

We The People
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We the People 268 A Quiet Passing



Good Day to you. This narrative is I hope, uplifting even though it reflects on the passing of a great man. I doubt many of you have heard of David Fulton Rofe who passed away quietly this year but he should be remembered by Australians as a courageous public advocate. David Rofe was an eminent Queen's Counsel, a man who understood professional ethics which inevitably govern one's proper moral obligations. The poet, Henry Wadsworth Longfellow said, *"When a great man dies, for years the light he leaves behind him, shines on the path of others."* Now Rofe's light illuminates Queensland's notorious Heiner Affair through the indomitable whistle blower Kevin Lindeberg. The so called Heiner Affair, named after magistrate Noel Heiner, deals with the illegal destruction of public records by the then Goss Government when known to be required as evidence for court about the abuse of children in State care and in breach of section 129 of the Criminal Code. With Rofe's help Kevin Lindeberg has devoted 27 years of his life seeking justice. He has fought to have the matter properly dealt with and to expose the truth and bring to justice all those in government, including the judiciary, who have a case to answer. This is a litmus case where it appears certain past and present politicians, bureaucrats and some in the judiciary believe they are above the law. They rely on their arrogant conceited superiority to threaten those who dare challenge their conduct.

You see, when the public lose faith and trust in the rule of law and in those who are supposed to dispense justice, then we no longer have the rule of law. The Heiner Affair exposes the pomposity of some in high places in Queensland's legal profession and the comfortable club of hypocrites and interlopers who decide for themselves what justice is and what 'we the people' should have dispensed to us. On the other hand, Rofe is quoted as saying... *"Justice must be done"* and *"be ye ever so high the law is always above you"*. I never met David Rofe but he was clearly a champion for true justice and that's the mark of a dignified man. I acknowledge there are good men and women in the justice system but they too declare through their own **inaction**, their human frailty. Many exude a degree of pomposity which places wisdom at great risk and the Heiner affair has had to weather these turbulent storms. The path of this legal twister continues to expose and bring into serious question the conduct and decisions made by Queensland's Crime and Corruption Commission and across whole of government, and even beyond to those who are the ultimate watchdogs. So, just like Hurricane Irma gathered up everything in its path, so too does the Heiner affair in Queensland, right back to its beginnings with the Goss Government when Kevin Rudd was the Premier's chief of staff. So when I think of the honourable work done by David Rofe QC and the ongoing lone justice fighter in Kevin Lindeberg then I know justice must inevitably prevail. These two men came to drain the swamp and were derided and denounced but never themselves, defeated or deterred. They simply persist while some of the past and current lot of politicians, bureaucrats and judiciary don't like it because truth and justice are secondary considerations.

In this regard our justice system is now relegated to the status of North Korea and they know it. It's all sanitised for the public by using the unfathomable language and logic of solicitors and of government bureaucracy. It sadly follows the insightful script of the ABC TV's Utopia program where protection and comfort for those in power is desperately drawn from double speak and legal techno babble. Commonsense plays no role in this vile Orwellian matter, nor does the plain English reading of what the law says. The late David Rofe QC knew this, but undaunted, he threw his weight against injustice and fought back for what was right. Rofe knew that government is not about the arbitrary exercise of power by those in a position of authority, rather it's about the law being obeyed and the rights of the individual being respected". How many among us will be remembered for our fine deeds and that perhaps, in struggling against seemingly insurmountable odds, we helped to change the course of history. We owe the likes of David Rofe a debt of gratitude in shining a light on our future path and Kevin Lindeberg summed it up perfectly in delivering Rofe's eulogy when he said to David Rofe reposed in his casket, *"Sheath your sword of justice, lay down your shield of fearlessness, take off your breast plate of courage and now rest in peace, my friend. You have fought the good fight and never been bowed in battle"*. **Until next time this is Kent Bayley.**