



19 June 2017

Acting Research Director Legal Affairs and Community Safety Committee  
Parliament House  
George St  
Brisbane  
Q. 4000

Dear Sir/Madam,

In reply to your generic letter dated 11 May, 2017, I would like to commend Mr Katter for introducing the HONOURABLE ANGELO VASTA (REVERSAL OF REMOVAL) BILL 2017.

It is far past time that this matter should be revisited. As Independent Speaker of the Parliament at the time, I was saddened and reviled with the actions of the Government in accelerating this matter through the Parliament without giving members due time to consider Judge Vasta's address to the Parliament.

The Commission of Enquiry that brought the charges against Judge Vasta was composed of eminent retired Judges and it was surprising to read their Report. The five matters on which the Government relied to bring Judge Vasta before the House on and upon which they relied to dismiss him had very little weight.

To understand the events surrounding the historic event in the life of the Queensland Parliament, one has to have some understanding of the political climate in Queensland at that time. The media had for some time been carrying out a vendetta against the Government and were delighted that they were able to convince a majority of National Party members to move against the Premier, Sir Joh Bjelke Petersen. They had Mike Ahern installed in his stead and Ahern became their puppet.

Mr Angelo Vasta had been promoted to the Supreme Court from being Chief Crown Prosecutor. This move by the Bjelke Petersen Government was derided by many of the existing Judiciary and by the Opposition. In his job as a judge Vasta proved all his detractors wrong and had a very successful and busy career as a judge. As Judge Vasta's speech indicates he presided over approximately 150 criminal trials out of which there were only seven successful appeals. His record can be compared very favourably with those of his fellow judges.

However it was not as a Judge that he was pushed into the situation in which he found himself on 7 June 1989. In reading the commissioner's report one is left wondering (in 2017) what all the fuss was about. That a learned Judge could have his word doubted in favour of a couple of gutter journalists is downright amazing. The journal for which they wrote was closed down because of its unreliability.

To adopt the words at page 11 of the commissioners' report (1.5.13)—

*"The power given to the legislature should never be exercised in order to remove a Judge because of political, religious or racial antagonism or because he is unpopular or because the media generally or some pressure group have launched attacks upon him. The only ground for the exercise of the power is that the legislature has formed a collective opinion that the Judge is not fit to remain in office."*

Using the very yardstick that the Commission quoted, the Parliament should not have moved for Mr Vasta's removal. The Parliament did not have to agree to any or all of the recommendations of the Commission of Inquiry. It goes without saying that the responsibility lies in the hands of the elected representatives not in the hands of an unelected body. I know that many M'sP were very concerned with having to make such a momentous decision without due consideration. In reading Hansard's account of the debate it is telling that some M'sP who had previously been lawyers seemed to indicate that those without formal legal training should have no part in this decision. That flies in the face of the very basis of democracy. Elected Members of Parliament have a very real duty to carefully consider all matters put before them and often those preparing and presenting Reports cannot see the wood for the trees. It is the responsibility of the MP to carefully consider all aspects of an issue and not be swayed by any bias. It is noted that the Commissioners did not raise any question of dishonesty on behalf of Mr Vasta.

It was one of the mantra's of the Ahern Government that they would, in the words of the Premier, 'introduce all the recommendations of the Report, lock, stock and barrel'. Herein lies the challenge for the Parliament of 2017. To agree to Mr Katter's Bill, you will be equally historic as was the event of 1989. You must consider this Bill and its ramifications very carefully.

That a mistake was made on 7 & 8 June 1989, is certain in my view. A dispassionate review of all the evidence presented to the Parliament would prove that a gross injustice was summarily delivered to Mr Vasta. That a man as successful as Mr Vasta could be brought down for the very minor indiscretions of which he was charged but that he refuted, is a pinnacle of injustice. None of the five counts relied upon by the Government for his dismissal called into question his impartiality as a Judge. That surely should have been the measure on which he was judged.

The accusations were certainly politically charged and from my perspective I was convinced that Mr Vasta was not guilty of any misdemeanor that called his impartiality as Judge into question. That Judge Vasta did not enter the judiciary by the usual means is hardly a sacking offence when his behaviour as a Judge is examined and found exemplary.

I would agree with the statement by Mr Campbell (ALP Bundaberg) who said, "I feel that many aspects of the report are inadequate and inappropriate because they protect the system and make a victim of Mr Justice Vasta." Although the Fitzgerald Inquiry is regarded in some circles in Queensland and sacred, I believe that that Inquiry should have handled the matters pertaining to Mr Vasta differently. Had they done so much of what culminated on June 7 & 8 1989, may have had a different outcome.

It would serve Justice well if the current Queensland Parliament could see its way clear to overturn the decision made on 7 & 8 June 1989. That decision was made in a political climate charged with rancor and in an atmosphere where the Government of the day was scrambling for some

credibility. By bringing Judge Vasta before the bar of the Parliament the Government was bowing to pressure being brought to bear on it by outside forces. From my extensive study of Judge Vasta's decisions and his behaviour in the community, I could see no valid reason for his dismissal. Certainly, some of Judge Vasta's actions could have been seen by the Premier of the day and some of his supporters as not being supportive of his, the Premier's, decisions but then that surely is what a democracy is all about. I can imagine what would happen today if a Government took the same action against a sitting Judge.

Please take your time in considering this very important matter. If you decided to support Mr Katter's Bill you will be sending a very clear message to future Governments. They may be less anxious to set up a 'kangaroo court' in the Parliament. I firmly believe that the Ahern Government abused their position by bringing Mr Justice Vasta before the Parliament and further abused their power by pushing through the resolution to sack him in the one sitting day.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "L W Powell".

(Hon L W Powell)