# *LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE*

**Members present:**

Mr DA Pegg MP (Chair)
Ms N Boyd MP
Mr DJ Brown MP
Mr MJ Crandon MP
Mr JM Krause MP
Mrs JA Stuckey MP

**Staff present:**

Ms E Booth (Acting Committee Secretary)
Ms K Longworth (Assistant Committee Secretary)
Ms M Westcott (Assistant Committee Secretary)

## PUBLIC HEARING—HONOURABLE ANGELO VASTA (REVERSAL OF REMOVAL) BILL 2017

### TRANSCRIPT OF PROCEEDINGS

**WEDNESDAY, 9 AUGUST 2017**

**Brisbane**

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**Committee met at 9.01 am**

**CHAIR:** Good morning. I declare open this public hearing for the committee's inquiry into the Honourable Angelo Vasta (Reversal of Removal) Bill 2017. I am Duncan Pegg, member for Stretton and chair of the committee. With me here today are: Michael Crandon MP, member for Coomera and the deputy chair; Nikki Boyd MP, member for Pine Rivers; Don Brown MP, member for Capalaba; Jon Krause MP, member for Beaudesert; and Jann Stuckey MP, member for Currumbin.

On 2 March 2017, Mr Robbie Katter MP, member for Mount Isa, introduced the Bill to the parliament as a private member's Bill. The parliament referred the Bill to the Legal Affairs and Community Safety Committee for examination, with a reporting date of 4 September 2017. The purpose of the Bill, as set out in the explanatory notes, is to set aside or revoke the decision of the Queensland parliament made on 8 June 1989 which was subsequently accepted by the Governor of Queensland to remove Justice Angelo Vasta as a judge of the Supreme Court of Queensland.

The purpose of today's hearing is to hear evidence from stakeholders concerning the Bill. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. These proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders. In this regard, I remind members of the public that, under the standing orders, the public may be admitted to or excluded from the hearing at the discretion of the committee.

The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present, and in fact are present, and will be subject to the chair's direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings. I ask everyone present to turn mobile phones off or to silent mode.

## VASTA, Mr Angelo, QC, Private capacity

**CHAIR:** I now welcome Mr Angelo Vasta QC. I invite you to make a short opening statement, after which I am sure committee members will have some questions for you.

**Mr Vasta:** I thank the committee for deciding to hold this public hearing. I am so very grateful for the members considering the draft Bill with such care and dedication. I want to confine these opening remarks to about five minutes, knowing that should I stray a little the committee will grant me the necessary indulgence.

In reporting to the parliament by 4 September 2017 this committee would want to ascertain whether parliament's decision on 8 June 1989 to recommend my removal as a judge of the Supreme Court was fundamentally flawed. Of course, I contend that it was. There is no doubt that the parliament's decision was based upon the parliamentary commission's report to parliament. I do not think that it is overstating the situation that the government of the day was in awe of the judges' report and moved that the parliament follow its recommendations, to use the term of someone who is to follow me, 'lock, stock and barrel'.

It must be remembered that the decision to remove a judge has to be that of parliament and not some other delegated person or some other delegated body. What happened in the parliament was that, because of the eminence of the three judicial officers—the ex-judges—it was considered, 'They know best and who are we to question them?' That is where it went fundamentally wrong. For this committee to now recommend to parliament that the matter be reversed because of such an august trio getting it wrong may appear to be such a daunting task. My respectful submission to this committee is that the argument that the commission got it wrong, and fundamentally so, is overwhelming. I start by referring to page 3 of the explanatory notes where you would find the summary of the opinion of the three judges who formed the Parliamentary Judges Commission of Inquiry.

It cannot be overstated, in looking at page 3 of the explanatory notes and looking at those five essential summary matters, that, in order for the ultimate recommendation for removal be acted upon, all five matters there set out had to be proven. The late former premier the Hon. Wayne Goss made that clear in his speech—that is, if one of the five items failed to be proved, all five fail. If one considers

which of those five items set out there at page 3 is the most weighty, one would have to conclude that the tax matters were the most serious. Involved in those tax matters was some suggestion that my accountant and I or both of us had somehow tried to cheat the taxation department.

I have two most important observations to make about the tax matters. The first is that the commission, in going into those matters, erred in a most serious way. Why do I say that? I say that because, when you identify proven wrongdoing with a breach of the law, you have to prove that that breach occurred. What the commissioners did in saying, 'We know that the judge had never got any queries from the tax department or anything like that, and there is nothing in his past that he has been convicted of some form of tax fraud,' is that they went into all of the tax matters, formed an opinion and prejudged something that even the tax department had not even looked upon.

In essence, the commission stated that the tax shams were set up. This is saying, 'You, Judge, breached the Income Tax Assessment Act,' when in fact that allegation had not happened. It was very wrong to do that. It was so fundamentally wrong that one would wonder how these three judges got it so fundamentally wrong.

I had not been queried, as I say, at all. The commission therefore went outside its powers. I, unlike other people who are subject to the terms of reference within some form of royal commission, had no way of saying, 'Hang on a moment, Mr Chairman of the commission, that is wrong for you to go into those tax matters,' because the Act which set up the commission specifically removed from that Act the right to query any decision that was made by this particular commission. There was a clause in there which said that no decision of the judges commission shall be justiciable in a court of law. Why that went into the legislation I will never know, but it was a terribly unfair provision to put in because, as you know, other commissions of inquiry have been stopped by the courts. The Morris inquiry in relation to matters at the Bundaberg Hospital and the Connolly-Ryan inquiry in relation to matters of perceived bias were stopped by the courts. The courts have a supervisory role in relation to commissions of inquiry. For me, I could not have those avenues of redress and I had no avenue of appeal from the decision. I have come before this committee because this committee is to report to the parliament by 4 September.

My respectful submission is that, despite the fact that you have had three eminent judges comprising the commission, that is not to say they were infallible. Our whole system of justice is structured upon that basis that courts do err despite the eminence of the members of the Bench. It is not a reflection on the memory of Sir Harry Gibbs if this committee recommends and concludes that the parliament got it wrong at all. Sir Harry Gibbs, when he was a Supreme Court judge, was subject to appeals to a higher court. That is the way in which our whole system of justice is structured. They do acknowledge that, no matter how eminent you are, you do get it wrong.

The second point I make in relation to the tax matters is that, even though the commission examined the tax matters and gave that opinion about the shams, it happened to be that the retired judges got it wrong. In the parliament on 7 June I stated—

> What comfort is it to me if you vote against me on these vital matters and these transactions will be found to have been made in accordance with the provisions of the Income Tax Assessment Act? Can I come back to this House and appeal and say, "Will you reinstate me?"

This parliament is my only avenue of redress. May I respectfully request that this committee recommends that the parliament pass this Bill in an unamended form.

**CHAIR:** Thank you very much, Mr Vasta. We will now move on to questions. When we were talking briefly before the committee commenced, you mentioned that this is the first time you have visited parliament since 7 June 1989. If I could take you back to that particular day, you gave a lengthy and detailed address to the parliament. You got an extension of time. You tabled a lot of documentation. Obviously it was 1989. There were no laptop computers then. There were no smart phones or anything like that. As far as you are aware—and it came up during the debate in *Hansard*—did members get the opportunity to have a transcript or a copy of your address? Did you distribute that? Do you recall whether it was distributed or members had an opportunity to reflect on your remarks?

**Mr Vasta:** No, they did not. There was no transcript given. There was a reporter from the *Courier-Mail* who asked if he could have a copy of it after I had completed the address. I can remember that the then Speaker, Mr Lin Powell, was asked by the press whether they could videotape it for posterity and he disallowed that.

**CHAIR:** The *Courier-Mail* had a transcript but the MPs did not, to your knowledge?

**Mr Vasta:** No, the MPs did not. How quickly Hansard transcribed the speech I would not know, but they certainly would not have had one for a couple of days in the normal course of events, I would have thought, because tabling all of those documents would have been a fairly lengthy process.

**CHAIR:** The sequence of events is that you gave your address. Then there was a brief adjournment for dinner. The debate resumed and shortly thereafter there was a motion for an adjournment of seven days to enable consideration to take place.

**Mr Vasta:** Yes, there was—to look at the matters which I had raised.

**CHAIR:** It was all recorded. It was voted down on party lines. The ALP and Liberal Party members voted for the adjournment; the National Party members voted against it. There were 38 ayes and 43 noes. Subsequently—and I am sure you have read the submissions—we have had a submission from Mr Hobbs, the then member for Warrego, who now says that the decision should be set aside or revoked. We have Mr Katter here, whom we will hear from later, but he is on the record with a similar view. There was the speech from Mr Menzel which was quite an extraordinary speech at the time, because, even though he voted against the adjournment motion, if you read his speech it is quite clear that he not only supported the adjournment motion but also had grave reservations about what was going on. If you look at the numbers there, based on those three it would be 41-40.

In addition to that, we have had a submission from the then Speaker, Mr Powell. He obviously did not get an opportunity to vote but he has also said that the decision should be revoked. Mr Vasta, obviously not all the members who voted in that particular debate are still with us and I am sure you have not had the chance to talk to them all, but are there any other members—you may not want to break any confidences—who have expressed reservations to you at all?

**Mr Vasta:** With me is a very dear colleague, Frazer Power, whose cousin was Huan Fraser, who was a member of parliament, and he had expressed his regret at the fact that no time was given and he considered that was wrong. He is deceased now. I understand that when Mr Robbie Katter addressed the committee earlier this year he may have tabled a letter from former attorney-general Mr Neville Harper. I would understand from the correspondence that the committee has received that perhaps all of the living members of parliament who were there on 7 and 8 June are probably considered stakeholders and some of them are of course deceased.

**CHAIR:** My final question relates to compensation or ex gratia payments. You have probably followed the public hearing or seen the transcript, and that issue came up. For the record, did you receive compensation or any ex gratia payment?

**Mr Vasta:** I received $600,000 but can I refer to page 6 of the explanatory notes, which state—

> After the dismissal of the Judge there was a range of criticisms of the procedures that had been followed. They focused on the role of the Parliament and the role of the Commission of Inquiry.
>
> There was criticism of the Queensland Government's failure to pay the legal costs that the Judge had incurred in being represented at the Inquiry and in defending his office; costs including interest amounted to $1.1 million. In 1996, the Queensland Government paid the Judge the sum of $600,000. This payment was not an acknowledgment of wrongdoing by the government or an admission of error.

That is where that $600,000 went or partial payment—

**CHAIR:** Thank you for clarifying that, Mr Vasta.

**Mr CRANDON:** Thanks for coming, Mr Vasta, and thank you for your opening statement. I would like to explore that matter a little further. By the way, I am aware of others who had to defend themselves in the courts—successfully defended themselves—back in those days who received no compensation for the amount of money they outlaid in fighting their cases. I would like to explore that a little further, because it seems that, although, as you have said, there was no suggestion or admission of error back in those days, there was some compensation paid to you of $600,000. I wonder why we are 28 years down the road before this matter has been brought before the parliament. Obviously back then a lot more people were on the ground who were very aware of the circumstances. Why would you not have pushed the matter further, or why could you not have convinced those people who are coming out in support of you now to get this on the agenda back then and have this considered by the parliament when it was far more fresh in everyone's minds? Would you care to comment on that please?

