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CRICOS No. 00213J ABN 63 791 724 622

8 November 2004

Mr Alistair Sands
Secretary
Select Committee on the Lindeberg Grievance
Australian Senate
Parliament House
Canberra ACT 2600

Dear Alistair

Re: Submission on Response to Adverse Comment by Mr GJ Sorensen**Introduction**

Further to our telephone conversation, I confirm that today I have read the response to adverse comment on your web site by Mr GJ Sorensen, the Deputy Information Commissioner (Qld).

In that response Mr Sorensen says at paragraph 25:

Similarly, on p.3 of his written submission to the Senate Committee, Mr Alastair MacAdam has included the Information Commissioner in a list of Queensland government bodies which he alleges have failed to do their duty in a fair and impartial manner. Mr MacAdam provides no particulars, and no supporting evidence, to back his gratuitous slur.

I understand your Committee would not wish to engage in a process of endless response. However, in the circumstances, I believe the following brief submission is appropriate to both assist your Committee and to protect my professional reputation.

I again record that, although I have become involved in this matter in the course of my duties (community service obligations) at the Queensland University of Technology, Law School, I do not purport to speak on behalf of the University.

The Details

I restrict my submission solely to matters raised by Mr Sorensen in his paragraph 25. I offer no comment in respect of other matters in Mr Sorensen's letter, including the correctness of any review decisions under the *Freedom of Information Act 1992* (Qld).

In my submission, I specifically referred to the identification in the so-called 'one man' petition to the Queensland Parliament of Kevin Lindeberg of various Queensland Government bodies, including the Information Commissioner who when serious allegations were made against the Executive Government, rather than doing their duty in a fair and impartial manner, collapsed around it and protected it, generally giving spurious reasons for not fulfilling their responsibilities to the people of Queensland.

In that petition, it is cogently argued the Ombudsman and the Information Commissioner must have had a reasonable suspicion that the official misconduct had or may have occurred. This argument was based on information and documents supplied to the Ombudsman/Information Commissioner by Mr Lindeberg and based upon further documents to which the Ombudsman/Information Commissioner had access as part of the review process. In these circumstances, the Ombudsman and the Information Commissioner had a duty to refer the matter to the Criminal Justice Commission (see *Criminal Justice Act 1989* (Qld) s 37(2)) or its successor, the Crime and Misconduct Commission (see *Crime and Misconduct Act 2001* (Qld) s 38.))

I note that the obligation to report suspected official misconduct must be complied with despite the provisions of any other Act (other than s 7.2(3) of the *Police Service Administration Act 1990* (Qld)) and despite an obligation to maintain confidentiality (see *Criminal Justice Act 1989* (Qld) s 37(4) and the *Crime and Misconduct Act 2001* (Qld) s 39.)

I also note that the obligation in the above provisions to report suspected official misconduct falls on the Ombudsman or the chief executive of the unit of public administration.

Any criticism for the failure to do is properly directed to the Ombudsman and the Information Commissioner, not to Mr Sorensen.

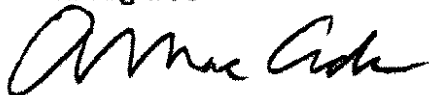
Conclusion

In preparation of my original submission, my desire was to be brief and not to repeat material that I understood was already in your Committee's possession.

With the benefit of hindsight, perhaps I should have included the above detail in my original submission.

I ask you to draw this submission to the attention of your Committee. I trust the Committee will find this submission useful. I leave it to the Committee to deal with the submission as it please. I have no objection to the submission being made public.

Kind regards



Alastair MacAdam

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