

A TWENTY TWO YEAR SEARCH FOR JUSTICE

The most informative site is the Heiner [website](#) Start with the categories on the left hand side – the first category is ‘what is heiner about’

Chris Barrett writing in the Brisbane Times in April 2009 puts the history succinctly

The Heiner affair is the long-running controversy surrounding the Goss cabinet’s 1990 shredding of documents relating to child abuse – including the rape of a 14-year-old Aboriginal girl – after it aborted an inquiry into the former John Oxley Youth Detention Centre.

The documents had been compiled during an inquiry headed by former magistrate Noel Heiner that was set up in the final days of the Queensland Cooper conservative government in 1989.

The complaint to the Parliamentary Crime and Misconduct Committee (PCMC) was lodged by former union official Kevin Lindeberg in February 2008 and concerned the handling of the Heiner affair by the main corruption watchdog, the Crime and Misconduct Commission (CMC) and its predecessor body, the Criminal Justice Commission (CJC).

Attached to the application for review was a **nine-volume audit produced by Sydney QC David Rofe** that contains details of 68 alleged prima facie charges that he believes could be brought against public officials past and present.

They include Prime Minister Kevin Rudd – Mr Goss’s former chief-of-staff – the Governor-General Quentin Bryce, who took no action after requesting and receiving a report on the affair from then Premier Peter Beattie in 2003, and six serving Queensland judicial officers.

The review application to the PCMC also included a statement of concern sent to Mr Beattie in 2007 from legal heavyweights, including the former Chief Justice of Western Australia David Malcolm.

The former Chief Justice of Australia, the late Sir Harry Gibbs, had previously aired his concerns at the destruction of documents.

What’s at stake? As the article [What’s the Heiner Affair About](#) puts it:

- the right to a fair trial without wilful interference by the State in the administration of justice in the form of destroying known

relevant evidence held in its possession and control and known to be accessible pursuant to the rules of the Supreme Court of Queensland in discovery upon the commencement of judicial proceedings;

- equality before the law;
- the upholding of Parliamentary propriety and the doctrine of the separation of powers;
- the State not engaging in covering up crime, going to the offence of criminal paedophilia against a child held in the care and custody of the State;
- the lawful disbursement of public monies not to be used as “hush money” to cover up criminal conduct perpetrated by the State and/or its officials

The next category is Timeline of Events; the documents generated by the Heiner Inquiry and possibly documents from other quarters relevant to allegations concerning the inquiry, the Youth Detention Centre and others involved comprised over 100 hours of taped evidence and other material. This is the evidence which was shredded – the Timeline states that the Goss cabinet ordered their destruction on 5 March 1990

The Goss Cabinet, with full knowledge that the Heiner Inquiry Documents are required by Mr Coyne (and the QTU and QPOA) and while in possession of Mr Coyne’s Solicitor’s notice of impending Court proceedings against the Crown in which the documents are critically relevant evidence, order the destruction of the material to stop its use in litigation. Just prior to the decision Cabinet is informed that a solicitor is seeking production of the material

At that time Kevin Rudd was chief of staff to the Qld Premier Goss
On 23 March 1990 the documents were destroyed
That time line was prepared using the source documents [here](#)
As to the time line on the inquiries there was an initial inquiry by the Queensland Parliamentary Crime and Misconduct Committee and since then things have moved to the Federal arena.
Piers Ackerman writing on 27/9/2007 [link](#) says Labor Senators twice blocked attempts by Queensland National Party Senator Barnaby Joyce to table the full 3000-page nine-volume Rofe report in federal parliament last week

Last year the Senate Privileges Committee voted to bury the matter and an attempt to have the matter debated in the Senate was stopped by the Labor Party and the Greens, with former Family First Senator Steven Fielding voting to stop the matter being raised (in this case he acted against his Party’s Policy.)

As I said at the beginning of this long comment it is an important principle in our legal system that all citizens are equal before the law even members of the executive (government) and judges and that is what is at stake here

The matter is currently before the Qld Child Protection Commission of Inquiry and exhibits and transcripts are [linked](#) at that site. The nine-volume audit produced by Sydney QC David Rofe referred to above has been exhibited in those proceedings and is publicly available. It can be downloaded from the Heiner website. Note you need its password which is also there.

And the hero of this 22 year search for justice is Kevin Lindeberg. And why? Kevin puts it best “My pursuit of justice over 22 years has never been just about politicians who may have done wrong. It’s been more about restoring integrity to our system of government, of which politicians are only one part. It’s about no one being above the law, citizen, politician or public official, no matter how high the office.”

In Kevin’s family heroism is genetic. Here’s a video of Kevin’s [Uncle Les](#)