

THE TEN DEMOCRACY PILLARS of THE HEINER AFFAIR



Whistleblower Kevin Lindeberg

When the [Queensland Cabinet on 5 March 1990 ordered the destruction of evidence](#) known to be required in foreshadowed judicial proceedings, it set in train a series of interconnecting events few could ever have imagined what its dire consequences would reveal about the true state of unicameral Queensland's governance and its commitment to rule-of-law civil society expectations.

This exposure commenced when I blew the whistle on this extraordinary order to the Criminal Justice Commission ("CJC") in 1990. I alleged that section 129 of the *Criminal Code 1899 (Qld) - destroying evidence* - had been breached. As a consequence, political/governance/rule-of-law tectonic plates underpinning civil society in Queensland ruptured to their very foundations.

This rupture set the scene for a titanic struggle over fundamental democratic values. It always had the makings of a massive political/governance earthquake. Amongst other principles at issue, the cardinal rule-of-law principle of no one, including members of Cabinet, being above the law was at the vanguard.

The first exchange in the struggle was [the 20 January 1993 CJC clearance advice](#). The CJC claimed that the Cabinet's order to shred "*the Heiner Inquiry documents and tapes*" was perfectly lawful in a circumstance when the known foreshadowed/anticipated judicial proceeding had not yet commenced. That is, even when identified evidence known to be required for court and instructed by lawyers not to destroy was deliberately destroyed beforehand, it did not infringe section 129. This extraordinary interpretation flew in the face its unambiguous clear wording and purpose, let alone the deductive, logical conclusion that it would lead to "*a world without evidence*" and cripple the administration of justice. I refused to accept this insane clearance as "*valid*". I saw it as a deliberate convenient contrivance.

For now close on 4 decades, I persisted to dissent in "*post-Fitzgerald Queensland*" of no avail. As bad as the situation was back in 1990, it is now far worse in its extraordinary reach and surfeit of new players in 2026. The fact is that a proper comprehensive investigation into this cover-up is yet to occur and leaves this unprecedented systemic monstrosity of staggering magnitude and impact still untouched by law while being concealed from the Queensland people and our nation.

The monstrosity's reach now compromises the integrity of Queensland's three branches of government to the point of "*system implosion*". It has been sustained, compounded and expanded by "*an elite untouchable club of elected and appointed public officials acting in continuum*". This struggle for justice has taken place against a legal/ethical background of all players (in some instances, in prima facie glaring contempt of the doctrine of the separation of powers) being bound by their individual oaths of office to obey and uphold the law without fear or favour and, for those of the legal profession, to conduct themselves honestly and impartially by the highest "*fit and proper*" ethical standards of integrity in public office being "*sworn officers of the court*" under the *Legal Profession Act 2007*.

Denied of action and repair, principles of equal justice and working in the public interest according to law have fallen slave to corrupt personal and political self-interest as this matter, at various times and different places in its long history, has worked its way through "*the system*" seeking justice.

Consequently, in "*Queensland's post-Fitzgerald era*", its people are now subject to "*a two-tiered system of justice*". It corruptly benefits "*the governors*" over "*the governed*". In the case of "*the governors*", ministers of the Crown had section 129 applied incorrectly from 1990, while in the case of "*the governed*", a pastor of religion had it applied correctly in 2004 for similar shredding-of-evidence conduct. This repugnant double standard occurred in the face of the pastor's lawyers pointing out this glaring inconsistency to the DPP before trial to no avail. The pastor therefore had the full force of the law applied in less clear factual incriminating circumstances, while the ministers of the Crown escaped justice in far clearer factual incriminating circumstances. Other examples in this affair show the law being knowingly "*weaponised*".

Notwithstanding [a raft of highly eminent retired senior judges](#) and other eminent senior counsel had earlier condemned the CJC's deeply flawed 1993 clearance while "*the system*" expended millions of taxpayers' dollars defending and promoting it as "*a clean bill of health*", its author (having been appointed to judicial office in 1994 by the very same government cleared of wrongdoing), after retirement from the bench in 2021, has now publicly admitted his advice to the CJC was "*wrong*" in a 2021 podcast. In the same podcast, he admitted that he should have declined the August 1992 CJC commission on the grounds of apprehended bias due to his ALP membership and close relationship with the ALP Goss Government. The CJC always knew about this important disqualifying state of affairs when selecting him to be its impartial contracted decision-maker but kept this vital information from me at the time and later ridiculed me when I dared challenged its appropriateness on becoming aware.

While "*the system*" bowed to this profoundly flawed clearance for years, I never did and paid the price of public ridicule by the CJC and others, along with justice delayed. The fact is I was right. (See [R v Ensbey](#)).

