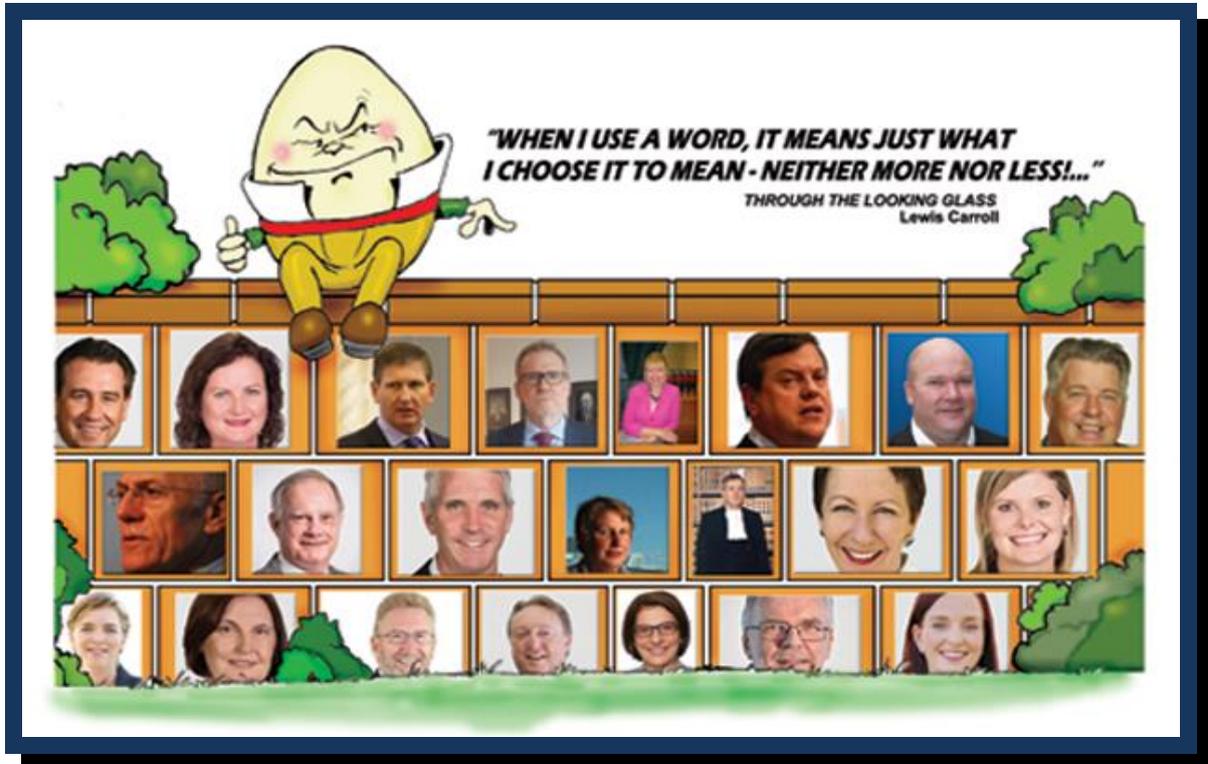


ANARCHY HAS ARRIVED WHEN COMMON ENGLISH WORDS IN LAW PERTAINING TO FALSE AND DECEPTIVE CONDUCT INVOLVING PEOPLE IN HIGH PUBLIC OFFICE CAN MEAN FROM ANYTHING TO NOTHING



18 June 2018

On 8 June 2018, in the Queensland's supreme democratic institution, the Queensland Parliament, in Committee Room 1 on Level 6 of the Parliamentary Annexe, an unedifying, but most revealing, spectacle took place in Queensland's democratic life, best summarised as being a convenient flight from the whole truth instead of a consistent fight for it.

At its core were the still-hidden goings-on over the last five years about how the Crime and Corruption Commission (CCC), Parliamentary Crime and Corruption Committee (PCCC), Office of the Parliamentary Commissioner, 2012-13 Carmody Commission of Inquiry

<http://www.childprotectioninquiry.qld.gov.au/term-of-reference-3e> and certain members of the judiciary have handled the allegations in the Heiner affair papers at particular times.

Aside from other matters, the newly-discovered real story of what actually happened during the life of the 2012-13 Carmody Inquiry (and afterwards in associated events) is yet to be publicly exposed and fully accounted for. It is a shocking story. The unprecedented scale about who did what, when and why with and to whom, who was and wasn't told and why, and the consequential alleged serious prima facie damage inflicted on the rule of law, a fair trial, separation of powers, public trust, probity, free speech, privilege etc. will not escape eventual scrutiny.

Should anyone therefore believe that this festering scandal was finally lanced and laid to rest by the 2012/13 Carmody Inquiry then they could not be more mistaken. Its tectonic plates are still moving.

Hence, for those aware of this background, the review of section 329 of the *Crime and Corruption Act 2001* by our supreme democratic institution via one of its most important committees, the PCCC, and its

associated 30-minute, intense 8 June 2018 recorded interchange between whistleblower, Kevin Lindeberg, and the (PCCC) Chair, the Hon Tim Nicholls MP, publicly confirmed their worst fears.

