




Speech By
Robbie Katter

MEMBER FOR MOUNT ISA

Record of Proceedings, 2 March 2017

HONOURABLE ANGELO VASTA (REVERSAL OF REMOVAL) BILL

Introduction

 **Mr KATTER** (Mount Isa—KAP) (11.33 am): I present a bill for an act to reverse the removal of the Honourable Angelo Vasta from office as a Supreme Court judge. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Honourable Angelo Vasta (Reversal of Removal) Bill 2017 [\[341\]](#).

Tabled paper: Honourable Angelo Vasta (Reversal of Removal) Bill 2017, explanatory notes [\[342\]](#).

In 1989, the parliament moved to dismiss the judge from his office on the basis of findings from a commission of inquiry established by the parliament. This is the only occasion since Federation that any parliament in Australia has removed a Supreme Court judge. The decision to remove the judge was made after a statutory commission of inquiry, established by an act of parliament, found that the judge's behaviour in some personal affairs warranted his removal from office. The allegations of this statutory commission included giving false evidence regarding the AAT incident at the defamation hearing; making and maintaining allegations that the then chief justice, attorney-general and Mr Fitzgerald QC had conspired to injure him; arranging sham transactions to gain income tax advantage; and making false claims for taxation deductions in respect of the lease of a library.

The legislation that established the statutory commission of inquiry was done hastily, with numerous deficiencies identified by subsequent reviews of the case, with the most serious deficiencies being that the terms of reference were too wide and examined all aspects of the judge's life; the legislation prevented any decisions of the commission to be made the subject of review in a court of law; there was no provision for the judge to appeal any adverse findings of the commission; and, finally, if the parliament sought to have the commission make findings of fact to assist the Legislative Assembly, any provision that gave the inquiry the authority to submit an opinion as to whether the judge should be removed was wrong and possibly unconstitutional since that power belongs to the parliament and to the parliament alone and cannot be delegated.

Since the report of the commission of inquiry was tabled in the Legislative Assembly in 1989, a number of the commission of inquiry allegations have since been dismissed or proven to be untrue. The 1995 report of the International Commission of Jurists, Australian chapter—the ICJ report—into the dismissal of the judge outlines the allegations that have since been dismissed or proven to be untrue. These allegations include alleged false evidence given by the judge in a defamation hearing—the commission did not accept as true the evidence of the judge; a sham loan that was arranged to gain a tax advantage—the Australian Taxation Office and the Commissioner of Taxation eventually accepted that the judge's tax affairs were legitimate and no sham loan existed; and, finally, a number of other allegations relating to the judge's tax affairs that have since been determined and are in contradiction of the commission of inquiry's report. Clearly, the inquiry report that the parliament relied upon to, for the only time in history, remove a Supreme Court judge was flawed. That was the advice that the parliament acted on.

Mr Stevens interjected.

Mr KATTER: I take that interjection by my colleague. My father was a member of that parliament. In addition to the ICJ's findings, further circumstances suggest that the decision to remove the judge may have been influenced by attitudes at the time rather than an objective process. The commission of inquiry emphasised how important it was that the matters that may warrant the judge's removal be considered in conjunction with each another.

At the time of the judge's removal, a number of members of parliament, from all sides of politics, publicly and privately voiced their dismay at the events surrounding the dismissal of the judge from the Supreme Court of Queensland. Mr Wayne Goss regarded the report 'as quite unsatisfactory in a number of respects' and Mr Terry Mackenroth said in parliament on 7 June 1989—

The commissioners say in the report that those dealings do not come within their jurisdiction, yet they find him guilty of them.

The proper course of action was that the matter should have been dealt with by the taxation authorities before the report came before the Parliament for debate ...

Many other members of parliament voiced serious concerns at not being able to thoroughly consider and research the matter over a number of days. This bill is not about judging people from the past and conducting a witch-hunt of them; it is acknowledging that there were some serious flaws behind the judgement that was made at the time. There was also a concerted effort to allow for a conscience vote for all members of parliament. This was denied when government ministers instructed all government members to vote en bloc.

Although the judge comprehensively proclaimed that he should not be removed from office, the motion was passed by the Assembly at approximately 3 am, with only the support of the government but with intense disapproval from the opposition and other parties. The vote was determined only by voting on the voices and no division was called. It is suggested that the commission made a glaring error when the commissioners delved into the judge's taxation matters.

On 12 September 1995 the Hon. Neil Turner raised the matter of the judge's dismissal as a matter of public interest and subsequently tabled the ICJ report to the Legislative Assembly. Mr Turner sought to have the parliament review this matter and he highlighted the events which show clearly that the parliament was in error in the decision to recommend the dismissal of the judge by the Governor in Council. Over the years a number of other people involved in the decision have expressed their regret privately. I expect now that this legislation has been put forward more people will come out publicly with their views.

Angelo Vasta, at 76 years of age, is now too old to be readmitted. This is about righting the wrongs of the past and the parliament doing the right thing. It is not about condemning anyone who was involved in the decision. It is important to note that there is no issue of compensation. It is just about clearing someone's name. I think it is the right thing for the parliament to consider. It is not casting judgement on anyone involved in this decision. I think there was some flawed advice that was given. It was around the time of the Fitzgerald inquiry, when there was a real fervour to cast someone out from that role. Unfortunately, judge Angelo Vasta was on the receiving end. That was the only time since Federation that a parliament has removed a Supreme Court judge. One would expect that he had committed grand larceny or murdered someone or done something really severe, not had some tax issues that subsequently were mostly found to be invalid. That was a strong pillar for the removal of Mr Vasta. I ask that the parliament consider this bill and do the right thing by someone who I think was unfairly removed.

First Reading

Mr KATTER (Mount Isa—KAP) (11.41 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms Farmer): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.