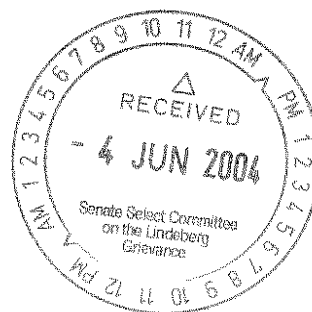


Secretary: Alistair Sands
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31 May 2004

The Secretary
Senate Select Committee on the Lindeberg Grievance
Parliament House
CANBERRA ACT 2600

**SUBJECT: LINDEBERG GRIEVANCE COMMITTEE INVESTIGATION
AND HEARINGS**

I wish to thank and congratulate the Australian Senate for its action in the establishment of this Committee.

There is simply no other place to take this matter as Queensland's complete system of justice and public administration has become tainted by the perversion of justice and cover-up of this matter. Mr Lindeberg is correct by stating that the Heiner Affair or "Shreddergate" can only be resolved by the establishment of a Commission of Inquiry (Royal Commission – in other jurisdictions) with wide-ranging powers and the appointment of a special prosecutor.

My Background and My Historical Involvement in Heiner

I was a Queensland Public Servant from November 1970 until March 2000. I also held the position of an Executive member of the Queensland State Service Union (QSSU) from August 1988 and later the State Public Service Federation until April 1994.

The State Public Service Federation (SPSF) was the result of an amalgamation of the Queensland Professional Officers' Association (QPOA) and the QSSU.

Mr Lindeberg was an Industrial Officer/Organizer with the QPOA and the details of his sacking and the roting of the QPOA Superannuation Fund came to my attention in late 1990 and early 1991. I was concerned that these matters would adversely affect the new amalgamated union. I was also concerned by a network of current and former QPOA staff who appeared, to me, to have an unhealthy undue influence on the conditions of certain public service employees to the detriment of the bulk of the members whom I represented.

In about February 1991 I met with Kevin Lindeberg who provided me with details of his sacking and the shredding of the Heiner Inquiry Documents.

In about April 1991, I received an unsolicited telephone call from Mr Alan McSporran, who was a barrister assisting Mr Marshall Cooke QC of the Cooke Inquiry. This Inquiry was established under the previous National Party government to examine misconduct in certain trade unions.

I was asked by Mr McSporran to attend a meeting with Mr Lindeberg and another Executive member of the QSSU.

I provided Mr McSporran with information, which had come to my attention in relation to the QPOA Superannuation Fund and the Heiner Document shredding.

I advised Mr McSporran that it was my belief that the Heiner Document Shredding went all the way to the Cabinet. This belief was later confirmed.

The Cooke Inquiry was closed down by the Goss government and Mr Cooke's recommendations examined by a Committee (Public Sector Consultative Committee) headed by a former QPOA General Secretary, Mr Barry Nutter.

Mr Cooke, in his recommendations in relation to the QPOA case, recommended that the CJC Act be amended to include the power to investigate trade unions and that after this had been done that all matters in relation to the QPOA case be handed to the CJC. The Goss Cabinet rejected this recommendation.

Senate Committees which I have lodged submissions and given evidence

(1) Senate Select Committee on Superannuation.

In relation to this Committee please refer to the Eighth Report. Both Mr Lindeberg and I gave evidence to this Committee in May 1993. Our evidence covered the misuse of funds from the QPOA Superannuation Fund and the Heiner Document shredding.

I know the terms of reference do not cover this Committee's hearings, however, it would be important for this Committee to review all the evidence given by Mr Lindeberg and myself as certain documents were tabled by myself and Mr Lindeberg in relation to the Heiner matter.

In particular documents which I tabled from the Queensland Corporate Affairs Office detailing the operations of the Caxton Legal Centre and the relationship between Mr Noel Nunan and then Premier Wayne Goss.

(2) Senate Select Committee on Public Interest Whistleblowing

I gave evidence and provided submissions to this Committee in relation to both the QPOA Superannuation case and the Heiner matter.

