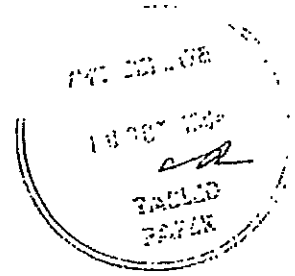


QCPCI 3 (e)

Date: 14.3.2013

Exhibit number: 343



Kevin Lindeberg
12 Winster Court
ALEXANDRA HILLS Q 4161
15 September 1994

Commissioner Jim P O'Sullivan
Queensland Police Service
Police Headquarters
100 Roma Street
BRISBANE Q 4000

Dear Commissioner

RE: POLICE FILE MS93/25262 (FRAUD SQUAD REF 94/089)

On Wednesday 14 September 1994 I was interviewed in my home by Detective Sergeants Peter Gleeson, John James and Senior Constable Darren Padget of the Fraud and Corporate Crime Squad. Our four hour interview was officially taped, and I retain copies.

I gave an undertaking to provide Detective Sergeant Gleeson with certain documents to assist the police investigation. Please find enclosed the promised following public documents which were also provided to the Australian Senate:-

- (a) A flow sheet titled "*The Shredding of the Heiner Documents;*"
- (b) My public submission dated 8 December 1993 titled "*Unprincipled Conduct In Many High Places MKII*" to the Senate Select Committee on Public Interest Whistleblowing.
- (c) My public Submission in Reply dated 4 July 1994 to the Senate Select Committee on Public Interest Whistleblowing responding to the Criminal Justice Commission's (CJC) report dated 24 June 1994 to my whistleblowing complaint.

The above file commenced on 8 September 1993 following a unanimous all-party recommendation by the Senate Select Committee on Superannuation calling on the Queensland Attorney-General to investigate "the circumstances surrounding four missing superannuation documents" relating to the Queensland Professional Officers Association Superannuation Fund (QPOASF). The Director-General of the Department of Justice and Attorney-General referred the matter to you which generated part of the current police investigation.

Evolving out of that initial investigation, an additional complaint concerning the shredding of the Heiner Inquiry Documents and Tapes was lodged with the police by me during an interview with Detectives Les Melville and Cameron Sharp on 7 April 1994 of the Oxley CIB.

On 31 August 1994 a unanimous recommendation in the Report by the all-party Senate Select Committee on Public Interest Whistleblowing called on the Goss Government to establish independent reviews of unresolved whistleblower cases. Recommendation 1.13 names my case. (Detective Sergeant Gleeson was provided with a copy of the Report).

The Goss Government has refused publicly to implement that recommendation.

In State Parliament between 1-8 September 1994 the Queensland Government was asked a series of questions relating to the shredding of these public records causing hitherto concealed facts to emerge which have a crucial pivotal bearing on this matter. They illustrate the gravity of the prima facie offence of obstructing justice associated with the treatment of those public records by the Goss Government and others, including the CJC's role in this affair.

The extraordinary ramifications of this affair were not lost on the police officers who interviewed me on Wednesday 14 September. They expressed their concern over how the matter could be treated given that the allegations of prima facie criminality impacted on the Queensland Cabinet and CJC.

This is stated without any inference being drawn by myself or to be drawn by others in anyway on the professionalism or integrity of the aforementioned police officers. I believe that their concerns were stated logically, honestly and in good faith.

Accordingly I wish to place the following twelve (12) indisputable facts before you as Police Commissioner which illustrate that the destruction of those public records was done deliberately in order to obstruct Mr Coyne's known course of justice of court proceedings in which the Crown was to be the only respondent.

1. On 8 February 1990 solicitors Rose Berry and Jensen acting for Mr Peter Coyne (public servant) officially sought access to "departmental records and files" held on him under Public Service Management and Employment (PSME) Regulation 65 commonly known as "the Heiner Inquiry Documents and Tapes." A timeframe of 7 days was given;
2. On 14 February 1990 Mr Trevor Walsh was officially informed by phone by solicitor Mr Ian Berry of Rose Berry and Jensen of his client's intention to commence court proceedings against the Crown to gain access to those public records under PSME Regulation 65. Mr Walsh undertook to inform Ms Matchett, his Departmental Director-General;
3. On 15 February 1990 Rose Berry and Jensen wrote and officially confirmed what was already told to Mr Walsh, Ms Matchett's Executive Officer. By that letter (and phone call) solicitor Mr Ian Berry gave due, proper and honourable notice of litigation to and against the Crown;
4. On 16 February 1990 the Crown Solicitor advised Cabinet on the Heiner Inquiry material. The Crown Solicitor did and could not address Mr Coyne's foreshadowed litigation and legal entitlements under due process (Note Fact 5);
5. On 19 February 1990 (confirmed publicly on 8 September 1994) Minister Warner officially received the solicitor's due and proper notification of the intention to commence court proceedings. She indisputably knew of Mr Coyne's court intentions;