**Mr Vasta:** You mentioned other matters which people have had to fight. This has to be distinguished from any cases where the wrongdoing has translated into a particular charge which has gone before the courts. Some of those people were acquitted and of course no costs are associated with an acquittal in a criminal matter. That is a fundamental principle that makes that different from the present case.

When you talk about a fundamental principle that really is a cornerstone of our democracy, and that is the separation of powers, and you have the independence of the judiciary, it must be remembered that you cannot have the parliament or the executive compromising the independence of

the judiciary where a number of judges said, 'The way in which you compromise that independence is by saying you, Mr Justice So and So, have committed some wrongdoing here. We will have a commission of inquiry, but if you have an adverse finding against you the costs associated with that inquiry will be borne by you.' A number of those judges would have said, 'I cannot bear the costs of $600,000 or even a million dollars,' so what they do is they resign and you must not have anything that touches upon the independence of the judiciary.

What happened here was that Mr Austin, who was the treasurer or the finance minister at the time, said, 'No, if the findings are adverse he will be paying them himself.' The tendency would be if you are going to be saddled with a huge amount of money that you resign, and that is another way in which the executive can compromise the independence of the judiciary—by threatening them with a commission of inquiry where nobody but the judge who is unsuccessful picks up the bill. That is a very important fundamental principle.

Why has it taken this long? Because it really required the courage of the member for Kennedy to speak up. I would have thought that with the tabling of the International Commission of Jurists report of 1995 some members of parliament would have considered that the matter should be reventilated, and I know that the then Speaker, Mr Neil Turner, raised it but there was just no interest in the matter.

Mr Crandon, I had to get on with my life. I had no pension. I had to resign from the Public Service and had no superannuation, because in those days you could not carry any superannuation. You had to resign and that was a detriment to you, and I had to get on with my life. I was a great believer in the serenity prayer: grant me serenity to accept the things I cannot change, the courage to change the things I can and the wisdom to know the difference.

I was not going to keep banging my head against a brick wall. I thought, 'Nothing is going to be done about it.' I did a lot of pro bono work. I worked for the Aboriginal people. I got a lot of satisfaction out of that, and I got a lot of satisfaction out of helping people. Mr Bob Katter saw me in October last year, when my son celebrated his 50th birthday, and said that for many, many years his conscience had troubled him about that. I said, 'I don't know that a great deal is going to come of it, but I admire your courage in doing it.' That explains why the lengthy period of time of 28 years has elapsed.

I had received correspondence from people who felt that the system one way or another—either the Planning and Environment Court or somebody else—had failed them and they became obsessed. They became obsessed to the point where their life was just consumed. That was not going to happen to me. That was not to say that my inaction could be identified with my not wanting to reverse this matter. I passionately wanted to. Again, as I say, I commend the Katter party for introducing this Bill, and I really am encouraged by the care and the consideration which this committee has given to it.

**Mr CRANDON:** Thank you, Mr Vasta. To follow on from there, were there any conditions or was there any intimation that you should not proceed with any action to try to have this decision set aside surrounding the payment of that $600,000?

**Mr Vasta:** No, not at all. In many ways I wish that the behaviour that was identified and that led to the removal had translated into some form of charge, because then there was an appellate structure. I had nothing. The government of the day got the best advice of the day but it was rushed. It was done in a frenzy of inquiry and a frenzy of finding corruption behind every bush. As Mr Justice Kirby said, judges do not enjoy benefits that another citizen in the community enjoys but he should not be made to enjoy fewer rights than a member of the community has, and I enjoyed fewer rights. It was flawed from the moment that legislation was passed which took away any right to question any decision, almost as if the trio were the blessed trinity—that they were just infallible. Why was that provision taken out that no decision of this commission shall be justiciable in a court of law? Why is that?

**Ms BOYD:** I have two questions, Mr Vasta. The first one goes to the address that you made before the House on 7 June 1989 where you used the expression 'ride the bronco'. You said in terms of coming into the House and speaking before the bar that you had an apprehension that most of the members had already sealed your fate. Did you have that impression throughout the process, as soon as the commission handed down its report? Were you of the understanding that essentially you were on a track where ultimately you would end up with no right of appeal through the process? Can you talk us through what you mean by that?

**Mr Vasta:** The very reason I did not make a statement to the Fitzgerald inquiry was that if there was some particular wrongdoing it should have been isolated for me. I, as a judge, should not have been brought to an inquiry which dealt with bent police, prostitutes, SP betting and the like. Make an inquiry discrete, but tell me what it is that I have done wrong and do not bring me to an inquiry that may tarnish the whole of the Supreme Court with a brush of corruption.

When this matter was handed down I knew that it was wrong, but I am sincere when I say that I had such respect for the institution of the Supreme Court that I did not want it to be then dragged through this matter of the parliament having to decide my fate. I consulted the then Chief Justice, Mr John Macrossan, and I said, 'Do you think that I should tender my resignation?' He said, 'No, not at all if you are questioning some of these matters.' I said, 'All right. If you don't think that my going to the parliament and making a speech about my matter is in any way going to cause the community's respect for the judiciary to be lessened, then I will go,' and that is how I went. I wanted to respect the name of the Supreme Court and resign, and he suggested that I do not. There was never, ever an acceptance that what I had done was any wrongdoing.

I had heard—and it has never been denied—that the member for Mackay at the time had a pet noose and said, 'We're going to hang a judge today.' That was a very wild rumour that had gone around. The man who is going to follow me, Mr Ahern, was the person who used the term, 'He's got to ride the bronco.' My offer to the Chief Justice to resign had got around, and it is almost as if Mr Ahern had said, 'No. Let him go through this process because he's got to ride the bronco,' which was a complete misunderstanding of the motives that I had in offering my resignation. My motives were completely pure because I did not want to drag the whole of the Supreme Court with me in what followed: the speech to parliament.

**Ms BOYD:** My second question goes to the commission's findings directly, particularly around the point that they are to be read in conjunction with one another. There's A through E in terms of the findings, and several members of the House said in their speeches that the five of these go together, they are not in isolation, and that, in relation to adverse findings, some talk about three, some talk about four and five, for instance. Has there been any finding of wrongdoing outside of the parliament or throughout this process that you can enlighten the committee around?

**Mr Vasta:** No. No, there has been nothing at all. If you are talking about the fact that there was some perjured evidence given, there has not even been a hint of perjury. I could understand that some of the members were a bit reluctant to vote against the motion for an adjournment, but if you read the speech of the then attorney-general, who is now the Legal Services Commissioner, he was saying, 'I would advise the members of parliament not to stray too much in relation to this, because there are some other charges of perjury that are going to be brought against this man.' It was almost as if he had said, 'Vote with me as a block to deny the motion and let's get the carbuncle out of the way'—that was the term Justice Kirby used—'because there are bigger things to come for this man.' There was never a hint. I was never approached in relation to it. I know the elements of perjury enough to know that there just could not have been any charge of perjury. For a person to be not believed in relation to evidence does not equal the establishment of an offence of perjury. That is where they went wrong as well.

**Ms BOYD:** Just to be very clear, there was never any action taken with regard to A through E of the commission's findings?

**Mr Vasta:** No, none at all.

**Mrs STUCKEY:** Mr Vasta, I am not a lawyer. I do find a lot of the debate around the legal side of things very complex, but I do have a grasp of the principle of the separation of powers. Having read all of the submissions and the intent of this Bill, my question is: if these allegations came before us today would matters be handled differently, and if so, how?

**Mr Vasta:** For a start, there is an Act which provides for the content of any legislation that goes to the parliament, and it really does protect some basic human rights. The Act that was passed to set up the inquiry would never have gone past the requirements of the act. I forget the name of the Act, but I think I referred to it in one of my submissions. The right of removal, that provision that no decision of the commission shalt be justiciable in a court of law, would never have passed the Legislative Standards Act because it had that provision in it. These days there is caution given to matters which have such profound ramifications and implications. It was never, ever considered by the parliament that while you have a unicameral parliament the judge is more vulnerable, and therefore the separation of powers as a principle becomes less and less strong because there is not the house of review.

In cases in New South Wales where the parliament did not enjoy a majority in the Upper House the question of the removal of the judge used to go to that house first, because if it did not get through that house there was no point in putting it through the Lower House, where the government enjoyed a particular majority. My answer to your question, Mrs Stuckey, is that I really feel that my position would not have been the same had there been an adjournment, had there been some sober reflection, and certainly had there been a house of review where the decision of the Lower House may not have been so slavishly followed by the Upper House.

**Mr BROWN:** One of the submissions stated the possibility of appealing to the Privy Council under section 74. Were you given that advice at the time or did you take up those appeal rights?

**Mr Vasta:** No. I saw that in one of the submissions. The person who put in that submission, who says that he studied commerce with my son Ross at Griffith University, has no legal qualifications. The fact is that if there was an avenue of appeal it would not have been to the Privy Council. The avenue of appeal would have been to our Supreme Court, to the Court of Appeal and then to the High Court. This business about my having a right to go to the Privy Council is absolute arid nonsense and it is not based on anything at all. He also says that I should not really be worthy of a position on the Bench because I did not know anything as fundamental as exercising my rights to the Privy Council. Well, again that is nonsense.

**Mr KRAUSE:** Mr Vasta, thank you for attending this morning. Following on from that question, appeals to the Privy Council were blocked a few years before this happened anyway, I understand. There was another submission that questioned whether you made any representations to the new premier in 1989 and 1990 about reversing this situation, either directly or through another member of parliament. Can you let us know whether you did take any steps immediately after the change in government to try and remedy your position?

**Mr Vasta:** I can remember writing to the then premier and receiving a response which I understand was written by the then Crown solicitor, Mr Ken O'Shea. It was to the effect that, 'Nothing new has come up since then, so we're not going to really look into it.' What I considered was going to be a break was when a respected body like the International Commission of Jurists—which had members of the New South Wales judiciary on it, the head of which was Mr Justice Kirby—looked into it and gave the judges' report such a scathing criticism, I thought, 'This has got to move the parliament,' but it did not do anything. It led to almost a compromise eventually saying, 'We consider that the principle that does erode the independence of the judiciary is to put a gun to a judge's head and say, "We're going to have an inquiry, and if it's against you you're going to pay the costs," and that will encourage him or her to resign.' They said, 'It's important that you do not erode that principle of independence.' When the three judges said, 'We think his costs should be paid,' they ignored that and they thought, 'We're not going to review the substantive part.' It was almost as if, 'We'll give him some costs minus the costs of borrowing in order to pay the costs,' hoping that the matter would go away. Of course I was never, ever concerned with that. I was always concerned with the substance of the finding that there was just no process for doing it. That act was a self-destroying act because I think on 31 December 1989 it ceased to exist, but in it there was really nothing that allowed me to go to a superior court and set aside any of the findings.

**Mr KRAUSE:** Mr Vasta, being Queen's Counsel yourself you would obviously be of the understanding that in some cases, despite there being evidence which may lead to a trial, quite often trials do not proceed for one reason or another. You have told us this morning—and I think the record shows—that none of the elements that were alleged in the judges commission of inquiry were eventually proceeded with by the authorities, even though they were used as the basis for the motion in the House. It quite often happens that charges are not proceeded with, as they were not with you. Do you have anything to say about that to distinguish your case from those other matters?