(3) Senate Select Committee on Unresolved Whistleblower Cases

I again gave evidence on both the QPOA Superannuation Case and Heiner matter. I have provided a letter, which I wrote to Queensland Premier, Mr Beattie, dated 2 June 1999 and the attachments, which best demonstrate my involvement in Heiner.

I have also included all the replies (Premier, PCJC) received in relation to this letter.

CJC (CMC) and Queensland Government's Involvement in Cover-up and False Misleading Evidence

A leaked Cabinet Document of February 1994 lays bare the CJC's strategy in relation to the Heiner matter. The only matter I agree with them is the extent of the complaint Mr Lindeberg and I have alleged in relation to the Heiner matter.

A copy of the leaked Cabinet Document was tabled at the Senate hearings and would be available to your Committee.

A report written by Mr Coyne and provided to the Senate in its doctored form and included with material under the signature of Dr Glynn Davis was in my view an attempt to mislead the Senate. This report has been referred to as "document 13".

I am of the view that this action by the Queensland Government was a deliberate attempt to paint Kevin Lindeberg and myself in a bad light as representing the interests of a child abuser – namely Mr Coyne.

The CJC, Queensland Crown Law and DPP (in relation to the Heiner matter) have always contended that legal proceedings must be afoot prior to the application of Section 129 of the Queensland Criminal Code. This, in my view, is a corrupt interpretation of the law. The recent case where a Baptist minister Mr Douglas Ensbey was convicted of destroying evidence five years prior to the commencement of legal proceedings has laid the CJC's and other Crown bodies argument case bare. There is ample legal precedent including the R Rogerson case, which was heard in the High Court of Australia.

I urge the Committee to review Justice Samios summing up to the jury where he described a young girl's (14 year old) abuser as a "cretin" when referring to a Mr Boyce. Judge Samios, did however, point out that even Mr Boyce was entitled to justice.

The same situation can be applied to Mr Coyne. No matter what the Committee may think of Mr Coyne, he is still entitled to justice.

It is now evident that there were serious issues of child abuse contained in the Heiner Documents, which were shredded including handcuffing to a fence outside all night and the unauthorised drugging of children as well as a pack rape incident.

The children who were the subject of this abuse were also entitled to natural justice and this has been denied or severely compromised as a result of the shredding.

To assert that the Cabinet and public servants were acting on legal advice and everything was in accord with the law is an insult to the administration of justice.

To further assert that the whole shredding exercise was just poor judgement is a similar insult.

To promote the fact that the whole Heiner matter was in accord with the law and promote this to the Senate in evidence is a similar insult to the Senate.

A lawyer, as an officer of the court, has a prime responsibility to uphold the dignity of the court and the administration of justice. In the case of the Crown there is even a greater duty, as the Crown should be perceived as a model litigant. There has been no model behaviour shown by the Crown in the Heiner matter from day one.

There is a line that lawyers should not cross. They can advise their clients but they cannot conspire to commit offences or cover-up offences. There have been number of lawyers who have crossed this line both at the CJC, Crown Law, DDP's Office, Ombudsman' Office and even the Forde Inquiry.

The Queensland Courts have now become tainted as some of these offices have progressed to positions within these precincts.

With such serious issues involved with the Heiner matter, as if child abuse is not bad enough (including a pack rape) the covering up of such serious offences and the extent of the cover-up over such a lengthy period is even worse.

The Australian public's abhorrence of this type of matter is demonstrated by the Hollingsworth case and events. Heiner is much worse by an insurmountable degree.

Now that the Senate has been made aware of the situation, to do nothing, and allow the CJC (now CMC) and the Queensland Government continue to misrepresent the facts, would in my opinion, reflect poorly on the Senate.

The Senate must now act and rectify the situation to the victims and to Kevin Landenberg's satisfaction and myself.

Association of Labor Lawyers

The Association of Labor Lawyer members past and present have played a major part in the improper handling of the Heiner matter. The most obvious examples are Michael Barnes and Noel Nunan. No doubt, Kevin Lindeberg has covered the actions of these two individuals in detail.