If this perilous state of affairs is allowed to remain unchanged (in the face of the Queensland Government and law-enforcement entities having been made aware of the breaches and remaining inactive), what we once thought true and reliable in sustaining our civil society under the rule of law, now sees it being replaced by grotesque double standards, wilful blindness that undermine trust and public confidence in the integrity of our key institutions, namely parliament, executive and judiciary. This must be not allowed to endure if our nation's democratic values truly matter, otherwise chaos awaits us all.

The integrity of all the following 10 pillars of democracy, so essential to the wellbeing of our civil society, has been vilely stricken down in this sordid unresolved scandal. These pillars have fallen under sustained scandalous assault by certain parties "*within the system*" for nearly four decades with those responsible or implicated escaping justice by the law being reduced to a mockery in the hope that no one will notice.

This unfettered hubris and complementary attitude of untouchability and entitlement has brought Queensland's governance to the shameful, fateful and inevitable point of "*system implosion*". It has been driven by an authoritarian belief that with the levers of power in their hands, they alone control Truth. They don't and never will. If civil society matters, this septic boil must be lanced by enacting section 61 of the *Constitution of Queensland 2001*. I appeal to let justice be done.

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1. The right to enjoy and expect that known and foreseeable evidence required in pending, impending and realistically possible future judicial proceedings shall be protected from being destroyed until no longer required; ([R v Ensbey](#); [R v Fingleton](#); [R v Rogerson](#); [R v Selvaq & Anor](#); [R v Vreones](#); [R v Murphy](#))
2. The right to enjoy and expect that the law shall be applied equally, impartially, consistently and fairly in material similar circumstances when breached, and that governments, including the Crown, shall obey and enforce the law and not be treated as being above it; ([A v Hayden](#); [Nicholas v The Queen](#); [FAI v Winneke](#))
3. The right to expect and enjoy a fair trial without interference, especially by any government in contravention of its solemn duty to act as "[the model litigant](#)"; ([R v Rogerson](#))
4. The implied constitutional right of the people in a system of representative and responsible government to enjoy and expect free speech/expression concerning political and government affairs; ([Lange v Australian Broadcasting Corporation](#); [Australian Capital Television Pty Ltd v Commonwealth](#))
5. The right to enjoy and expect that vetting protocols conducted by the Attorney-General of nominees prior to being sworn into judicial office shall be comprehensive, and extend to satisfying "[fit and proper](#)" standards of conduct regarding ethics, honesty and personal characteristics not just legal qualifications and experience;
6. The right to enjoy and expect that the doctrine of the separation of powers shall be always meticulously respected by each of the three branches of government (i.e. parliament, executive and judiciary) by not encroaching on the other's constitutional functionality. That is, the integrity and independence of the judiciary being assured and secured by a complete absence of any perception whatsoever that any judge might be beholden or subservient to influence or favour by either parliament or executive when performing his/her judicial duties. (the [Kable Doctrine](#); [Fardon v Attorney-General](#); [Gypsy Jokers Motorcycle Club Inc v Commission of Police](#))
7. The right to enjoy and expect that the impartial administration of justice shall be conducted by authorised decision-makers (most especially lawyers as "[sworn officers of the court](#)") free from real or apprehended bias and who will declare conflicts of interest on becoming aware thereof and be settled before proceeding (e.g. recusal), and also be free from evidence tampering and witness intimidation or reprisal; ([Webb v The Queen](#); [Ebner v Official Trustee in Bankruptcy](#); [Charistead v Charisteads](#); [R v Australian Broadcasting Tribunal](#); [Ex parte:Hardiman](#))
8. The right when in the care and protection of the State/Crown to enjoy and expect the owed fiduciary duty of care from harm or injury shall be honoured in full. In particular, incarcerated indigenous children in juvenile detention centres shall not be recklessly and negligently detained in a cell with known hanging points being left in place and open to be used; ([The Bobby Lee Yarrie case](#))
9. The right of whistleblowers to enjoy and expect that signed legal undertakings entered into with the Crime and Corruption Commission ("CCC") will be binding and honoured in full. That is, what is promised in writing to be done, the CCC shall do fully and not later materially breach in secret by doing the very opposite to what it originally promised; ([Legal Profession Complaints Committee v Detata](#))
10. The right of citizens (including whistleblowers) to enjoy and expect that correspondence sent to and received by Queensland's public sector will be read and considered administratively by an appropriate official in all circumstances. That is, managing received correspondence shall be in compliance with the relevant strict democratic, responsible government public policy that prohibits it being instantly and summarily filed unread and unconsidered by the recipient to prevent acts of impermissible anti-democratic backdoor censorship, wilful blindness and potential obstruction of justice from taking hold. ([Lange v Australian Broadcasting Corporation](#); [Australian Capital Television Pty Ltd V Commonwealth](#))