**Mr Vasta:** If you are going to equate wrongdoing with a breach of the law, you have to find the breach of the law and you cannot say, 'It was a little breach but not enough.' The sort of wrongdoing that would amount to proven misbehaviour, if it is going to be equated with a breach of the law, you have to prove a breach of the law. Perhaps I will make an analogy. Suppose the inquiry, which had very wide terms of reference, had said, 'We are going to consider that perhaps on such-and-such a day the judge was driving erratically and we are going to call some witnesses to say that he was guilty of dangerous driving.' The judges say, 'Yes, we think he was guilty of driving dangerous driving.' They say, 'This is misbehaviour and behaviour unbecoming a judge and we add that to the list of things that he has done wrong.' That is wrong. That is putting the cart before the horse, because that is where you are eroding that basic presumption of innocence. If you are saying that the wrongdoing is with the breach of the law, you have to really find that that breach of the law has been established. What happens then if subsequently, because of the remarks of the judges that 'we think it is dangerous driving' and the authorities are then forced to charge you, you get acquitted? Are you not entitled to that presumption of innocence and say, 'It was pretty bad driving, but it was not dangerous driving'? You are entitled to that presumption of innocence.

In the frenzy that appertained to the time of the Fitzgerald inquiry, corruption was seen behind every bush. If you were a friend of the commissioner of police or if you did this, you were tarred with the same brush. There was just this mad frenzy that was afoot. Many innocent people in history have been beheaded or something quite adverse has happened to them because the calmness and the tranquillity and the reasoned arguments just go out the window during a frenzy.

I do not know whether that has answered your question, Mr Krause. I just say this: perjury is one of the most difficult charges to prove, because you need to have some corroboration. How the judges got into that fundamental error of saying, 'We don't believe him and, therefore, we think that he has done wrong by wilfully swearing on oath to something,' you could never have the courts function if that happened. Every adverse finding by a court of witnesses against whom the decision went would be liable to be charged with perjury. That is not the way the law works. That is why I say that there was such a scathing criticism by such an eminent International Commission of Jurists in relation to the findings of this. I thought, 'Everybody who has been wronged will always argue, "I was innocent",' and all of this, but to get an august body like the ICJ saying not only that it went wrong but also that it went so horribly wrong tends to confirm your own balanced view that they got it wrong, that it is not one that is really generated by somebody who really has an axe to grind.

I went away and I did my work. One wonders, because if you are a fit and proper person to be a judge then you are a fit and proper person to be a barrister. If you are not a fit and proper person to be a barrister, you would hardly be elevated to the position of a Bench. Nobody came anywhere near me when I said, 'I'm going to go back and practise law' to say, 'Hang on a moment. You have these findings here and we think that you're not a fit and proper person to be a barrister.' No-one came within cooee of me because, if you talk to the legal profession, they acknowledge that something went radically wrong here. I do not know whether the Law Society or the Bar Association were considered stakeholders and whether they were invited to put in submissions in relation to this Bill. I do not know whether the committee would know that.

**CHAIR:** To assist you, we canvassed widely and asked for submissions widely, Mr Vasta. Do you have any further questions, member for Beaudesert?

**Mr KRAUSE:** No, I do not. Thank you. That has answered the question.

**CHAIR:** Mr Vasta, obviously this happened 28 years ago. It is a long time ago. There are some people who say, 'Let the matter rest. Let sleeping dogs lie.' Obviously, you have passed the judicial retirement age now. If this Bill were passed, you would not be reinstated to the Bench. How do you respond to the people who say, 'Let the matter rest'? What would a reversal of the removal mean for you personally?

**Mr Vasta:** Personally, of course, I have children who enjoy a very good name within the community, but there is always that cloud that 'your father was removed because of the Fitzgerald inquiry'. They do not talk about a judges inquiry because of the Fitzgerald inquiry and, whether one likes it or not, that Fitzgerald inquiry is associated with bent police and SP bookmakers and so on. It really has this aura of dishonesty and corruption. Shakespeare said, in attributing words to Iago and Othello, that if you take my purse, you take nothing—'twas his, 'tis mine—but if you take from me my good name, you take something that does not enrich you but leaves me very poor indeed.

It is for the sake of my children and my grandchildren—because a wrong is a wrong today as it may be in 40 years time—and for the good of the history of the judiciary. To say that one of its number was removed is not a good look if, in fact, there is a sincere belief that the removal was wrong. That wrong has to be put right, because the institution of the Supreme Court as a body in our democracy ensures that we say that, in the history of the Supreme Court in Queensland, there was one judge who was removed but later on there was a review of it and his good name was restored, because it was found that the basis upon which the decision of the parliament to remove him was made was a report that was flawed.

**CHAIR:** Mr Vasta, you have previously raised the issue of justiciability. When you look at all the material, there is not a lot of reasoning for why the decision was not justiciable. What is your view on that? It is probably something that I will ask other people.

**Mr Vasta:** In answer to Mr Krause or Mrs Stuckey I outlined why it would not get past the Legislative Standards Act now. I think that an eminent former High Court judge—a judge as the chief of equity as Michael Manifold Helsham and Sir George Lush from Victoria were, I do not think they wanted them to have the possibility of another court comprised of some junior members sit in judgement in relation to a decision that they made. They said, 'No, we don't want them to be embarrassed by that.' What about the rights given to the person under inquiry? What about the rights that were enjoyed by persons the subject of the inquiry in relation to poker machines, where he had to go to the High Court to exercise it? Nevertheless, he had those rights. I did not have any of those rights. I have wracked my brain as to why that was not so.

This is not Mr Ahern's or his government's fault. The government ministers and cabinet at the time were advised by various lawyers and they did their level best. It is not for them to be scrutinising legislation that is put there, but it was flawed from the start. Again, as I say, during that atmosphere

and the frenzy that goes on, you hear remarks which were made by the former premier, Mr Ahern: 'Well, some people get hurt. It's worth it.' That is a cruel and callous remark that would find no place in our society today, but it was made then. It was almost as if, 'Vasta is going through it; some people get hurt, but so what? It's worth it.' That is not the case.

**Mr CRANDON:** There are two things that I want to finish with, if I may, Mr Vasta. The first relates to the member for Beaudesert's line of questioning. You went through a particular process. Could people say now that the fact that it did not proceed beyond that was because the view was, 'Well, he's been punished enough, so why kick a man while he is down?' In other words, there were no matters brought before the courts because you had already been punished for those things? If we can fast-forward to the day this Bill comes back to the House and is passed, is there any intention in your mind to seek compensation in any way, shape or form?

**Mr Vasta:** No. I note that the explanatory notes virtually renounce any claim for compensation, and that is the way I want it to be. I did not want it to be identified with any money grab at all. The motives here are absolutely pure, I can assure you.

**Mr CRANDON:** The suggestion is, 'Well, he was punished already. Why would you kick a man while he is down? Let's not take him through the court process?'

**Mr Vasta:** When I tabled an affidavit of a police officer in Victoria, detectives came to my house to see whether I had been notified that the person who swore an affidavit that 'those two journalists were not at that thing' was wrong because the police officer had got it wrong. This is in my speech to the parliament. They came to my house to see whether I had been told that that had been recanted, because they were going to take some proceedings against me. From the speech made by the attorney-general of the day of being very careful, they were going to get their pound of flesh. They would have come after me if there was any evidence, I can assure you.

Can I just say one thing, and I know that this is seeking an indulgence. I understand that the recommendation goes on 4 September, but under standing order 136(6) and (7) if it is a private member's Bill it matures after three months and if it is a government Bill, of course, the second reading cannot take place unless one day has elapsed. They say the Bill is there, because it matures. The subject matter of the draft Bill has been maturing for 28 years. The exception to the Bill not laying on the *Notice Paper* for three months and being marked urgent is that—and I know that I am being bold when I ask this indulgence—knowing that there are questions about the longevity of this parliament, should the parliament be dissolved prior to its normal period of time, then all the good work that has been done by all of those concerned with the matters that this committee has been investigating may be for naught.

**CHAIR:** Thank you, Mr Vasta. You have made your point. I will give the member for Pine Rivers the chance to ask a brief question. I ask for a brief response because we are up against time.

**Ms BOYD:** Mr Vasta, can you provide us with your views on why it is you were removed as a judge of the Supreme Court?

**Mr Vasta:** The views are there. As I say, of the five matters that are summarised at page 3 of the explanatory notes, the most important and the most serious were the tax matters. Those tax matters fell. They should never have been gone into in the first place. They said, 'We have found absolutely nothing against him in relation to the discharge of his judicial functions, but these were private matters and they are unbecoming.' Those findings were flawed for the reasons that I have mentioned.

**CHAIR:** Thank you, Mr Vasta. Thank you for your time this morning.

## KATTER, Hon. Bob, Member for Kennedy, Commonwealth Parliament

**CHAIR:** Welcome, Mr Katter.

**Mr Katter:** Ladies and gentlemen, thank you very much for convening this group. There was a lady in France who was burned at the stake as a witch. The church decided she was a witch. Her great courage and leadership finished the Hundred Years War—a quarter of the population of England and France lay dead at the end of that war. Her name was Joan of Arc. It was a hundred years later that she was reinstated as a saint of the church, not a witch for which she was burned at the stake by the church. In terms of the people who fought that battle to have her reinstated, I suppose I and many others fall into that category when it comes to Angelo Vasta.

I have not spoken to Neville Harper and got his permission to say this but, as soon as I went public on this issue, Neville Harper, who is a former attorney-general, rang me up and said, 'I just am so relieved that you have done this. It has sat on my conscience.' I can remember exactly what Angelo Vasta said before the bar of parliament. He said—and this is the wonderful thing about our country—that there was a man called Angelo Vasta who lived in a place called Sicily. He decided that he wanted something better and he came to Australia. He came to Australia with a dream that he could become an Australian and he could have a son who could rise up to be a judge of the courts of Australia. That was his dream, but that was not real; that was a nightmare. He was a canecutter. Thirteen members of the cabinet that I served with had cut cane by hand as young men. I did not live in a cane-cutting area, but I worked as a labourer. All of us had that sort of background.

What we did as a government, as a party, is we appointed ourselves judge and jury. We were the judge and jury. This is the only case I have ever heard of where the judge and jury were provided with no evidence whatsoever. I had been in the most brutal fight I think you will ever see in this place between the forces of Mike Ahern—they were young, tertiary educated and, in the main, city sort of people—and we of the old Country Party. I do not come here carrying a chip on my shoulder as a member of the underclass—my family have been extremely wealthy and extremely powerful since the 1870s in this country, so I am not going to pretend otherwise—but there are a lot of sides to this. There was the side of the old Country Party forces versus the new National Party forces in the same party and the brutality of the struggle.

We all know that in politics we have brutal struggles between this group and that group. In this case, it overlapped into the most serious areas of the separation of powers. This goes back to the Bill of Rights and the Magna Carta. They were blurred in the bitterness of the struggle that took place. I was on the Bjelke-Petersen side of the fence. You must understand that the forces that beat us were determined not just to beat us but also to throw us all in jail. That was the nature of the viciousness of what was going on.