There are other members who have played a peripheral role in Heiner. From information, which was provided to me in 1996, I would appear that the Association of Labor Lawyers might have played a prominent role in illegal activities much broader than Heiner. I do not wish to name individuals, however, these activities, if correct involve both State and Federal jurisdictions. I provided this information verbally to the Connolly Ryan Inquiry in 1997.

In summary this Association appears to be just a network of mates looking after mates and mates looking after the interests of a political party and to the extent of criminal activity across State and Federal jurisdictions.

Academics and Academic Institutions

If the Heiner matter were to be investigated fully and all the threads uncovered, the names of several academics would come to the forefront. A number of these individuals come from Griffith University. There appears to be a network of mates in operation in this organization who have had a finger in the Heiner pie. It is more than sheer coincidence that many have landed in the same spot. Some QUT appointments are also worthy of examination.

Academic institutions should be a source of public debate on important issues of public administration. The silence has been deafening on Heiner.

Are prominent academics just plain scared to speak out against the activities of a political party with an entrenched network of operatives or are they just plain biased.

Taxpayers should expect better value from their tax dollar from at least one institution in particular.

There are some individuals who have been brave enough to stand up and be counted. I refer to two individuals in particular Mr Bruce Grundy, from Queensland University and Mr Alistair MacAdam from the QUT.

These two individuals have been almost unique in Queensland and academic individuals from other jurisdictions seem to more willing to speak out on Heiner. I have been informed by Mr Lindeberg that the Heiner case is taught in over twenty two universities throughout the world on what not to do in the area of records management. It has been the subject, together with other prominent infamous cases, of a book published in the USA. Shreddergate rates up there with the World War II NAZI regime and the Apartheid South African regime.

This is all to Queensland's shame.

Queensland Public Service

I was a Queensland Public Servant from November 1970 until March 2000. I was an honorary union official from about 1973 until April 1994. The beginning of 1990 became a tumultuous time for my union activities. As a union Executive member, I had a responsibility for the entire Public Service union membership not just my own department.

I early 1990 I knew of many instances where long-term union members were placed in a gulag to be unceremoniously disposed. Under Mr Coaldrake's leadership of the PSMC (Public Sector Management Commission) the entire State Public Service was transformed in two to three years. The Public Service had become highly politicised. Cronyism was rife and it filtered down to a middle management level – way below the SES level.

On 16 March, 1992, an article appeared in "The Courier Mail" stating that EARC (The Electoral Administrative and Review Commission) intended to investigate allegations of cronyism in the State Public Service. The then Chairman of EARC was Sir Colin Hughes. I phoned him and advised him that I was aware of a group of crony individuals whom I believed had been involved in criminal activity.

Mr Hughes invited me to lodge a submission. I did so some weeks later. I also sent a copy of the submission to the CJC. The submission centred mainly on the QPOA Superannuation case, closing down of the Cooke Inquiry and the Heiner Document Shredding.

To my horror I received a letter of acknowledgement of my submission from EARC from the husband of one of the individuals mentioned in the submission.

Suffice to say EARC never did investigate the cronyism issue.

A copy of this submission was tabled to the Senate Select Committee on Superannuation in May, 1993.

Events in March 1996 until June 1998

In March, 1996 the Goss Government lost power as a result of the Mundingburra by-election. A list of public servants who were considered to be cronies was drawn up. The original intent was to identify those individuals involved in the Heiner cover-up, however the list was expanded to other notable perceived cronies.

I had concerns about the list in principle and requested a copy from the main author. After more than one request, I was handed a copy. My first action was to notify the union Industrial Officer and allow him to peruse the list with comments besides the names. He did not object to the list and agreed with much of the information it contained. He requested a copy of the list, which I refused. He later told me he advised the Union General Secretary of the list's existence.

As I had concerns about the list I decided to check the accuracy and received feedback from my union contacts. My contacts confirmed much of the list's accuracy and most wanted to provide additional information and add names. I contacted the Premiers Department and was told to collate the information and fax it through to them. This went on for a period of two to three weeks.

