the last local government elections.

The sources said the only political aspect of Mr Heath's problems may have been his attempt to have the homosexual age of consent lowered from 18 to 16.

They said he sometimes attacked himself to lost causes.

Premier Wayne Goss said yesterday: "Politics has clearly taken a heavy toll on him."

"I had no idea he was so disenchanted. I just wish he had spoken to me or another minister to see if we could help."

"I think he did the right thing. If he was going to be bitter and negative about the job, it was probably best for him and his constituents that he walk away from it."

● Editorial: Page 38

Pay for jet use — Opposition

OPPOSITION Leader Russell Cooper last night called on the Government to reimburse taxpayers for the cost of using the 'Joh Jet' in the Heath affair.

Mr Cooper said that because Mr Heath said politics and not personal reasons, had led to his political departure Premier Wayne Goss owed the public an apology.

"Failing that, the special prosecutor or the GJC should investigate the use of the 'Joh Jet' on the same lines that former NP and Liberal ministers were examined on alleged misuse of public funds," Mr Cooper said.

Liberal Leader Denver Beanland called for a re-examination of the use of the Government BAE-125 jet in the midnight mercy dash.

"In view of what Mr Heath is now saying it is clear party politics was the reason for the use of the jet," Mr Beanland said.

Police Minister Terry Mackenroth said he would not buy into Mr Heath's public statement.

Mr Mackenroth stood by his statement at the time that the jet was used after concern for Mr Heath's well being was expressed by NSW and Queensland police.

Opposition members have claimed the midnight flight cost the taxpayers about \$3000.