

## Summary

The Lindeberg grievance has its origins in the dismissal of Mr Kevin Lindeberg from his position in the Queensland Professional Officers' Association in May 1990. The grievance is inextricably linked to the Queensland Cabinet's decision to shred documents known as the 'Heiner documents' in March 1990.

Mr Lindeberg's dismissal and associated events, including the shredding of the Heiner documents, have been investigated on a number of occasions over the years by a number of different authorities. The most comprehensive report on these matters was made to the Queensland Premier and Cabinet by Anthony J H Morris QC and Edward J C Howard, Barrister-at-Law.<sup>1</sup> Rather than rehearse again the events and issues related to the Lindeberg grievance, the Committee recommends that report to interested persons.

As may be seen from the Committee's terms of reference, aspects of the Lindeberg grievance have previously been canvassed in four Senate inquiries. The matter has again come before a Senate committee because Mr Lindeberg claimed that deliberately misleading evidence, possibly constituting contempt of the Senate, was given to the previous inquiries.

In this inquiry Mr Lindeberg also introduced a new aspect to the grievance, namely, an allegation that the Heiner documents were shredded to cover up child abuse.

During the inquiry Mr Lindeberg made serious and wide-ranging allegations of personal and institutional incompetence and corruption. Although the Committee had serious reservations about publishing these allegations, it did so in order to ensure that Mr Lindeberg's allegations were fully aired. In accordance with Senate requirements the Committee invited the persons and institutions about whom allegations were made to respond to those allegations.

Many of the allegations and much of the evidence presented to the inquiry fall outside the Committee's terms of reference, which relate to whether false and misleading evidence was given to previous Senate committees and whether any contempt of the Senate was committed in that regard. While the second part of the Committee's terms of reference covers three broad areas of public policy, namely, the prevention of destruction and concealment of government information, protection of children from abuse and protection of whistleblowers, that part of the terms of reference is contingent on the first.

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<sup>1</sup> Anthony Morris QC and Edward Howard, *Report to the Honourable the Premier of Queensland and the Queensland Cabinet of An investigation into allegations by Mr Kevin Lindeberg and allegations by Mr Gordon Harris and Mr John Reynolds*, 10 October 1996

In relation to the first term of reference, Mr Lindeberg specifically identified four main matters in which he claims the previous inquiries were misled. Accordingly the report focuses on these matters, which are:

- (a) providing to the Senate a contrived interpretation of section 129 of the *Criminal Code (Qld) 1899* in particular, and of *Public Service Management and Employment Regulation 65* and *Libraries and Archives Act 1988*;
- (b) deliberately tampering with evidence as in Document 13 by providing it to the Senate in an incomplete form in order to inflict a detriment on a witness and/or witnesses to a related Senate inquiry, and to improperly obstruct the Senate inquiry from making full and proper findings and recommendations;
- (c) deliberately withholding known relevant evidence from the Senate which was in the possession and control of the Queensland Government at all relevant times revealing the crime of pack-rape and criminal paedophilia; and
- (d) failing to properly disclose to the Senate the true nature of the February 1991 Deed of Settlement between Mr Peter Coyne and the State of Queensland concerning certain 'events' at the John Oxley Youth Detention Centre, which both parties agreed to never publicly disclose in exchange for the payment of taxpayers' moneys after threats were made by certain persons against State public officials to take the matter to the CJC, in particular, to investigate.<sup>2</sup>

In all cases, the Committee reviewed the evidence provided to this inquiry and to the four inquiries listed in the terms of reference. In that review and in its consideration of whether any contempt was committed, the Committee was guided by the advice of the Clerk of the Senate who advised that, for a finding of contempt to be substantiated, a culpable intention must be demonstrated.

In respect of allegation (a), the Committee found that the interpretations of the relevant law that were given by witnesses to previous committees were probably incorrect. However, in no case was there any evidence given that would substantiate a claim that the interpretations were intended deliberately to mislead those committees.

In respect of allegation (b) the Committee requested the Queensland Government to provide an unedited copy of Document 13 so that it would be in a position fully to test Mr Lindeberg's allegation that the document had been tampered with to inflict a detriment on a witness. The Queensland Government did not provide the document. In its absence the Committee has had to make a determination on the evidence that is available. On the basis of that evidence the committee has not been able to establish that a contempt of the Senate was committed in regard to Document 13.

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<sup>2</sup> Mr Lindeberg, Submission no. 1, p.5

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In respect of allegation (c), it was not established whether allegations of sexual abuse were made to the Heiner inquiry. The Committee therefore could not find that evidence on these matters was withheld from previous inquiries.

The evidence provided to the Committee in relation to child abuse focused primarily on the details of a particular sexual assault, the inadequacy of investigations into that assault and failure to hold anyone accountable. While the Committee is deeply concerned by the evidence that it has received, this inquiry is not the appropriate vehicle for the investigation of these matters. These matters involve criminal offences which are a matter for the Queensland legal system.

In allegation (d), Mr Lindeberg claimed that the payout and wording of the deed of settlement between Mr Coyne and the Queensland Government were intended to conceal child abuse, and that this intention was deliberately withheld from previous Senate committees. The Committee found that this allegation could not be substantiated from the available evidence.

The Committee has therefore concluded in respect of all the allegations that no contempt of the Senate was committed. These conclusions are consistent with the findings of the two Committee of Privileges inquiries into the Lindeberg grievance, which found that Mr Lindeberg's allegations of false and misleading evidence were without substance.

The Committee received little evidence in relation to the second part of the terms of reference. Nevertheless, some important issues arising from the evidence given in respect of the Lindeberg grievance have been identified and discussed in Chapter 4.

Limitation of time meant that the Committee unfortunately could not obtain an unedited copy of Document 13 nor were some prospective witnesses willing to come forward. Most of those persons are, or were at the relevant time, officers of the Queensland Government, and the Committee was reluctant to test the constitutional powers of the Senate to compel them to appear.

The Senate and its committees over the past decade have devoted significant resources to inquiring into matters raised and allegations made by Mr Lindeberg. Mr Lindeberg has had ample opportunity to make his case. Three inquiries have now been conducted into Mr Lindeberg's allegations that false and misleading evidence has been given to Senate committees, but none has been able to substantiate the allegations. The Committee suggests that there would be little point in Mr Lindeberg's pursuing his grievance further in these forums in the absence of compelling, new, relevant evidence.