Much of the information revealed criminal activity and as such, I had an obligation under the CJC Act to report the information, which I had gathered. The information was eventually passed on to the ill-fated Connolly Ryan Inquiry in early 1997.

There were a couple of instances where I did not wish to commit the information to writing. The reasoning for this was not to identify my sources as they feared retaliation.

In August, 1996 the list was leaked to the Courier Mail. I was interviewed by CJC officers attached to the ill-fated Carruthers Inquiry into the Police Union MOU with the National/Liberal Coalition.

I still to this day do not know why the Carruthers Inquiry became involved in the matter.

From the questions asked by the investigators, I knew immediately they had obtained details of phone calls. Whilst the phone calls were probably not recorded, it was obvious to me that details of call charge records had been provided to the CJC.

Call charge records can be provided by say Telstra on particular line. These records detail the numbers called and received on a particular number and the date time and duration of the call.

Mr Greg Jones was also interviewed the evening prior to my interview with the CJC investigators. At this time Greg Jones owned two LJ Hooker real estate agencies.

In September 1997 I was summonsed as a witness to an Anti Discrimination Hearing involving the Borbidge Government and Ms Jacqi Byrne.

Ms Byrne's solicitor was Mr Peter Carne. Mr Carne asked me if I would discuss the "hit list" with him. I agreed and my conversation with him lasted about twenty minutes. During the course of our conversation Mr Carne asked me what I knew of Paul Clauson's involvement in the list. I advised I did not know of Mr Clauson's involvement.

About twelve months after this I recalled Mr Carne's question in relation to Mr Clauson's involvement and I queried Greg Jones about the issue.

I asked Greg if he had any contact with Paul Clauson at all. He confirmed he had a telephone conversation with Mr Clauson not over the list but in relation to another matter.

In June, 1998 Greg Jones was requested to attend a meeting with Messrs Jim Varghese and Tom Fenwick. Mr Varghese was provided with all or most of at least Mr Jones record of interview with CJC Carruthers Inquiry officers. I have spoken to Mr Jones and there can be no doubt whatsoever of the source of Mr Varghese's feedback from the CJC.

Overt threats were also conveyed to Jones in relation to myself. A Department of Natural Resources Solicitor Mr Barry O'Connor also attended the meeting with Greg Jones.

The unauthorised release of telephone records by the CJC is clearly a breach of Federal legislation in relation to the Telecommunication Act.

I believe that Mr Greg Mc Mahon has provided you with information in relation to the actions of Messrs Fenwick and Varghese.

Leaking of Information from Office of State Revenue

The different results obtained by the CJC in relation to the Rudd stamp duty issue and the Courier Mail is extraordinary.

The CJC found no official misconduct in relation to the matter yet a Courier Mail journalist was able to identify a serious breach in the handling of confidential information, which could place millions of dollars of state revenue at risk.

I find it very strange that given all its coercive powers to obtain information, the CJC wasn't able to identify such a breach. Still it may have helped if they had spoken to me as part of the investigation.

CJC (CMC) the Protagonist

The situation has developed a long time ago where the CJC has become a protagonist in the investigation of the Heiner issue and any issue raised by any individual remotely connected with the Heiner matter. In my view this occurred as far back as the appointment of Mr Nunan in 1992 if not earlier.

The CMC now cannot be involved in Heiner as they have been part of the problem and have been at the forefront of the cover-up and the perversion of justice. They cannot investigate any issue raised by any individual involved in Heiner as they have an apprehended bias as a result of their part in the cover-up.

It is for this reason that Mr Lindeberg has called for the establishment of a truly independent wide-ranging Commission of Inquiry with the appointment of a Special Prosecutor as happened with the Fitzgerald Inquiry.

There is sound reasoning for this course of action. Premier Beattie has scoffed at such a course of action.

As Heiner as started to seep into areas of Federal jurisdiction it must now be left up to the Senate and other Federal bodies to maintain their own reputations and play their part in the pursuit of justice for all the parties involved.

Yours faithfully

Des O'Neill