Once an inquiry like this starts—and I have said this many times in the federal parliament about the royal commission into the banks—once you light the fire, you will not be able to contain it. I remember sitting down with Lin Powell, the then Speaker. I was having dinner with Wayne Goss and Lin—we were all reasonably good friends in a way. I said, 'Wayne, don't you think this is going to stop with us. The fire has started. You blokes are going to win the next election, but it is going to burn you.' I hope Wayne Goss does not object to what I am saying, but there was a person who got on the CJC who had a score to settle with him. That person threw the CJC straight at Wayne Goss. He made a number of statements that personalities should not interfere with the CJC. I felt very sorry for Wayne.

A large number of those people who were under attack got cancer. There is no doubt in my mind that cancer is related to extreme stress. Wayne got a terrible, pernicious form of cancer during that period he was under attack. What I am saying is that, once the fire starts, it is a very brave man who will stand in front of the fire. The worst thing to do if you were in Salem when they were burning the witches was to defend a witch. That is not what you would do. Why didn't I stand up? I openly say it was cowardice. Am I going to stand up and defend the witches at Salem during the witch burning? I am not that courageous a person, I can tell you.

Before we went into that fateful party room meeting I said to the then premier—even though we were on different sides, I always got on all right with Mike Ahern—'Mike, we have not been given the slightest shred of evidence. We are going to be judge and jury and we have not been given one scintilla of evidence.' He said, 'Well, it will all come out. If you want to be foolish here—.' He was terrorising me and he succeeded. Then I went to Brian Austin. I did not enjoy a good relationship with Brian. He said, 'It's there. It'll come out and you'll get what you deserve.' That is more or less what he said and he stormed off down the corridor. If their objective was to scare me, they were magnificently successful. I will bet London to a brick that I was not Robinson Crusoe. The names that have been mentioned here

were all the most powerful people in the parliament in those days—the Neil Turners, the Huan Frasers, the Lin Powells. Lin and I were nominated by Bjelke-Petersen to take his place. We were very powerful and influential people.

When Vasta said before the parliament that a man called Angelo Vasta had a dream, after it was all over Lin Powell said, 'That is exactly why he is being hung, drawn and quartered. His name ends in an 'a', 'e', 'i', 'o' or 'u'. He is a canecutter. He comes from Far North Queensland. He is the complete opposite of the club.' The club exists for people with tertiary education. They had gone to GPS schools. They lived in and around Brisbane. They all know each other. He is none of those things. He is from completely outside the club. A cabinet that had 13 canecutters would be very sympathetic towards a man whose father was a canecutter. When we go into parliament we all accept the brutality, that this is a bloodthirsty game where your enemies are thrown in jail—but innocent people from outside, such as Vasta, were dragged into this. If his name did not end in 'a', 'e', 'i', 'o' or 'u', he would never have been in the position he was in.

There is another factor burning here. The legal establishment in Queensland decided that Bob Douglas should be the chief justice for Queensland. Sam Doumany, who I had immense respect for as a Liberal attorney-general, decided that Bob Douglas should be the chief justice. People close to Bjelke-Petersen decided that Bob Andrews should be the chief justice. Bob had lost an arm in the war. It is a bit embarrassing for me but he went out with my mother for two or three years in his younger days. He did not have silver hair or a long nose, let me assure you! On the other side, I was related by marriage very closely to the Douglases. My wife's sister is married to one of the Douglases. They were a very close-knit family and very loyal to each other. I had a foot in both camps, if you like.

When Bob Douglas was passed over, the Brisbane establishment—and I am not criticising them for being the Brisbane establishment. I think overall they had run the judiciary in Queensland reasonably well. As an outsider, my observation was that I did not mind them running things. They were running them pretty well, so I had nothing against them. To spit upon the Brisbane establishment the way that we did in passing over Douglas was just simply asking for trouble. The Douglases were the legal establishment and the social establishment in Queensland. You do not treat them lightly and get away with it. There would be a reckoning down the track.

The minute we got control back with Russell Cooper, I said to the then attorney-general, Paul Clauson, 'Would you put a Douglas on the Bench immediately, please?' He said, 'I know what you are saying.' Everybody knew that we simply were not going to get away with what we had done. To some degree it could be argued that we should not have been allowed to. There was this huge bitterness between the legal establishment that had been spat upon not once but twice in putting someone like Vasta on the Bench and by not putting Bob Douglas in as chief justice—I am not going into the rights or wrongs because I think both sides had a lot of right on their side.

The only thing that I ever understood to come out against Vasta was the tax department questioning him. The official formal outcome of that was that the tax department paid him $80,000. He was not guilty; they were wrong—but they said that he had an outstanding amount. They questioned all of us. Every single person who served in cabinet—there were 31 of us—had our tax records gone over with a fine toothcomb. The outcome in each case was kept private. In the case of Vasta, it was not. They said he owed the tax department this amount of money. That was the only thing that ever went on the public record. When it was finally decided—he should not have been judged by a plaintiff saying he is guilty and the defendant saying he is innocent. We do not decide that because the plaintiff says you are guilty you are guilty. Subsequently, the courts decided that not only was Vasta totally innocent but also the tax department owed him money. The outcome was that the money was paid to him, not the other way around. That was the only scintilla of anything that was ever produced against this man.

Ladies and gentlemen, can you imagine what it is like to sit by, for 30 years or whatever it is, knowing that you had hung, drawn and quartered a human being and completely destroyed his life in every single way? The man could not get a job. His kids were in private Catholic schools here. They were not expensive schools but schools that would have been costing money. He could not pay the school fees. They were flat out feeding themselves. They were in debt all over the place because he had to fight the tax department over these years. Why? He was made a pawn in the power games that were taking place in this place. It was also like, I suppose I could use the words, a 'class struggle'—establishment versus non-establishment people—going on.

**CHAIR:** We might move on to questions, if that is okay. Could you wind up your opening statement?

**Mr Katter:** The only other thing I would say is: why have people not come forward? I think Mr Crandon raised that issue. It was a good question to ask, Mr Crandon. We were scared. Why did Wayne Goss not go forward? He was under vicious attack from the CJC. He did not want to antagonise them any further. We were all scared. You had to be there at the time to know how scared we were.

I will give one quick example on which I will conclude. Bill Gunn and I decided to call on that inquiry. I had been under attack. There were two separate ways the police were investigating me. We had had what was called the 'crooked creek cattle company' in North Queensland. Some 18 people gave evidence against the 'crooked creek cattle company'. One was the then commissioner of police for Queensland, Ray Whitrod, who was sacked later on. He had given evidence. He said he went there in fear of his life. I went before the inquiry and said I feared for my freedom. It was in the paper that I said that I was in fear of my life. In retrospect, I should have said that I was in fear of my life. Of the 18 who gave evidence six were dead and the other 12 were either up on charges or being investigated for charges.

This is the background to Fitzgerald inquiry. There were really bad things going on in the police force. I happened to know two leaders of the police union at the time. One of them was my old football captain. He said to me, 'How many deaths have you got up north?' I said, 'Six.' I said, 'How many have you got down here?' He said, 'Eighteen.' I said, 'Does that include Whiskey Au Go Go?' He said, 'No. Add 22.' I said, 'Are they all attributable to the same mob?' He said, 'Absolutely.' President 'Bluey' O'Gorman said exactly the same thing. He said, 'Those figures are absolutely correct.' He said, 'And you have six deaths up there.' I said, 'Yes, and I am praying I am not No. 7, I can tell you.'

For those people who criticised us for bringing on the inquiry, we had to. There was corruption in the police force. There was never corruption in the government. That is a story for another day. I defer to you, Mr Chairman.

**CHAIR:** We will now move to questions. I just wanted to take you back to the debate on 7 June 1989 and what you said in relation to Wayne Goss. From my reading of *Hansard*, he in fact did get up and state some reservations and move an adjournment motion, which was defeated. I just wanted to make that point. In addition, Mr Menzel, as I mentioned earlier, made quite a passionate speech, despite voting differently.

**Mr Katter:** He was a canecutter in his younger days.

**CHAIR:** I was going to ask that. I assumed he must have been. You said that there were power games. You said at the end of your opening statement that people were in fear of their lives. What stands out for me in those debates is the few National Party members who actually got up and spoke. It was a lengthy debate. It went past 3 am. Mr Ahern spoke, as did Mr Clauson, but there were not many National Party members who spoke. You said you were with the Bjelke-Petersen forces and the Ahern forces effectively had the numbers. Can you give us a flavour of what the votes actually were? Was it just the 13 canecutters or were there more? How close was it? How many people had concerns?

**Mr Katter:** From memory there was no vote recorded in the party room—I could be wrong. We never did take votes in the party room. Sometimes they used to get really stroppy and say they wanted their vote recorded. If there was significant opposition then the matter would be set aside. It was all like cabinet—it was all friendly; we all get along well together. During that period under the Ahern regime if you had questioned anything in any way you would have lost your endorsement. I do not think there was any question about that. The anti-Bjelke-Petersen forces were very much in control at that point in time.

**Mr CRANDON:** I just want to take you back to the fear factor that you talked about. I asked the question of Mr Vasta in relation to why now and why not back then. You have covered off on that. It seems like that 50th birthday party that you attended with Mr Vasta was fairly opportune for you to take the matter up again. As I understand it, that is what Mr Vasta said. It was mentioned over a beer at a 50th birthday party.

**Mr Katter:** I decided before that. I went to that birthday party specifically because I was pretty certain that Angelo would be there. I was pretty certain he would not be keen to have the matter raised again. He had reconstructed his new life. He said, 'I cannot say that I really want you to do it, Bob.' I said, 'Angelo, I am not doing it for you; I am doing it for me.' I have difficulty living with this. There are very few times in my life where I have really sold somebody out. In this case I had. I had already decided that I was going to try to do something. Whether I could or not, I was not sure.

**Mr CRANDON:** How long before that did you decide?

**Mr Katter:** A few months or a couple of years, I do not know. It is on your conscience the whole time. The minute it went public, Neville Harper rang me up. He was lying awake at night. Huan Fraser, Neville Harper, Neil Turner, Lin Powell and Max Menzel were all the heavyweights.

**Mr CRANDON:** You got to it now because all of them are either dead or have no power? Is that why we are where we are?

**Mr Katter:** I never spoke about the inquiry or the 'crooked creek cattle company' for about 17 years. I was just too scared. It is hard for you people to understand what it was like. You need to think of America and an American house activity committee or the anticommunist crusade in the McCarthy era in the United States to know the sort of fear and terror that is abroad. There was a fear and terror abroad here.

**Mr CRANDON:** And yet it still continued until 2017—2015, 2016, 2010, 2005?

**Mr Katter:** It is the fear thing. It is almost impossible to communicate to someone who has not been through it what it is like to know that people are trying to murder you or put you in jail. When you drive into Charters Towers you see that the park there is named after the most prominent personality in the town, the richest person in the town and the most highly respected person in the town. A senior policeman told me, 'He did not commit suicide; he was straight out murdered.' The corrupt copper was at the heart of some of this. The good policeman said to the bad policeman, 'When you shoot me, make sure the first bullet kills me because you will not ever get a second bullet. I will have the second bullet.'

