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Frank Thomas Heffernan

In March, 1974, Heffernan was assistant to the General Manager and Chief of Operations [GMCO] of SEQ of Queensland Rail [QR], based in the General Manager's Office on the platform of Roma Street Station in Brisbane. The then GMCO was CJ (Joe) Kelso. He was a member of the Ipswich Branch of the ALP. Heffernan retired from QR in August, 1990.

We, at AuLP, are concurrently [21 May, 2007] publishing six journals which are relevant to this matter. They need to be all read together to obtain the full story, in case a court of law proposes to make an ex-parte order. Any counsel appearing at such an ex-parte hearing, will be breaching his Primary Duty to the Court, if he does not advise the court accordingly. Any judge who then fails to take note of all six, would be foolish in the extreme. We could expect judges to "stick together" especially ones appointed by labor governments, as most of the Supreme Court of Queensland is now composed of such.

Our latest Law Journal, very topical in Australia in the lead up to the 2007 Federal Election, is the [Australian Industrial Relations Law Journal ISSN 1834-8378 \[AIRLJ\] Issue #200701](#) which is archived at [[http://austlawpublish.com/20070521 Australian Industrial Relations Law Journal issue200701.pdf](http://austlawpublish.com/20070521_Australian_Industrial_Relations_Law_Journal_issue200701.pdf)]. Although the [Australian Judiciary Law Journal ISSN 1321-4497 Issue #200701](#) [[http://austlawpublish.com/20070521 Australian Judiciary Law Journal issue200701.pdf](http://austlawpublish.com/20070521_Australian_Judiciary_Law_Journal_issue200701.pdf)], is included as part of the [Australian Criminal Law Journal ISSN 1321-6562 Issue200705](#) [archived at [http://austlawpublish.com/20070521 Australian Criminal Law Journal issue200705.pdf](http://austlawpublish.com/20070521_Australian_Criminal_Law_Journal_issue200705.pdf)], we also reference its separate publication as

http://austlawpublish.com/20070521_Australian_Judiciary_Law_Journal_issue200701.pdf, and the **Dossiers of: three people involved are Dossier of: Walter Norman Reiman archived at <http://austlawpublish.com/20070521dossierof.walter.reiman.pdf> , Dossier of: Jeffery Ernest John Spender archived at <http://austlawpublish.com/20070521dossierof.jeffery.spender.pdf> and Dossier of: Frank Thomas Heffernan archived at <http://austlawpublish.com/20070521dossierof.frank.heffernan.pdf> and for background HaigReport [ISSN 1834-6294 #200701 26 March, 2007, also archived online at <http://austlawpublish.com/20070314%20HaigReport%20journal%20issue200701.pdf> /.**

The Public Document called the Electoral Roll gives Heffernan's electoral address as 2 Rawle Crt, Broadbeach Waters, Q4218. The Electoral Roll also discloses that one Judith Ann Heffernan, also has 2 Rawle Crt, Broadbeach Waters, Q4218. as her electoral address.

Another public document, called Telstra's White Pages discloses that Frank Thomas & Judith Ann Heffernan, 2 Rawle Crt, Broadbeach Waters, Q4218, has the telephone number of +61 7 5572 6335.

For some unknown reason, possibly because Haig was disabled, possibly because Haig had received a transfer to Brisbane with QR on medical grounds, possibly because Haig had been a patient for three months in the Neuro-Psychiatric Unit [NPU] of Chermside Hospital [and this was known to QR as Haig's employer, as Haig had to be given unpaid sick leave unpaid, to be a patient there], or possibly because Haig looked like a freak and ugly with a deformed shaped head/skull, Heffernan had decided to target and bully Haig so to make Haig's life a misery.

Because all this history was known to Heffernan, Heffernan and QR owed Haig a fiduciary duty, which basically means, to look out for Haig and look after Haig as though he was their own self.

Black's Law Dictionary describes a fiduciary relationship as "one founded on trust or confidence reposed by one person in the integrity and fidelity of another." **A fiduciary has a duty to act primarily for the client's benefit** in matters connected with the undertaking and not for the fiduciary's own personal interest. *Scrupulous good faith and candor are always required. Fiduciaries must always act in complete fairness and may not ever exert any influence or pressure, take selfish advantage, or deal with the client in such a way that it benefits themselves or prejudices the client. Business shrewdness, hard bargaining, and taking advantage of the forgetfulness or negligence of the client are totally prohibited by a fiduciary.*

A fiduciary Duty is far more onerous for the Fiduciary [the one having the Fiduciary Duty], than is the Duty of Care, which can itself be quite onerous.