6. On 19 February 1990 the Goss Cabinet, with Minister Warner present, decided to seek "urgent" approval from the State Archivist to destroy the records;
7. On 23 February 1990 the Cabinet Secretary wrote to the State Archivist informing her of the Cabinet's reason for wanting the material destroyed. That was, the material "is no longer required or pertinent to the public record." Nothing whatsoever was mentioned about Mr Coyne's known anticipated litigation in which those public records were to be the central item of evidence and what the litigation was about, or his statutory demand on the material. *Clearly the State Archivist was actively deceived. She was not told of all the known facts held by the Government at the time as was required by law in order to allow her to carry out her public duties honestly and impartially.* (Det. Sgt Gleeson has a copy of this letter);
8. On 23 February 1990 the State Archivist, in less than one working day, despite having over 100 hours of taped material and, written notes to check to assure herself that they represented no legal value to anyone, approved the shredding;
9. On 23 February 1990 I officially met with Ms Matchett and informed her that two unions would be supporting Mr Coyne's foreshadowed litigation. We discussed the litigation and its possible outcome. I was assured that the material was secure, and that she was still waiting for Crown Law advice. She knew of Mr Coyne's foreshadowed litigation at the time;
10. On 5 March 1990 the Goss Cabinet ordered the shredding to proceed. Its declared motive stated by Minister Warner in Parliament on 18 May 1993 was "*in order to reduce the risk of legal action.*" Minister Warner participated in the Cabinet debate and knew of Mr Coyne's foreshadowed litigation. (Note Fact 5);
11. On or about 8 March 1990 Minister Warner's Private Secretary Ms Norma Jones inadvertently informed me during a phone conversation that the material was shredded. I challenged her admission without success. I was then removed from the case by the union's General Secretary at the insistence of Minister Warner alleging that I threatened her career and that of her senior Departmental officers. The union General Secretary and Assistant General Secretary knew at the time about the proposed litigation, and Mr Coyne's statutory demand on the material. My handling of the case was later cited as a charge to dismiss me;
12. On 23 March 1990 the material was collected from the Office of Cabinet taken to Family Services Building and secretly shredded. Mr Walsh actively assisted in the destruction while being fully aware of the legal status of the material. His activity was confirmed in writing by the Archivist. (Note Fact 2).

The CJC's role in this matter is covered in detail in my Submission in Reply dated 4 July 1994 to the Australian Senate.

I have alleged that the CJC has:-

- (i) ignored evidence and failed to interview key witnesses;
- (ii) tampered with evidence;
- (iii) fabricated evidence;
- (iv) misquoted a statute in its findings;
- (v) provided false and misleading evidence to the Australian Senate.

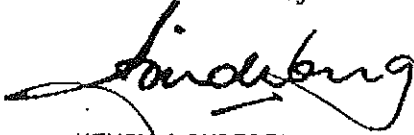
These serious allegations have been backed up by my statutory declarations tabled in the Australian Senate and Queensland Parliament.

The facts speak for themselves. The elements for foreknowledge, deception, and intent/motivation are present in those facts. The prima facie breaches of the Queensland Criminal Code and Criminal Justice Act 1989 and other Acts and Regulations associated with the shredding and its cover-up are covered in extenso in my documentation supplied, other documentation on the public record and in safe-keeping.

I place these facts before you in the public interest because of the grave predicament now facing Queensland's public administration and legal system over this affair.

I seek the Truth. I look forward to your response.

Yours sincerely



KEVIN LINDEBERG

CC Mr Rob Borbidge MLA Leader of Her Majesty's Queensland Opposition
 Mrs Joan Sheldon MLA Deputy Leader of the Coalition
 Senator Cheryl Kernot
 Senator Warwick Parer
 Senator Christabel Chamarette
 The President Whistleblowers Action Group (Qld) Inc
 Mullins & Mullins Solicitors Brisbane
 The Registrar Queensland Justices and Community Legal Officers Assn