Things that needed to be said about the whole truth were prevented from being said (and questioned on) despite their real-life relevance to the review if best public policy was the overriding outcome. Consequently, this brought into play unavoidable issues of morality and trustworthiness regarding the conduct of Parliament itself and the watchdog role of the PCCC over the CCC.

As matters stand, with the whole truth left hidden from the public, Parliament would be knowingly enacting (or leaving unamended) legislation whose key operational words like “disgraceful”, “dishonesty”, “impartiality”, “abuse of office” and “breach of trust” (as pertaining to section 329 and by association section 15 of the *Crime and Corruption Act 2001*) to actually mean anything and nothing (as shown up in a most egregious real-life - but secret - incident). Parliament would thereby be inviting any honest, would-be whistleblower (operating on a premise of trusting the ordinary, common English meaning of those words) to risk everything and to act on what is, in reality, false and unreliable meanings with potentially disastrous career-ending, life-changing consequences as regularly befalls most whistleblowers.

Humpty-Dumpty’s infamous declaration from his high wall when talking down to Alice in Wonderland about the meaning of words and who shall decide the meaning (as set out in the beginning illustration) is now the order of the day in Queensland.

Now disclosed publicly for the first time by PCCC Chair, the Hon Tim Nicholls MP, Mr Lindeberg was labouring under the threat of **Standing Order 211** (i.e. confidentiality/potential contempt proceedings). It was imposed on him by the PCCC regarding what he could and could not say about a recent PCCC investigation conducted under section 329 whose outcome he has forthrightly rejected as deeply flawed and unsafe. The appearance therefore became a real-life tussle like of a Geoffrey Robertson QC’s *Hypothetical*.

Left to linger in the dark by this imposition, the general public cannot judge for themselves whether or not the CCC has been truly conducting itself in a proper and trustworthy manner which it imposes and expects of other public sector entities across whole of government. The public cannot also judge whether or not the PCCC is truly performing its vital role of holding the CCC to account fully on behalf of the Parliament, and, in turn ultimately, on behalf of the Queensland people.

This was therefore about ground zero activity at the heart of our democracy concerning central issues of honesty, trust and accountability. A very great deal was clearly at stake which certain parties always knew while others were left either perplexed or frustrated about by not being able to hear the whole truth. What was being concealed and why?



Parliament House, George Street, Brisbane

A counter proposition in this review might well exist as Mr Lindeberg tried to warn about.

As the law currently stands, with its words, purpose and definitions, it was and is perfectly fine and sufficient to cover all relevant contingencies of conduct in public office. The real failure lies - or may lie - in the inconsistency of those who are authorised and trusted to always apply the law honestly and impartially, especially in the most difficult of circumstances.

This is about a paramount duty of trust. It's why openness and transparency is the indispensable life blood to the living heart of holding governments to account fully, including bodies like the CCC and PCCC, and to justice itself. Trustworthiness underpins everything. It underpins the solemn duties of probity in public office, accountability and justice to ensure that these vital things are not just done, but are seen to be done fairly, impartially and honestly. The self-evident concern in this case - which embodies all the great democratic/rule of law precepts - is that the right of citizens to know and have confidence in what their democratic institutions, especially Parliament, has been or not been doing under their very noses is being blocked by the application of Standing Order 211.

Secrecy, if and when abused by elected/appointed public office holders about their conduct in public office, is the enemy of democratic societies. It destroys trust and can foster corruption. The unhappy propensity of cover-up in Queensland's public affairs brings into perpetual play the famous watchword: *Who shall guard the guards guarding us?*

In this regard, readers should listen very carefully to Mr Lindeberg's oral evidence (perhaps even twice over) against what is set out in his public submission, and earlier postings on this webpage. They all mesh together like an interlocking steel net.

http://www.heineraffair.info/PDF_Store/CCC-2016_Engame_Posting_and_attachment_14%20Dec_2016.pdf

http://www.heineraffair.info/PDF_Store/30oct2017-WHEN_TRUST_DESERTS_QUEENSLAND.pdf

No other PCCC member asked Mr Lindeberg any questions about whistleblowers' concerns regarding the manner in which section 329 was being applied despite the fact that they are the key risk-takers in the efficacy and integrity of this particular provision and the *Crime and Corruption Act 2001* overall.

Readers are urged to carefully read these following submissions **before** they watch the video. They should think carefully about the alleged parlous state of Queensland's governance outlined in them and why an independent parliamentary tribunal of three **interstate** senior judges, with counsel assisting and staff established pursuant to section 61 of the *Constitution of Queensland 2001*, is the only legal option open to restore trust, public confidence and accountability again to the governance of Queensland by fully resolving this sordid matter once and for all.

Mr Lindeberg's submission is:

<https://www.parliament.qld.gov.au/documents/committees/PCCC/2017/Review%20of%20Section%20329/submissions/001.pdf>

Whistleblowers Action Group Queensland's submission is:

<https://www.parliament.qld.gov.au/documents/committees/PCCC/2017/Review%20of%20Section%20329/submissions/003.pdf>

The archived video of the PCCC 8 June 2018 meeting is at the following URL. While it will take more time, the **entire** video is worth watching to note the marked change when Mr Lindeberg publicly appeared around **1 hour 53 seconds** against the detailed questioning of earlier participants by PCCC members. Go to: <http://tv.parliament.qld.gov.au/Committees?reference=C4653#parentVerticalTab8>