Wikipedia, the FREE encyclopedia defines [and we approve of this definition] fiduciary thus:

*A **fiduciary** duty is the highest standard of care imposed at either equity or law. A fiduciary is expected to be extremely loyal to the person to whom they owe the duty (the "principal"): they must not put their personal interests before the duty, and must not profit from their position as a fiduciary, unless the principal consents. The fiduciary relationship is*

highlighted by good faith, loyalty and trust, and the word itself originally comes from the Latin fides, meaning faith, and fiducia.

When a fiduciary duty is imposed, equity requires a stricter standard of behaviour than the comparable tortious duty of care at common law. It is said the fiduciary has a duty not to be in a situation where personal interests and fiduciary duty conflict, a duty not to be in a situation where their fiduciary duty conflicts with another fiduciary duty, and a duty not to profit from their fiduciary position without express knowledge and consent. A fiduciary cannot have a conflict of interest. It has been said that fiduciaries must conduct themselves "at a level higher than that trodden by the crowd."^[1]

Relevantly, solicitors and barristers owe fiduciary duties to their clients. This is where Conflicts of Duty [to one client] and Duty [to another client] and where Conflicts of Interest [of the fiduciary] and Duty [to any client] can arise. These conflicts are prohibited by Common Law and Statute.

Soon after Haig arrived in Brisbane, at Roma Street Station, on one day, circa 1972, when Haig arrived back to the Leave Room where Haig worked, from his lunch break for which 45 minutes was allowed, just four minutes late, Heffernan was waiting for Haig, and suspended Haig from work, for the afternoon, as punishment and as a warning. Heffernan had seen Haig in a queue in the butcher's shop [now demolished] in George Street Brisbane just down from Roma Street Station. Haig had not been back late previously, and so had never been given any warnings. Other staff were regularly back late from lunch but were never even reprimanded.

Because QR, Heffernan, Reiman, Mellifont and Spender owed Haig a FD, they should be able to show, even now, the positive actions they took to ensure they extended that duty to Haig, because Haig can show even now, proof that he was owed that duty. Limitation of Actions legislation will not apply, as this was CRIMINAL. The Statute of Limitations does not apply to Criminal matters. Where the criminality started and ended, is immaterial provided criminality is shown. Additionally, the Law of Equity is central, EVEN NOW, [mentioned in case a judge has to consider this matter, ex-parte]. Additionally, a labor appointed judge should consider how any injunctions will be viewed, as publicity in this matter will be harmful to Rudd in the run up to the 2007 Federal Election, if he is asked for an interim injunction ex-parte.

In March of 1974, Wally Reiman and Haig were both working [for Reiman it was bludging and he had been bludging for years], in the Claims' Office of the QR in Roma Street. Reiman had been able to ensure that he had little work to do by having the people who would attach documents to files for his attention, not attach very many. As a result there was great volume of documents to attach; a massive backlog. Our Haig, was given the job of attaching the documents to files for Reiman, including the massive backlog.

QR established the practice that at 4:30pm each day, all staff, would stop works and prepare to go home, and many would read the afternoon Telegraph. QR was happy for the lad selling the afternoon newspaper, the Telegraph, to go through all the QR offices at Roma Street Offices, and selling papers to all who wanted them. That was the practice approved of by all QR senior personnel. What Heffernan and Reiman did was to propose to "prove" to the Railway Appeals Tribunal [RAT], that that [reading the paper] was what Haig was doing all day and that he had done no work and that was the reason there was such a backlog. It was important that the nature of the backlog [mostly predating Haig's time on that job],

was concealed, **so Heffernan had the evidence destroyed**, and Reiman was given assistance to process all the backlog. By the time Heffernan sacked Haig, Haig had systematically processed all the backlog. Haig had been attaching documents to files for Reiman so Reiman would not be without work, for which Haig could be blamed. The whole system was in a mess as it had not been done properly for well over a year. Reference numbers were given to files and a short note of the matter was noted on cards in a small filing cabinet. Most of the documents in the backlog did not have file references mentioned on them. Haig had to sort through the cards to try to find references. Since Haig had to sort them quite often, [to insert newly processed documents into the ordered pile, Haig wrote the file the file number across the top of the

document. Rather than have to search through the document to find the file number if it was mentioned, Haig made a point of re-writing a file reference, already mentioned on the document, at the top so to speed the sorting. This fact, of Haig's re-writing the file number to the top of the document, was mentioned in the RAT by the QR bullies, as "evidence" that Haig was incompetent and wasting time.

