

WHISTLEBLOWERS ACTION GROUP QLD INC

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MEDIA RELEASE

CALL FOR A ROYAL COMMISSION INTO THE QUEENSLAND JUDICIARY AND JUDICIAL SYSTEM

The community of whistleblowers in Queensland have been active observers of the undermining of the judicial system in Queensland by political processes for the past twenty years, and adds its voice to those now calling for an inquiry into the justice system and its judiciary.

Whistleblowers, in discussion with our Group, advocate that the Inquiry's terms of reference be open to complaints about the Industrial Relations Commission, the Legal Services Commission and the Law Society's role in that body, and the performance of the Bar Association in addressing the ills of the judiciary. Quasi Judicial Inquiries, such as the Queensland Flood Commission of Inquiry and the Forde Inquiry about which public criticism has already been made, should also be available for a public hearing of those complaints. The role of the media in any politicization of the judiciary should also be included. Queensland needs to know what has happened to our culture of the law, and how this has occurred over the last twenty eight years since the beginning of the Fitzgerald Commission.

A lot has been stated in recent media reporting and published opinion about the judiciary, the open division in its ranks, and the antagonistic behavior of its members towards the Chief Justice.

WAGQ states its agreement with Carmody CJ (see *the Courier Mail* on 21 March) that the judiciary has become politicized, and supports his call for that alleged parlous state to be addressed. McMurdo JA and Byrne J and that side of the alleged politicization may not appear capable, with or without Carmody CJ, in achieving that result, or of convincing the public of Queensland that an independent judiciary has been re-established, if members of that mind are left to lead Queensland's judiciary after Carmody CJ's departure. The one thing worse than a politicised judiciary - if this is what currently exists - may be a one sided politicised judiciary.

WAGQ agrees with *The Australian* journalist, Mr Hedley Thomas (see 25 May 2015 edition), where he saw the destruction of the Heiner documents as being at the core and at the origins of the division within the judiciary. He attributed Carmody's finding - that the Goss Cabinet was in prima facie breach of the Queensland Criminal Code - as the demonstration that Carmody was '*politically savvy*'. Seven sitting judges and other prominent lawyers are adversely mentioned in the Rofe QC Audit of the Heiner Affair, published and given legal privilege by Carmody during the Carmody Inquiry. Carmody's finding, that Cabinet's destruction of documents about the management of child abuse and associated matters in a Government Youth Centre was a prima facie breach of Queensland's Criminal Code, is the most recent crack in the long resistance by justice institutions and legal bodies in Queensland to giving these allegations oxygen within those allegedly politicised justice procedures.

WAGQ agrees with Mr Russell Hansen QC that judges selected during 20 years of Labor administrations, (including those, WAGQ would add, subject to unresolved allegations about the treatment of the Heiner allegations when these came before them in legal or judicial office), should not be throwing stones at judges appointed by the other side of politics.

WAGQ does not agree with reported statements by Mr Des Sturgess QC that any warranted allegations of wrongdoing by the judiciary should not be properly investigated, and prosecuted. It can never be in the public interest for members of the judiciary to break the law, if this is what

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may have occurred. Any such situation must undermine public confidence in Queensland's judicial system, in WAGQ's view.

A Royal Commission will allow McMurdo JA to make her allegations against Carmody CJ that justify her alleged refusal to sit with the Chief Justice on any hearing. It would also allow a proper venue for the former Attorney General to provide evidence on oath about his claim that McMurdo JA allegedly sought from him a favourable elevation of judicial appointment for her husband.

Most of all, WAGQ agrees with Edmund Burke, that corruption thrives when good people turn a blind eye to wrongdoing around them. WAGQ considers that it was silly for the Goss Cabinet (and the authorities that have allegedly protected the Goss Cabinet from investigation and any resultant merited prosecution) not to realise what would happen when the Cabinet decided to destroy documents sought for legal action against the Government. That practice became what it is today in the Queensland Government Agencies, a usual way of doing business, it is alleged. Heiner is at the vanguard of complaints that governments have allegedly destroyed documents sought for legal actions being taken against Government and/or its agencies.

It was arrogant of those responsible for the leadership of the law in Queensland not to realise what would happen when, allegedly, the Goss and Beattie Governments, their legal appointees and / or media supporters, bullied or attempted to bully hero custodians of the law, such as Inspector Col Dillon of Fitzgerald Inquiry fame, Rofe QC of Carmody Inquiry fame, and journalist Bruce Grundy of Heiner Inquiry fame, out of the law, including reporting on law cases. It was only a matter of time, in this type of judicial culture, before the processes and methods of the bully would one day takeover the management of the police, the processes of legal authorities within government, and now, allegedly, the functioning of the judiciary.

As with government agencies, if the alleged practices of selecting mates and family members for judicial appointments, or of making judicial appointments as rewards for loyal service, have happened, WAGQ contends that these practices do not lead to effectiveness of government agencies or of judicial functions. The result may be a feeling of obligation by the favoured appointee to the person or party making the appointment, with an immediate loss of independence. It took the British Empire several centuries to develop a system to overcome these vulnerabilities within government, including the judiciary, but two self-serving Queensland governments under threat of criminal prosecution, and the fall-short efforts of their political opponents, have removed that Westminster system from Queensland in less than two decades, in WAGQ's view.

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