

We The People

Program 183

An Affair to Remember



Good day to you. Today's narrative is called "An Affair to Remember". You'd be forgiven if you thought it was a love story and in a way it is. It's about personal sacrifice, truth and the law in Queensland but with far reaching affects. It's the stuff movies are made of. A little while ago I started a regular conversation with Kevin Lindeberg from Brisbane. I knew the name and of the Heiner Affair but little of the detail and so Kevin educated me. In brief, it's the story of the systemic abuse of power in government at its pinnacle attacking fundamental democratic and legal rights of the individual. It's also about covering up abuse of children in State care in the 80's. Documents compiled during a subsequent enquiry in early 1990 by former magistrate Noel Heiner gave rise to this sordid matter becoming known as the Heiner Affair, *truly an affair to remember*.

Now the Manager of the State detention center in question sought access to the Heiner documents as he feared he may have been misrepresented. As was his constitutional democratic right he, his solicitors and trade union officials placed the Queensland government on notice that the matter would find its way to court so documents should be secured and not destroyed. A fair trial relies on the preservation of evidence. Shortly after that, these records, known to be evidence appeared to have been deliberately destroyed. This extraordinary order came from the then Goss Government to prevent their use as evidence. The gravest legal and constitutional ramifications now flow from this shredding act. It's clear that the law-enforcement authorities in post-Fitzgerald Queensland could not face the horrendous political, legal and constitutional prospect that perhaps all members of the Queensland Cabinet may have breached the *Criminal Code* of Queensland regarding the destruction of evidence. In a nutshell, instead of upholding the law, all relevant law-enforcement and accountability arms of government collapsed around the Cabinet's shredding by declaring it perfectly legal when in my view, the law, properly applied said otherwise.

Lindeberg challenged the shredding and was sacked for his troubles. He fought back. He went to the system seeking justice and it was denied him, but he persisted. A Queensland Police Commissioner later said..."**I am in no doubt at all that the decision to destroy the evidence taken by Heiner was an illegal act**". Renowned world archives expert, Professor Terry Cook says, "**...this is like Watergate. This is like apartheid police in South Africa destroying records to hide their racial regimes. This is about Nazi gold issues. And those are the kinds of cases that Shreddergate is compared to**". Alastair MacAdam, Senior Law lecturer said "**Kevin Lindeberg's been called a crackpot, an obsessive - he's been ridiculed. But in the fullness of time, everything he says turns out to be true**".

There are many high-level thinking people who, to this day, believe the matter should be fully investigated. Even Buckingham Palace wrote to the then Premier, Anna Bligh about the matter. As well, the former State member for Gladstone, Liz Cunningham believed this matter needed to be fully investigated and justice delivered. On November 27, 2014, Mrs Cunningham MP, moved her 1st reading speech to establish the Parliamentary Heiner Affair Commission of Inquiry Bill 2014. It was a landmark action in our State's history. She wanted this serious unfinished business and its alleged protracted systemic cover-up dealt with by a panel of 3 independent judges because the material adversely names seven sitting judges.

Her Bill was based on our parliament's legal obligation under our Constitution to act as final bulwark in our system of government when matters of potential judicial misbehaviour come to its attention. If the allegations of judicial malfeasance are proven it could lead to the removal of judges. This matter has the capability of not only removing certain Queensland judges from office but, in the view of a highly experienced QC, of finding certain named high-ranking public officials open to alleged *prima facie* official corruption flowing from their findings of no wrongdoing when examining the damning facts at various times over the last 25 years.

Have no doubt my friends, the judiciary, parliament and many in the media want this matter gone because its ramifications may expose corrupt conduct on a grand scale and a dreadful failure of our system to uphold the law equally. It may show the solemn trust of the people betrayed by many in high places. It's my belief the judiciary can be sadly misguided at times. They are just as capable as others in positions of power to become self-indulgent, boorish, hubristically elite and frankly need a reminder, now and again, that we the people and our parliament's laws are in charge. It won't surprise listeners to know that Liz Cunningham's bill was side-stepped on a technicality as if it never came before parliament.

Speaking with Kevin Lindeberg is always interesting. I have a feeling his extraordinary efforts and amazing resilience are about to pay off after 25 years of dedication to see truth and the law prevail. Why, because *the truth must out, but in its own good time*. An injustice has occurred here, and the government and perhaps the judiciary want it hidden and that's not right and not Australian. It is indeed an Affair to Remember.

Until next time this is Kent Bayley