**Mr CRANDON:** I want to go further into some of the questions I asked Mr Vasta. I asked about the view—and this is following on from the member for Beaudesert's questioning—around people saying, 'He has been punished enough. Why would you prosecute him any further? He has already lost everything.' What are your thoughts on that type of thinking? Mr Vasta suggested that they were going to come after him on anything they could get him on. What are your thoughts on that? Do you have any thoughts on the view, 'He has been punished enough. If we put him through the courts and do not call the dogs off maybe we will be found to be at fault here and not him.'?

**Mr Katter:** Yes, I do not have thoughts on that. As members of parliament we get people who come into our office and sometimes you know they are lying. Sometimes you do not know whether they are lying or telling the truth. Sometimes you know they are telling the truth. You have to go on evidence. Every single aspect of this person's life was addressed. There were a lot of people with egg on their faces here. They wanted to prove he was guilty of something. The man was sea green incorruptible.

I will make another point. One of my closest friends—and I have not been able to get onto him in the last two or three days—worked with Angelo for a number of years. As it turns out, that person was the Bar Association president for Queensland and vice-president for Australia. He is one of the more distinguished lawyers in Australia. He worked with Angelo for a number of years.

I had never met Vasta until I specifically went to that birthday party to speak to him. I did not want to drag him back through it all if he really resisted. He did not say yes or give me permission. He clearly was not happy about it all being raised again.

When the name Vasta was raised first in the halls of power, it got in the paper. People were saying, 'Who is Vasta?' I found out this very close friend of mine—one of my closest friends—had worked with him. I rang him up. He said, 'Angelo would have a heart attack if he got a traffic ticket. He is the last of the great pussy cats. It is absolutely ridiculous.' This was a bloke who was very much involved with the Fitzgerald inquiry. I cannot go further because I would identify him without his permission and I cannot do that.

**Mr CRANDON:** Going back to my questioning of Mr Vasta, are you aware if there were any conditions applied to that payout to Mr Vasta—the $600,000? Have you heard anything about, 'Here is your $600,000. It is shut-up money. No further action is to be taken.'? Are you aware of anything in that regard?

**Mr Katter:** It was a period of great terror for me. I never understood how people committed suicide. I do not know how I did not think of it at the time. It was terrifying. I hope none of you ever have to go through it. There was corruption deep in the police force. When there are 44 dead bodies hanging around the place and no-one has ever been put in jail for any of them and someone starts asking questions, there are going to be a lot more dead bodies around the place. I did not want mine to one of them. It was cowardice on my part. You have to understand that we did not go there because we were all scared.

**Mr CRANDON:** To bring you back to the question, yes or no: were you aware of any deal that was done with Mr Vasta—'Here is your $600,000; it is shut-up money.'?

**Mr Katter:** Absolutely, no. I just wanted to stay as far away as possible from it and pretend like it never existed.

**Ms BOYD:** My question goes to some of the proceedings that happened on 7 June 1989. There was an adjournment motion moved in the House and it was defeated. Can you provide me with your view around why that was the case? Why were members not afforded the time to consider the information and the evidence around Mr Vasta?

**Mr Katter:** There were a lot of people like me who knew that a person was going to be hung, drawn and quartered. If you were on a jury would you just say that a man is guilty without having any evidence put before you at all? This is very much McCarthyism, Spanish Inquisition, Salem witch burning—'You will decide he is guilty without any evidence whatsoever.'

**Ms BOYD:** If people in your caucus had said to you, 'There's more evidence. Stuff is going to come out. We'll get this guy,' would that time not have afforded the opportunity for that to transpire?

**Mr Katter:** The thing went on for years and years. I expected something to come out. I do not think that Brian Austin or Mike Ahern were liars. I think someone led them to believe that that was in there, and it was a belief that they wanted to have. It was proof positive that our faction was putting criminals on the Bench. That was the sort of argument that was going around, so it suited them to meet that. I do not think either of them consciously lied to me. They intimidated me very successfully but they were not lying. I think they thought something was in there, and they had been told something was in there. We had a bloke with an Italian name who came from the Federal Police, and he sat down and he had a board with all these lines going everywhere and they were all connected to people with Italian names. It was a big Mafia thing. Looking back on it, it was just stupid. The bloke was just a fool. There was no substance to any of the rubbish that was on that board, but at the time a number of us did not know and everyone was scared.

**Ms BOYD:** There was a motion passed by the House at 3 am on 8 June 1989 and the vote was determined only on the voices. There was no division called. Can you provide me with your view as to why that was the case?

**Mr Katter:** Everyone was scared. We were scared silly.

**Ms BOYD:** You did not want your name on the record?

**Mr Katter:** No way. Please understand that what I am saying is a very great condemnation of myself and I suppose everyone else who was there, but a whole lot of them, if they were sitting here, would be agreeing now. Some of them are old; a lot of them are dead now. It is a long time ago. A lot of them would not have the acute memory of this that I have, but remember that I was one of the leading players in all of this. I had responsibilities, and I had responsibilities to question both the premier and the attorney-general before we went in for the vote on it. As I say, there was never any vote, but I was not game to speak up in the party room and say, 'Hey, listen, we've been asked to hang, draw and quarter this bloke without any evidence.' I did not say that in the party room. I was not game.

**Ms BOYD:** There have been other members of parliament from that period of time who have made submissions to the committee such as Ahern, Hobbs et cetera. Have you spoken to any of them with regard to this submission or this particular case?

**Mr Katter:** No. Neville Harper rang me up and he had such relief in his voice that someone was doing something about it. I do want to say that I only get this second-hand, but Henry Palaszczuk was the other one who has been known to speak out because he had a terrible time living with what occurred there, but I do not know if that is correct or not.

**Mrs STUCKEY:** Thank you so much for sharing those recollections. It is one thing to read about them as we have; it is another to have lived through them and still be here. My question goes to, 'We were acknowledging the widespread corruption in the police force at the time.' That is well documented, but in your mind should the allegations against Mr Vasta have been handled as they were? Are you aware of any new evidence that would indicate that Mr Vasta should not have been removed from office? If so, would you please share that with us?

**Mr Katter:** I do not know how you prove that someone is innocent if there is not the slightest scintilla of evidence to indicate that he was guilty. What was he guilty of? The evidence is that there was no evidence whatsoever to prove that he was guilty. He has one son who is a Federal Court judge and another in the House of Representatives so they are hardly a naughty family. Remember, this was about Hapeta and Bellino, both Italian names. They got lost in the whole thing. There was nothing much in the whole thing about Hapeta and Bellino. There was just not the slightest shred of evidence, and people who had worked with him, like my good friend who worked with him for seven or eight years, said that he was the sort of bloke who would have a heart attack if he got a traffic violation for parking illegally. Everything that people have told me about him—not that I have had much to do with the case except just my conscience. I do not know if that answers your question, Mrs Stuckey.

**Mrs STUCKEY:** It does reinforce it. We have heard that perhaps adequate time was not given for MPs to form their judgement, although I imagine the numbers were being done, as you have said, and people were fearing for their lives. What would you have considered to be reasonable and adequate time—or, again, are you saying that there was no evidence in the first place?

**Mr Katter:** There was no evidence of his guilt. You are arguing about nothing. We were asked to do this without anything being there. The tax department were questioning him about matters. Well, the tax department was questioning 31 of us. Every single member who served in cabinet was being questioned by the tax department. To hang, draw and quarter him on the basis of that until the outcome was known was improper conduct of the worst possible type. Ladies and gentlemen, you are again the judge and jury of this man. You are the Pope and the tribunal to decide whether she was a saint or whether she was a witch. In this case, you have the evidence now. We all know that there was no evidence. We know that the tax department owed him money. We know that now. If you are not to do this, that would just be terrible. I have to say that to you.

**Mr BROWN:** Following on from that, the chair asked Mr Vasta about the transcripts that he presented on the day. Can you recall whether the parliamentary staff during that debate got that transcript to the members?

**Mr Katter:** No, but my memory is that it was a full House that listened to his address. His address was, I think, more powerful than reading a bit of paper would have been.

**Mr BROWN:** He also said that he included documentation.

**Mr Katter:** I have no memory of that one way or the other.

**Mr BROWN:** You talked a lot about the party room and the lead-up in the party room. Were there cabinet discussions before that that led to the party room?

**Mr Katter:** I think the answer to that is no. I cannot remember any cabinet discussions. It just came out of the blue, went straight to the party room and the party room made a decision on it.

**Mr BROWN:** If we as a committee wait two years for those cabinet documents to be released—it has been 28 years—in the scheme of things will this committee or the parliament benefit from the release of those cabinet documents for that year?

**Mr Katter:** Mr Brown, I was in cabinet throughout that time and my memory is that there was nothing in cabinet ever. Maybe if some of us had had the guts to speak up it would have been divisive, whatever it was. There was nothing there from my memory, no.

**Mr KRAUSE:** Mr Katter, firstly just from your recollection—and we could find out, of course—how long did Mr Vasta speak for in his defence?

**Mr Katter:** I have no idea.

**Mr KRAUSE:** As was stated before, there was no division on the motion. You did not call one and no-one in the National Party or the Liberal Party did. Do you have any idea why no-one in the Labor Party did not call for a division? What was their feeling at the time?

**Mr Katter:** I am not being critical of that party, but they thought it was the greatest thing that had ever happened. They had sat there for 50 years being bashed up by the Country Party. Not only is the Country Party not there anymore—we have all been removed—but we were going to be slaughtered in the forthcoming election thanks to Mr Fitzgerald. I am not putting a pejorative twist on that, because I lived in fear and terror and the Fitzgerald inquiry relieved me of that. If you want to blame anyone for the Fitzgerald inquiry, start with me and the late Bill Gunn, who had immense courage. I was too scared to do it, but he browbeat and bludgeoned me into agreeing. He would have never got it through cabinet without my support. Joh was going to Canberra, so he was not there. Bill deliberately put it in cabinet when he was not there.

He and Ron Redmond at that stage were well aware that they had a very corrupt police force, and I was well aware but I was too scared to do anything. When I tried to do something I was lucky not to be dead or in jail. As I repeat, of the 18 of us who gave evidence up north, 12 of us were charged. Mayors of towns and presidents of our divisional areas and our political party, very prominent grazing families—the most prominent people of North Queensland—were on that list of 18, including the commissioner of police. Ray Whitrod was on that list of people who had given evidence against what was called the 'crooked creek cattle company'. It was Steve Austin who did the 'crooked creek cattle company' series on the ABC. I have met some people with incredible courage in my life, but he is outstanding. He is absolutely outstanding. The only person who assailed the heart of that corruption—the person who was at the heart of that corruption was never assailed by the inquiry and the inquiry was not game to take him on either—was Austin. He is a man of extraordinary moral courage.