Haig did not know until he arrived in the RAT, [and well into the hearing], that QR was relying on the number of documents in the backlog as "proof" that Haig had done nothing but read the newspaper all day. This information of the number of unattached documents should have been advised to Haig by Mellifont and Mellifont should have received Haig's advice on that. Since Spender did not have this information, [because Mellifont had not done his job], Spender should have obtained Haig's instructions regarding this "evidence". Mellifont did not and Spender did not. Queensland Law Society Inc.[QLS] should have taken notice of this when Haig complained to QLS about Mellifont and Spender, but QLS was centrally involved in this fraud as they referred Haig to Mellifont.

Haig was about to start attaching the sorted documents to files, when Heffernan sacked him. There was a limit to how many Haig could attach, as, when attached, they would have taken up many times the amount of space there was available on Reiman's desk. He had placed the file reference on all documents. Where the reference was already on the document, Haig transferred it to the top of the page in the same place on each page to speed his sorting of the documents. Haig had been thus systematically sorting and attaching documents to ensure Reiman had work always available. Provided Reiman had work to go on with, Haig could not attach any more. He continued working on the backlog and sorting them all into file number order, in preparation for attaching them to the files. That Haig had been doing a very good job was obvious from the documents on his desk. It showed the bulk of the documents were from before he started on the job, and that he had processed so much of the backlog. What was important, was that the number of documents for Haig yet to attach, was far greater than the total number of new documents arriving on his desk, in the three weeks that he had been doing this job. This was obvious to the RAT and Spender.

Read all about how the gutless bullies Heffernan and Reiman bullied the disabled guy Haig, so that Haig would not attach all the documents. Haig had found

all the reference file numbers, organised and put all in order to attach, ready to attach. Reiman was petrified that he would be shown to have bludged and have all this extra work to do. His bullying involved his lying and then purjuring under oath, to have Haig sacked, so as to defraud Haig of about four months' salary. He made out all the backlog was due to Haig, who had been on that job for three weeks, but all the documents were all dated up to more than 12 months previous.

Read all about it in the current issues [both published 21 May, 2007] of our [Australian Criminal Law Journal](http://austlawpublish.com/austlawpublishACLJ.html) [ACLJ] <http://austlawpublish.com/austlawpublishACLJ.html> and [Australian Judiciary Law Journal](http://austlawpublish.com/austlawpublishAJLJ.html) [AJLJ] <http://austlawpublish.com/austlawpublishAJLJ.html> /. If Wally Reiman wants to sue us, our Editor or Haig, that will be his decision. We, including Haig, are all legally trained and experienced. In any court case the whole matter of how Haig was bullied will be rehashed. Much will come out of that. QR owed Haig a Fiduciary Duty. [Trained in Law, we know the particulars of such.] QR [and that is the Queensland Government] breached its Fiduciary Duty to Haig. Reiman and Haig, were both members of the Railway Salaried Officers Union [RSOU]. RSOU decided to back the lying and bullying Reiman. The QR was a partisan labor/union stronghold, and was also happy to breach its fiduciary duty. It destroyed evidence. As well, the conduct of the present Justice of the Federal Court of Australia, Jeffery Ernest John Spender, who was then a barrister, and labor lawyer, and then hero of, and leading light of, the labor/union movement, will be subject to great scrutiny. We are certain there will be great interest in seeing how Spender emerges from this scrutiny.

You will note in the currently published ACLJ, that we are using that journal as a vehicle to make a complaint to the Chief Justice of the Supreme Court of Queensland [SCQ], of a Breach of Professional Standards, being a Conflict of Interest and Duty, by Spender, then a barrister admitted to practice by SCQ. Any legal case may (?) cause great nervousness in Spender, SCQ, QR, the Queensland Government and many others. Bring it on.

What is most important, is that this is NOT a dead issue. Although it happened 33 years ago, it was not a Judicial Decision. It was an administrative decision, which involved FRAUD resulting from CRIMINAL CONDUCT BY HEFFERNAN, REIMAN, and possibly also, the now Justice Spender. Heffernan and Reiman definitely engaged in Criminal behaviour