

originally have come from the journalists, and those journalists would therefore be likely to give evidence for the defendants.

3. 4.22 The Commission has carefully considered these arguments but accepts the evidence of Mr Goff and Mr Campbell and concludes that they are not mistaken.
3. 4.23 The Commission has dealt with this matter at length for obvious reasons. If the Commission is satisfied that the incident took place, then the denial of its occurrence by Mr Justice Vasta must be rejected. There being no room for mistake, it means that that denial is false, and deliberately so.
3. 4.24 There is of course, a motive, perhaps it could be said a strong motive, to explain why Mr Justice Vasta should give a false account to this Commission. He had committed himself to an absolute position on this matter back in the defamation proceedings in September 1986. The answers to the questions put to him there could have evoked an impulsive response that, if circumstances had been different, might have been able to be qualified. He qualified, in this Commission, the answers that he had there given about the two other topics, the acquaintance with Sir Terence Lewis and Sir Edward Lyons, and answers regarding the evidence of similar facts in the Carroll matter. In giving evidence to this Commission on other occasions absolute answers given by Mr Justice Vasta to questions put to him had later to be qualified, or were attempted to be qualified, when they were shown to be plainly wrong. There was no way to qualify the absolute answer given about the conversation in the defamation proceedings. He had a very strong reason to adhere to it.
3. 4.25 The Commission does not accept as true the evidence given by Mr Justice Vasta to this Inquiry in relation to the AAT matter. However the matter under inquiry by the Commission was the evidence given by Mr Justice Vasta in the defamation proceedings. That evidence was not correct and this must have been known to the Judge when he gave it. However that situation must be considered in the light of (a) his propensity to give impulsive answers which upon further exploration turn out to be quite wrong, (b) the lack of preparation for the hearing of the defamation proceedings and the haste with which they were conducted and (c) the opportunity to give vent to his feelings of offence and injury caused to him by the "Matilda" article. The evidence given by Mr Justice Vasta in the defamation proceedings in relation to the AAT matters calls for consideration along with other matters when considering an assessment of his behaviour for the purpose of s.4 of the Act.
3. 4.26 The evidence given about the same matter to this Inquiry creates a difficult problem. The Commission did not seek any submissions about whether conduct