Let me just give you a quick example. My chief of staff said, 'Ahern wants to see you now.' I said, 'I'm scared silly.' She said, 'It's about the inquiry.' My heart was going 100 miles an hour. I raced up the stairs, raced into his room and he said, 'Now look, you're going to drop the bucket on me over'—and I will not say what it was. I said, 'Stop right there, Mike. I know nothing about it and I'm walking out of this room now. No, you're not going to tell me about it. I don't want to know anything about it.' I raced for the door, and he physically grabbed me and held me back because he wanted to tell me that what I was going to drop on him was not true. I had no idea, but it was just the fear and terror that was abroad. Here was a bloke physically holding me and I'm trying to struggle out through the door. He is 6 foot 4, but I was determined not to listen to what he was saying. Eventually I threw his arm off and got through the door without him telling me. He wanted to explain that it was all innocent. I did not know what the hell he was talking about and I did not want to know.

The terror that was abroad was not just confined to our party. Remember, it was Ray Jones, the ALP member for Cairns, who originally raised the issue of what became known as the 'crooked creek cattle company'. Within three weeks of Ray raising the issue there was corruption in the Stock Squad in Far North Queensland, two of the Stock Squad were dead—one in the most extraordinary circumstances and the other committed suicide. Two of the major players spoke to him in the International Club parking lot three times. After they spoke to him the third time, they went back to the bar and the bloke blew his brains out. Jones would not speak about it. To this very day—he died recently—Ray would never, ever speak about it. I rang him four weeks later and he said, 'I don't know what you're talking about.' I said, 'You bloody well do, and I'm sweating blood out here.' He hung up on me. I rang him back three times and he hung up on me every time. Ray was scared silly. There were people in the Labor Party caught the same as I was.

**CHAIR:** Mr Katter, we have run out of time. You have traversed a lot of ground today. What came up during the questioning of Mr Vasta was not only this whole issue of the allegations against Mr Vasta that we are determining today but that other things would transpire in the future. That was very much the flavour of it and it was almost like a bit of an Al Capone thing: 'We've got him on tax, but there's other things.' I do not mean to in any way compare Mr Vasta to Al Capone, but was that the flavour of it? Is that your recollection of it?

**Mr Katter:** No, Mr Chairman. I must make this perfectly clear: everyone knew that there was nothing whatsoever on the record, but I was inclined to believe Mike Ahern and Brian Austin when they said, 'There's stuff in there that will come out.' Now, I do not believe they were lying—

**CHAIR:** Things have not come out since—

**Mr Katter:** I do not believe they were lying; I think someone was telling them that and they were believing them. If there was anything there for the 10 or 15 years when this was still red hot, surely it would have come out, but never at any stage did anything come out. For the person who was at the heart of this you say 'nothing came out about him'. Like hell! You got Steve Austin on television, and he vanished off the screen. Plenty came out about him but no-one was game to do anything about it. I most certainly was not, I can tell you. Even to this day I am still scared to mention his name.

**CHAIR:** Thank you, Mr Katter, for your contribution this morning. Our time has expired. We will now adjourn for a short break.

**Mr Katter:** I hope you people have more courage than we showed when we had the decision to make.

**Proceedings suspended from 10.46 am to 11.02 am**

## AHERN, Hon. Michael AO, Former Premier of Queensland

**CHAIR:** I welcome the Hon. Mike Ahern AO, former premier of Queensland. I invite you to make a short opening statement, after which committee members I am sure will have some questions for you.

**Mr Ahern:** Thank you very much, Mr Chairman, for the invitation to be here and for the opportunity to say a few things. My name has been thrown around a fair bit this morning, and that is fine. I am here to answer any questions. I would like at the outset to set a few matters right.

A lot of people think I created the Fitzgerald inquiry. The matter of history is that I did not do that. It came under the aegis of the deputy premier, Bill Gunn, who was acting premier at the time, who took a recommendation forward on the matter after consultation with Sir Robert Sparkes as president of the party who phoned around. There was some intervention by Neville Harper, a former attorney-general who came up with the name Tony Fitzgerald as being an appropriate person to do the job. Then there was the attorney-general Paul Clauson, who I think had some of the paperwork to do.

The cabinet meeting that established it happened at Roma under the chairmanship of Sir Joh Bjelke-Petersen. He chaired that meeting in Roma. I was health minister at the time. Sparkes asked me to back the resolution and I did, and so the matters went forward from there. This has always been a difficult path, but let us start where it is, which is to be clear on who did what and why.

I supported it but it was always a very difficult task to do. There were a lot of problems within the police department and police administration, obviously. With the media, the ABC's *The Moonlight State* and so on, the creature was born which is the most influential royal commission in Australia's history. Without any doubt it is head and shoulders above the rest.

I came on the scene in an active role after the change in leadership of the party. That took place not on substance mainly of the Fitzgerald inquiry but on controversy associated with the world's tallest building. I think the meeting took place in that room just across there. There was a discussion about special legislation to establish the world's tallest building in Brisbane and that was not supported within the party room. There was a change in leadership. I think the vote was 26 to eight. It was not close. My job then commenced to be leader of the state during the troubled time of the Fitzgerald inquiry.

It was a broadbrush approach. The commissioner advertised and sought submissions, and they came from near and far. He had his own investigative powers. He stood apart from us. I made myself the minister responsible at a certain time so that I could keep control of leaks and things like that that were going on each day and hampering the commission's work. It was most difficult to sit as a cabinet member while all this was going on. The degree of difficulty cannot be overstated. It was huge. However, my cabinet on many occasions discussed where it was that we were heading with the inquiry and people agreed that, if this commission was to be worth anything and not descend into a rabble, we should see it through, support it as much as possible, and give it the powers that were required and the resources needed and let it do its work. Then at the end Queensland will have something for the investment, and there was obviously a lot of work to be done in tidying up systems and so on.

One of the issues that came up was the issue of judges. That is the centre point of this discussion, although there were many others. There were 150 people successfully charged as a result of this. Two hundred and thirty were charged and 150 successfully, and that is not what they set out to do anyway. One of the issues was allegations about judges, and it came to me. I nearly always had Bill Gunn in the room at the discussions. There were other senior members whom I relied upon to assist me in going forward in a professional manner. I do not recall the detail of all of these, but one of the persons I had with me was Ian Callinan QC. Ian Callinan QC was chief adviser to the Queensland government at the time, and I did not take up any matter at all without his advice. I spoke with him in the last few days. He became a justice of the High Court of Australia and is an eminent person in the law. He knows exactly what he is doing and he is well respected across the judiciary. The talk about factions and canecutters versus the rest is a fiction. We were just simply trying to get it right.

There was a serious problem that arose with the judges. There were three of them, as I recall, against which there had been allegations made and so we had to determine what to do. The suggestion was made that we should try to get a good framework for a solid decision that was away from any arguments that may not have been adequate, so the issue was: what is the law? The law is contained in the main in the Supreme Court of Queensland Act, which, as I understand it, carries a rider that a person is appointed to the Supreme Court of Queensland whilst of good behaviour. That is a condition of their appointment, and so it is always possible for the parliament to decide that a judge's behaviour is not of a quality that gives them the right to continue in the job.

There is an important point that has not been stated anywhere else in my reading of any of the background, so you should hear it directly from me. I have checked it in the last few days. The parliament has a role to play to consider the conduct and then to advise the Governor, who will finalise the matter. However, it should be understood that the Governor of Queensland determined that his role is not simply a ceremonial one to sign an Executive Council minute or some action like that, which is normally his role. He indicated that he had a definitive role to play and that that is covered in law in the textbooks which say that in this sort of environment, where there is a dispute between the parliament and the executive and the judges, the Governor of the day has a definitive role to play.

When my officers took all of this paperwork eventually to him, he indicated that he intended to consider the matter and may decide not to approve. He said that heads of state of the day throughout the Commonwealth since the 1700s have had that power and that he was about to exercise it. He called for the documents in relation to the judges inquiry and then reached a definitive decision that he would support it, but if he had not then he was empowered to do that and it would have been another matter. He reviewed it all and decided to support the process and the decisions that had been made.

When we had a look at it, there was not enough definition there to cover the issues of what a judge's behaviour should be, so we set about trying to put together a team of people who would look at it expertly, define the legal arguments, get them right, get it clear and get it all put together properly—and we did that. We selected Gibbs and the other two gentlemen who were eminent in the law. In Australia you could not have had anyone better. It was an expensive thing to do, but it was timely that this be done, that there be a framework to say, 'What is a judge's good behaviour?' It is not good enough to say a person is okay provided they do not go to jail, provided they have not offended against a statute, because a judge's conduct has to be of a higher category. It is like a premier and/or a minister: you are now required to address a code of behaviour which is above the statutes. That is the sort of thing the public needed to know: what are the rules? The judges needed to know: what are the rules?

When it comes down to it, you as members of parliament are accountable to the people. That is your responsibility, and that was mine at that time: to be accountable to the people. What do the people want out of their judges? The process went on. We had to then decide on the legislation. We had to decide then on the personalities. We gave people adequate hearing and the parliament delegated to that group of judges. The delegation was there. We had the right to do it on our own, but we delegated that to people of high quality to come up with the right information and recommendations. Then they reported and a discussion took place in the House with an address by the relevant judge. Then the Governor made his final definitive decision.

The process was absolutely right. At the time it was right. There could have been no better solution to a problem of this nature. It is true to say that things were being thrown around all over the place. At the time this was initiated here, this particular judge had appeared in the Lewis diaries on a number of occasions. Lewis made a note of every phone call he ever made and every meeting he ever did. He had them in the diaries and they were now public property. There were discussions between the judge and the police commissioner, which today would not be allowed at all. It is inappropriate. They decided that this constituted, on the evidence they saw, conduct that was not acceptable—behaviour not acceptable of a justice of the Supreme Court of Queensland at that time. Naturally, the parliament had to accept that. Could we go and revisit such an eminent system and eminent people who had been asked to do a particular job, aware of what the consequences might be? It would have been absurd.

I heard Mr Katter talk about factions and manhandling and one thing and another. I ask you to consider that substantially as fiction. We just had a job to do. It was tough to talk to people. I have never manhandled anyone in my life, not even my kids. The thought that I might have manhandled someone is just stupid. It did not happen. We tried very hard, in a calm environment, with the assistance of my senior officers and with Callinan QC, to do the right thing by the people of Queensland, to establish a code of behaviour that would be acceptable to the people of Queensland for their Supreme Court judges to carry out their functions with respect within the community.

**CHAIR:** Thank you very much, Mr Ahern. Obviously you were here for the typically colourful contribution from Mr Katter. You have addressed some of the issues that he raised about the canecutters faction et cetera. He made a more serious allegation that he in fact feared for his life during that particular time. How do you respond to that?

**Mr Ahern:** I am confused about what he is saying. I take it he is not accusing me of threatening him, because I do not threaten anyone and I have not threatened anyone.

**CHAIR:** That was not my interpretation.

**Mr Ahern:** I could not understand it, quite frankly—the whole conspiracy thing. There were always a group of people and there are in politics who are in some sort of faction environment: every little child is born into this world either a little liberal or a little conservative. That is how it is. He represented a group of people who were always taking an opposite view to mine. The other names that he mentioned—Menzel, Powell and some of the other names—were in that group as well. That was the reality at the time. It was controversial. Bjelke-Petersen had been there a long time. He conducted some conduct there that unseated himself in the party room. There was only one person to blame for that and that is him. He did that.

