

WHISTLEBLOWERS AUSTRALIA

PRESS RELEASE

USING RED HERRINGS TO SEPARATE RUDD FROM SHREDDERGATE

‘The Australian’ newspaper needs to report what is the law regarding the destruction of evidence, Whistleblowers Australia claimed today.

That is the issue at the heart of the Heiner Affair (or Shreddergate as it is also termed)

Is it lawful or is it unlawful to destroy or dispose of documents relevant to foreshadowed court proceedings? Surely Editor Mitchell and his award winning journalist Hedley Thomas can report on that simple question when they write about Shreddergate.

That is the issue that the five eminent jurists have addressed in their recent letter. Their words follow the advice on law received from Chief Justice Sir Harry Gibbs, Judge Thomas, Callinan QC, Greenwood QC, Morris QC, the Director of Public Prosecutions in Queensland in arguing the Ensbey case, the Court of Appeal in Queensland, and a former Commissioner of the Qld Police Force.

That is the issue addressed by the International community of archivists in their world wide publication, ‘Archives and the Public Good’.

That is the issue addressed by the Institute of Management Consultants in their public support for the letter from the eminent jurists

Universally, the authorities in the law and the administration of public records are declaring that it is illegal to destroy or dispose of documents sought for foreshadowed legal action, and that such illegal activity is contrary to the public good. Management expertise, too, is warning of the need for values in the exercise of executive responsibilities if tragedies like the Heiner Affair are not to be repeated.

This is the issue. Is it lawful or unlawful?

Nothing in The Australian articles attacking whistleblower Kevin Lindeberg addresses this central issue.

If it is lawful to destroy such documents, Shreddergate will disappear in a moment.

Instead of this simple approach to ending the Heiner controversy, Mitchell and Thomas have embarked from ‘a grassy knoll’ with an apparent obsession for chasing red herrings about the Heiner affair.

The expertise in red herring journalism displayed by Hedley Thomas in the recent weekend edition will not distract the great communities of professional people, already concerned about the shredding of the Heiner documents, from staying with the issue.

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It is only the cultures of Queensland's Crime and Misconduct Commission and of the Courier Mail which appear unable to address the issue. With the move by Mitchell and Thomas to The Australian, there appears to have been a spillage of cultures into the national News Corporation vehicle.

Whistleblowers know that Hedley Thomas had a view about the central issue just two years ago – he was asked about it when the Qld Police Commissioner wrote that the issue may need reconsideration, given the Court of Appeal decision in the Ensbey case.

Hedley Thomas suffixed his view to Whistleblowers Australia with the assertion that his comments were 'off the record'. Given Hedley's apparent obsession with red herrings about the Heiner Affair, Whistleblowers Australia challenge him to go 'on the record' about whether or not it is legal to destroy documents relevant to foreshadowed litigation.

At the Post Fitzgerald Inquiry Conference held at Noosa in 2005, the successor to Mitchell as Editor of the Courier Mail was asked why the Courier Mail and the CMC were the 'last men standing' in opposition to a proper inquiry into Shreddergate. The answer given was that the Courier Mail's award winning journalist had looked into the Heiner Affair, and had told the Editor that there was nothing in it.

This is just another reason to now call on Award Winning journalist Hedley Thomas to give his view, not on the red herrings about Heiner – the 'red hedleys' in his recent article - but on the issue addressed by the community of eminent jurists, archivists, journalists & managers. Is it or is it not legal to destroy documents wanted for foreshadowed litigation?

Mitchell, too, needs to step forward off the 'grassy knoll' from which the attack against whistleblower Kevin Lindeberg has been taken.

Mitchell knows that it was Fitzgerald Inquiry hero Inspector Col Dillon who first came to brief Mitchell about the Heiner Affair when Mitchell became Editor of the Courier Mail. Kevin Lindeberg did not see Mitchell until after the approach by Inspector Dillon.

Mitchell should know that fellow Courier Mail journalist Sweetman first raised the conspiracy criticism against people seeking an inquiry into the Heiner Affair – but Sweetman turned that first attack onto University of Queensland Adjunct Professor in Journalism, Bruce Grundy, not onto Kevin Lindeberg. It was former Queensland Police Commissioner Newhman and Grundy who exposed the separate though related issue of the child abuse and the rape.

Mitchell should know that it was State of Origin Rugby League referee Barry 'the Grasshopper' Gomersall who made the electronic petition to the Queensland Parliament seeking a special prosecutor to be appointed on the Heiner Affair.

The only two out of step are the Courier Mail and the Crime and Misconduct Commission, the 'CMCMC', as they have been termed. Who then has the obsession?