

12. THE OPINION OF THE COMMISSION

12. 1 The Commission advises the Legislative Assembly that in the opinion of the members of the Commission the behaviour of Mr Justice Vasta in relation to the matters mentioned in the following paragraph, viewed in conjunction with one another, warrants his removal from office as a Judge of the Supreme Court.

12. 2 The matters which warrant his removal are those which may briefly be described as follows:

- (a) Giving false evidence regarding the AAT incident at the defamation hearing;
- (b) Making and maintaining allegations that the then Chief Justice, the Attorney-General and Mr Fitzgerald QC had conspired to injure him;
- (c) Falsely stating to the accountant who was preparing the income tax returns of Cosco that the cost of the company's plant was \$14m and, knowing that the company had been deceiving the income tax authorities with regard to the cost of the plant, taking no steps to end the deception;
- (d) Arranging the following sham transactions to gain income tax advantages:
 - (i) the loan from Cosco to Salroand;
 - (ii) the consultancy fee;
 - (iii) the lease of the Gold Coast unit; and
 - (iv) the exchange of cheques relating to overseas travel expenses.
- (e) Making false claims for taxation deductions in respect of the lease of the library.

The findings in relation to these matters are set out in the report.

12. 3 The behaviour of the Judge in giving at the defamation hearing evidence which he knew to be incorrect was of a kind which would normally be very serious but the evidence was given in circumstances that are explained in s.3 of the report. The allegations of conspiracy, similarly, may be regarded as isolated and irrational behaviour caused by stress. The Commission did not need to consider whether either of the matters mentioned in this paragraph by itself would have warranted removal, because they did not stand alone.

12. 4 In the Judge's favour, there is not the slightest reason to believe that he has been guilty of misconduct in carrying out, or in connection with, the duties of his office as a Judge.