**CHAIR:** I had a further question about the process. I appreciate, firstly, that effectively it was uncharted territory, not only then but still now. There is not a lot of precedent, certainly not in Australia, before or since that time. I want to talk to you about the issue of procedural fairness. The flavour of your submission and also what you have told us today is that effectively you delegated the issue to eminent jurists and you relied on their particular views. Of course, Mr Vasta did appear before the bar of the parliament, gave a lengthy address, tabled documents, made quite a detailed address and got an extension of time from the parliament. We have heard earlier today that, in fact, the members of parliament at the time did not have access to a copy of that transcript.

**Mr Ahern:** But they were there.

**CHAIR:** I understand that. I understand that people were listening attentively. That is definitely the thing. We know that the *Courier-Mail* seemed to have had a transcript, but the members of parliament at the time did not. In terms of procedural fairness and the motion that was put forward for a seven-day adjournment so that members could consider what Mr Vasta put forward in more detail, can you explain to us why you think that was not appropriate? Has your view changed with hindsight?

**Mr Ahern:** No. I have reviewed it and I have spoken with Ian Callinan QC in the last few days. I have said to him, 'Is there anything that you need to tell me that we could have done differently?' He said no, not in his opinion. We acted appropriately and he said, 'Recently, I've re-examined my notes and I'm quite certain that, as we went forward, we did the right thing'.

Remember, we selected some absolutely eminent jurists—the best in the country. We delegated to them. The parliament made a decision on the matter, all right. It delegated it to eminent jurists. When it came to pass, the reality is that there was no way that we could sit down sensibly in a Fitzgerald environment, when all of this was pouring out by the day and people were throwing allegations under parliamentary privilege at each other across the table—it was not a suitable environment to be further reviewing anything, really. It was chaotic at times. It was a question of getting on with the job, of respecting the job that the eminent people had done under very good advice and His Excellency's review, which took place.

It might well be something that you might consider: we did not have to draw that out of His Excellency, although he made it quite clear at the time. It was in the 1700s that the initial ruling was made by the head of state that they had this power of veto in any situation like that. It might be a good idea to draw that out, but we did not have to, because he agreed with the decisions that were made after review. It was a matter of getting on with it. You can draw it out for as long as you like. The opposition will agree with it, because they were getting brownie points all the time from it. People say to you all the time, 'Be definitive. Make decisions. If you feel with utter conviction that it is the right one, do it.'

**CHAIR:** Finally, Mr Ahern, you talked earlier about judges needing to be held to a higher standard—that it is not an issue of whether or not they have been found to have acted criminally but there is a higher standard in place than that. I think most members of the committee would agree with you on that assertion. I want to find out your view on whether or not other judges, at the time and subsequently, have been held to the same standard that Mr Vasta was held to?

**Mr Ahern:** I have no reason to believe that they are not. I would draw your attention to Sir George Lush, who was one of the eminent jurists. He said—

> Judges ... cannot, however, be protected from the public interest which their office tends to attract. If their conduct, even in matters remote from their work, is such that it would be judged by the standards of the time to throw doubt on their own suitability to continue in office, or to undermine their authority as judges or the standing of their courts, it may be appropriate to remove them.

He has made it quite clear that there are standards. There have to be standards. Now, because of these rulings, there are better rulings of courts and judges and the whole body of law has gone forward. I have no reason to believe that that has not impacted on the conduct of judges today, but a judge is not appointed to a judgeship forever; a judge is appointed to do a job whilst in good behaviour.

That is the law under the Queensland Justices Act. The good behaviour bit is there. The House, the representative of the people, will judge him and the Governor of the day will review that decision. There is now a process—a much better process.

I would encourage you to put aside—I have made some remarks there. I do not recall a lot of what was said—some of it is romantic thinking, I think—but I can recall saying to people, 'Look, we have been through a process. We have trusted these eminent jurists to make a judgement on what is appropriate behaviour after having waded through piles and piles of evidence. They presented a report and made a strong recommendation to us. I do not believe we have any alternative but to follow their advice.' That is what Callinan said. In fact, he wrote some notes for me to take into the House. Ian Callinan is a very highly regarded jurist in Australia and he was there for all of this, and the rest of it.

**Mr CRANDON:** I want to touch on a couple of things that I have asked Mr Vasta and Mr Katter about. I want your views, too. Were you aware of the $600,000 payout to—

**Mr Ahern:** That happened after I retired.

**Mr CRANDON:** I am aware that it happened after you retired, but are you aware that it occurred?

**Mr Ahern:** No, but I think it is appropriate that some payment was made. This process here put a flag in the sand. It drew a line. One particular justice had these standards applied, so some payment was obviously necessary. I incidentally have listened with interest now about people allegedly saying, 'But there's more to come. Wait until it all comes out.' I did not hear that. Someone else quoted me. I think it was Mr Katter who quoted me as saying that. I do not know what he is talking about. That is not right. I do not know. These things were done on a basis of what was before this commission. All of this information, about the tapes and the other allegations, was there. I do not think we were hanging a bloke in advance of other information coming out. I have no recall of that. The attorney-general was Clauson, I think. I cannot recall him saying that to me in private. I do not know of it. It was timely that these rules be taken. The situation in respect of the division of power between the parliament and the executive and the judiciary was not clear. They needed to be separated and they are now.

**Mr CRANDON:** Coming back to my question in relation to the $600,000 payout or compensation, I suppose you would call it, you indicated a moment ago that you felt that that was quite appropriate to have been done. When did you become aware of the payout? Was it in these proceedings that you became aware?

**Mr Ahern:** Yes, just now, but I am not unhappy with it.

**Mr CRANDON:** That is fine, thank you.

**Mr Ahern:** I was aware that calls were being made and Mr Goss had the duty of looking at that, and he did. I have to say about Wayne Goss, who is no longer with us, that I saw him about matters that were flow-ons or segues from the Fitzgerald inquiry process, particularly in relation to organised crime and drugs and so on. I asked him to follow through on those and he told me that he would do that. I have no reason to believe that he had not done it.

**Mr CRANDON:** In relation to the suggestion that—I am paraphrasing—there was nothing there that could be taken to the courts, and that is the suggestion that has come through from a number of different submitters, I put the question to Mr Katter and Mr Vasta: could it or would it have been something along the lines of, 'Well, he has been punished enough and there is now no need to put him through a court process to charge him.'? Mr Vasta indicated that they would have come after him regardless, if there was something there. What is your view on that? Do you think it was a 'he has been punished enough' type of scenario?

**Mr Ahern:** I do not understand all the logic of that. What has been said here is that judges, particularly in the Supreme Court, have a duty that is higher than that by which we have to abide. You expect a code of practice that is higher than that. I think that is the sort of thing that Sir George Lush has recounted here. It is to do with their duty in the public arena, where they have to hear cases and people are not able to say 'he did this and he did that' and 'he was talking to the police commissioner' or 'he was in regular discourse with the police commissioner at the time, who is now in jail', and that sort of stuff. Those are the sorts of issues that need to be included in a code of behaviour, to say 'these things we do and these things we do not', and there is a code of behaviour there for judges. That is what they seemed to me to be saying. I listened to it all. I had not met these chaps before. I had not met any of them, because they reported to the Speaker. All I can assure you down the nose today—and I appreciate the opportunity to come to you with open hands—is to say that I did my level best to get this right. The arguments about factions and all that sort of thing are rot. It is not the way it was done. It was done with the best of intentions for the people of Queensland to generate, as far as possible, a document that would enable Queensland to go forward in a reformed way in the future, which was timely.

**Mr CRANDON:** Thank you.

**Ms BOYD:** Mr Ahern, you have said today that you had no alternative but to follow the advice of the commission of inquiry. The commission of inquiry set out their opinion on Justice Vasta and said that in terms of the five things listed at 12.2—so (a) through (e)— those things in conjunction with one another led them to form a view that his removal from office was warranted. Since then—and I guess with the benefit of hindsight—it has come to light, and certainly the committee has heard, that there has not been anything pursued in terms of the five things. No action was ever taken in relation to the five things. In fact, Mr Katter submitted today that the tax office ended up paying Mr Vasta money.

**Mr Ahern:** I do not know if that is right.

**Ms BOYD:** That is the information before the committee today. I wanted to seek your view in relation to these five things. There was an abundance of importance, particularly in *Hansard*, from politicians of the day—members of the House—that these things were to be read in conjunction with one another. The information coming through to the committee now is that some of these things, in fact, cannot be founded and there was no evidence particularly provided to politicians of the day on that. With that in mind, do you think the decision was the right one?

**Mr Ahern:** I believe it was the right one and it looked at issues across-the-board. In respect of the conduct of judges generally, we gave these eminent jurists a job to make a decision and they did. I do not think it was anybody's responsibility then to go through and test the basis, because they had made a decision on an issue as they saw it. They were aware of a whole range of issues that were coming up, that were in the media and so on. They made a call.

**Ms BOYD:** It is your view that the members of parliament of the day should not have interrogated the evidence that backed up the commission's view? They should have just accepted the commission's view for what it was?

**Mr Ahern:** I believe that an adequate opportunity was given to members of parliament to speak, right through until three o'clock in the morning as I recall. There had been a big opportunity for the gentleman concerned to make his address. Then the Governor of the day submitted it to his process and a decision was made at that time.

**Ms BOYD:** Based on the information you know now around these five points that formed the commission of inquiry's view, would your opinion be different?

**Mr Ahern:** No. I would still go for the process. Particularly in the parliament at that time, which was a very contested environment, which would be a kindly thing to describe it as, there were allegations being made and all manner of political pointscoring. Rational decision-making was not high on the agenda, so delegating it to a competent group was exactly the right way to go. It would probably be done differently now, because the context is different now. However, at the time we got it right. It was 28 years ago. It should be left to rest and taken on board as experience for future people to look at and understand and see that these people made a good, strong decision, having in mind the future standing of the Supreme Court of Queensland where there needs to be standards applied.

**Ms BOYD:** The Leader of the Opposition at that time, Mr Goss, looked to move an adjournment motion to give the parliament more time to consider the evidence after Mr Vasta had given his account of things. That motion was defeated. Can you tell me, in your view, why it was defeated?

**Mr Ahern:** I said, 'This is an important matter. There is a need for a bipartisan approach to it, if at all possible. It is a matter of extreme sensitivity. There are personalities who are affected.' All manner of issues meant that it was appropriate to deal with the matter expeditiously. He agreed. He said, 'I will convene a meeting during the recess and I will let you know.' He came back to me and said, 'We are going to support it.' He did not give me a long lecture on these other resolutions that he was going to put, which are part and parcel of the political process that was going on at the time—pointscoring, trying to pluck feathers out of me and all that sort of stuff. My intention was absolutely honest. It was, 'Let's try to get the right decisions made. We have set up a process here. We have to honour it,' and we did.

**Ms BOYD:** Thank you, Mr Ahern.

**Mrs STUCKEY:** Mr Ahern, I hear exactly the position that you were coming from at the time. I am also looking at the submission from Howard Hobbs, who was a member of the government. He says that he was a member and struggling in the highly charged political climate. He says there was no avenue for an appeal, that even murderers get a chance to appeal, that there was a lynch-mob mentality in Queensland where many would surmise that Mr Vasta was made some sort of a scapegoat. You yourself have mentioned the chaos of the environment during the Fitzgerald inquiry. Had the Fitzgerald inquiry into corruption in the police force not occurred, would the allegations about Mr Vasta have been dealt with in this manner and how did he come to be drawn into it?

**Mr Ahern:** There was a broad frame of reference. Tony Fitzgerald QC came to see me about broadening the terms of reference to the inquiry, which was a big call. The cabinet had to consider whether that was an appropriate course. Because of the issues that Tony Fitzgerald gave me, which related to government corruption as against police corruption, he felt it absolutely necessary, and was going to call for it publicly, that he be allowed to investigate those particular matters. Obviously, they were very sensitive matters. You have read about them in the papers. The cabinet decided, on my recommendation, signed by this hand, that those terms of reference be expanded to allow him to do that. When he did that, these things started to emerge.

I think it came as a surprise, but it was a question that on a day-to-day basis we had issues arising. We had them in the health department, we had in them in the prisons department, we had them all over the place—issues of things that had to be cleaned up if we were to turn the page. Fitzgerald, in this report, which a lot of people have not read—it would be good to read it—wanted to create a different culture. His feeling was that the problem was culture and that there had to be a new culture initiated. I agreed with that. It was quite a difficult thing to do. We broadened the terms of reference.

As for Howard, Howard was one of the Bob Katter's group. As a matter of fact, when I read Lin Powell and Howard Hobbs and others, there was a commonality there. They were on the other side of these debates. I think they had a feeling that this process should never have happened.

**Mrs STUCKEY:** If this scope was extended to include Mr Vasta, why did not it extend to the judiciary more widely?

**Mr Ahern:** That would be matter for—I would need to take advice on that. There were no allegations about others. There were two other judges, as I recall, weren't there? There were three judges. There is your answer: these people are having allegations made against them and there were two others who were excused. Pratt was one and then there was another name here. This is getting hard for an old bloke like me. There were three judges. This is the Supreme Court judge and the others were judges of the District Court. They were given a good, open opportunity. They defended themselves and those two were excused. The whole process, which is here now laid out in its legal terms, is better now for the process that has been employed. I think you can be proud of what has been done.

However, I would ask you to understand that this is not an easy thing to do. You were dealing with human beings, some of whom you knew. I think someone quoted me as saying, 'These things happen and people get hurt.' I know I had to exclude two ministers of the Crown from serving in my government simply on Tony Fitzgerald's advice. Do you remember that: Lane and Hinze? Hinze said to me on that occasion, 'If I've done anything wrong, charge me.' That is an interesting question and it relates to the matter that I referred to earlier—that it is not a matter of Hinze or any other minister being allowed to do anything providing he cannot be charged. The conduct of a minister of the Crown has to be at a higher level than that. It has to be at a level where there are ethics and codes of behaviour that are far above locking you up in jail.

**Mrs STUCKEY:** For the *Hansard* record I would like to say that, having served many years in this parliament with Howard Hobbs, I always found him to speak his own mind and not that of others.

**Mr BROWN:** Thank you, Mike, for coming in this morning. The member for Currumbin touched on this, and I think you also talked about the rationale of cabinet members in the frenzy of Fitzgerald as the reason you handed decision-making over to the three eminent judges. Ultimately the parliament did have to make a decision. Did that rationale still exist? Did that frenzy cloud their judgement at the time they voted on this?

**Mr Ahern:** I do not know. There are some now—I am sure it is a reasonably small number of people—who have reservations about the process, but I made it quite clear. I am not a threatening character and I did not threaten anyone, but I made it quite clear to them that if they decided not to support the eminent judges, what then? What are you going to do then? I think that some reaction was appropriate. We had excellent, high-level advice—and we acted on it as the more appropriate way to go—to delegate that authority, which we did do. Having delegated it, we then acted on it as the appropriate course. To do nothing—as was suggested by, I think, Bob Katter in what I thought was a civil discussion who said, 'Why don't you leave it and just note it?'—I think would have been the wrong course. You have to take some action when three eminent judges have made recommendations. Can you imagine community reaction to that?

**Mr BROWN:** The decision to put the investigation to the three judges was obviously made in the cabinet room. Do I assume correctly?

**Mr Ahern:** Prior to that there was a group of us who were receiving this advice in club and then the matters went to cabinet, yes.

**Mr BROWN:** Going back to Bob's evidence, the report came back and it was not discussed in cabinet, only in the party room; is that correct?

**Mr Ahern:** I listened to that and I would need to test it, but I am pretty certain there was advice to the cabinet before it went to the party room. I am pretty sure, but I would need to check it. It is difficult for me to remember all these things in detail—and what difference does it make anyway? I had the carriage of the government of the day to do a job. With all the complex issues that flowed out from here, what are you going to do about it? We had a very professional response, and it was our responsibility to accept the recommendations of the professionals.

**Mr BROWN:** I suppose it goes to my way of thinking about waiting for those two years to see whether that advice differed from what was presented at the time also.

**Mr Ahern:** It could have been done, I suppose, but the reality is that people were neighing for results. What are you going to do? I was under enormous pressure with respect to the recommendations here. The party president, Robert Sparkes, told me, 'Don't say you're going to implement any of that, because we want to have a good look at it first and we may not be able to accept some of the recommendations that are coming forward,' so I went straight out and said that I would implement it lock, stock and barrel. Would that have been any different when I knew what was going to be there?

**Mr KRAUSE:** Mr Ahern, Mr Katter referred earlier to comments made to him in this process about all the things that were going to come out about Mr Vasta and possibly other judicial figures as well. He said that he believes you were told things by others to that effect.

**Mr Ahern:** Who is this?

**Mr KRAUSE:** Mr Katter gave evidence this morning that he believed you were being told these types of things by others.

**Mr Ahern:** No. I took some trouble earlier to say that I had no recall of that, and I do not know and I cannot recall Paul Clauson saying, 'Listen, just you wait; there's more to come.' That was not on the table, in my recollection. Clauson did not say it to me and I cannot remember saying it to anyone else, because I would remember it. They would be waiting for it.

**Mr KRAUSE:** Moving on from that, you spoke earlier about how the Fitzgerald inquiry's terms of reference were extended from police matters into government under your cabinet's approval. At that point, why was the inquiry not also extended to members of the judiciary?

**Mr Ahern:** Because I was concerned the stuff that was related to the judiciary related to three particular persona, and those three names and their conduct were referred to the commission. It is not just one: there were three. There were two others, and they were considered as well. Why did we not do the lot? We had nothing to base it on. I do want to have a couple of minutes at the end just to say something about your process of dealing with things going forward.

**CHAIR:** We will extend that to you, Mr Ahern. We are up against time, but I will give the member for Beaudesert a chance to—

**Mr KRAUSE:** I just want to finish this particular line of questioning, if I could. I imagine there have been judges removed by parliaments in the Commonwealth system before 1984—maybe not in Queensland but in other places. I know that there are legal precedents and some doctrines around what is judged to be misbehaviour which warrants removal which exists in the common law and in theory and in practice. In terms of the particular commission that was established, I have not seen a commission like that established anywhere else in the Commonwealth. You said that it was for the purpose of establishing standards to which judges would be held—or that was part of the reason—but those standards already existed in law; is that not correct, Mr Ahern?

**Mr Ahern:** No, I am not saying that was the purpose. The purpose was set down in the terms of reference, but the informal view was that this would be a good outcome—that we would nail these things down and at least have some rules in law about how these things ought to go forward in the future. I think there have been a small number of them. I do not know of any in other places where there is a set procedure laid down.

**Mr KRAUSE:** Can I take you back to my first question. Why was the matter of judicial conduct not referred to the Fitzgerald inquiry itself rather than the judicial commission delegated by parliament?

**Mr Ahern:** It was done this way with Tony Fitzgerald's support.

**Mr KRAUSE:** The judicial commission?

**Mr Ahern:** Yes. I think it is something like this: it is the parliament's primary responsibility, and so the judicial commission should refer directly to the parliament and not to the other royal commissioner. It is something like that. I do not know. Anyway, Tony Fitzgerald was consulted on a range of things, and towards the end he was getting into very highly sensitive areas, as he saw them, where there were persona involved which people knew. There were ministers and premiers and all sorts of people, so when he was briefing us he also briefed the other leaders at the same time. Goss, Angus—the leader of the Liberal Party—and I sat down together and looked at the issues, talked them through, and there was obviously a very serious problem.

I think Bob referred to things on a whiteboard. They were reports of the Australian Bureau of Criminal Intelligence. You can decide to dismiss that if you like, but I do not think you can. They came to cabinet and put a chart up for the information of members at the invitation of premier Bjelke-Petersen at the time which set out the various hierarchies of people involved in the marijuana industry. The presenter was the Australian Bureau of Criminal Intelligence. I had to deal with drugs. We appointed a secret commission on drugs. That was not in the report. The Royal Commission of Inquiry into Drug Trafficking was headed by Justice Stewart, and he had an interaction previously in which every word he said went straight out to the criminals and they left the country. We gave a special commission to Fitzgerald. He did it secretly. Bill Gunn and I went to the Governor and gave him powers and money to do the drug inquiry. I asked Wayne Goss to maintain that initiative when he was premier and he did, so there was a lot going on. If I had agreed to delay things and 'why didn't we do things this way and that way?'—we did things to the best of our ability at the time in the interests of the people of Queensland.

**Mr KRAUSE:** Mr Chair, I just want to ask another question.

**CHAIR:** We will give you one final question because you have had a good go, member for Beaudesert.

**Mr KRAUSE:** What was the impetus for the appointment of this judicial commission? Was there a specific complaint made to you or to Mr Fitzgerald about this? How did that come about?

**Mr Ahern:** As I indicated earlier, it was something that arose as a result of the publication of the police commissioner's diaries in which those sorts of issues started to surface at that time. That was a daily issue in the papers. Tony Fitzgerald came to me with the issue and said, 'We've got to do something about this.' That was the initiation of it and we acted in good faith.

**CHAIR:** The time for questions is over but I will let you make a final comment, Mr Ahern.

**Mr Ahern:** If you are minded to do something about this, I think it is not a shortcut Bill job. You have to go back and look at the commission. If you are going to review that, it seems to me there will have to be a new commission appointed. You have to be aware that that particular Governor, who was the former chief justice of Queensland, made a determination on the matter. You will have to figure out how you deal with that, because he made a definitive decision. It seems to me there must be later evidence. Some of it has been brought here to your attention. There may well be others, so you will have to recall applications. It is something which is 28 years old and I think it is a complex matter for you to do. You will send a message to the people of Queensland. 'We thought all this Fitzgerald stuff was wrapped up' and now you are going to reopen it. I think there will be an adverse reaction to that.

**CHAIR:** Mr Ahern, thank you very much for taking the time to appear before the committee this morning. We really appreciate it. That concludes this hearing. Thank you very much to all the witnesses who have participated today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. I declare this public hearing for the committee's inquiry into the Honourable Angelo Vasta (Reversal of Removal) Bill 2017 closed.

**Committee adjourned at 11.59 am**