

Judge blasts A-G for 'politicised' judiciary hit

EXCLUSIVE

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A judge charged with assault has accused the state's Attorney-General of prosecuting a political case against him and of undermining judicial independence and the Constitution.

The Tasmanian Liberal government on Tuesday will move a motion of both Houses of state parliament to suspend Justice

Gregory Geason, who has pleaded not guilty to one charge of assault and one of emotional abuse.

It had proposed legislation to establish a commission of inquiry to investigate Justice Geason, although it on Friday postponed its bill after independent MPs aired concerns.

In a letter distributed to state MPs, Justice Geason's lawyer, Fabiano Cangelosi, outlines "the position of our client" on the government's proposed approach, labelling it "unfair" and a "constitutional threat".

He accuses Attorney-General Guy Barnett of "departure" from the convention by which the first law officer seeks to "defend the judicial branch of government and to preserve its independence".

"The Attorney-General is prosecuting the political case for the creation by the legislature of an ad hoc commission of inquiry, with powers to be given to himself that circumvent the provisions of the Supreme Court (Judges Independence) Act," Mr Cangelosi writes.

The Weekend Australian understands key independent MPs

shared this concern and warned Mr Barnett they could not support giving him the power to suspend a judge, given this would contravene the principle of the separation of powers.

In response, the government has shelved the legislation for now. Instead, Mr Barnett will move a motion to be passed by both Houses calling on the Governor to suspend Justice Geason, 62, as provided for under legislation.

The move has not satisfied some critics of the government's handling of the issue, while Justice

Geason's letter questions the need for any suspension, given that the Chief Justice had directed the court not to provide him any cases.

"Our client does not and will not have matters listed before him," Mr Cangelosi writes. "Even if the view were taken that suspension of a judge were appropriate in the present circumstances, this has already effectively occurred."

The letter, sent to independent upper house MP Meg Webb and distributed to other MPs, argues the courts, and not parliament or a commission established by it, are

the "primary means for determining what actually occurred".

A commission of inquiry, which has powers akin to a royal commission, could force Justice Geason to "give evidence tending (to) incriminate himself".

The Law Society of Tasmania backed many of Justice Geason's legal team's arguments, describing the bill as "unfair in the extreme" and "likely unconstitutional".

Mr Barnett said "in light of the seriousness of the charges Justice Geason is facing, it is appropriate that the judge be suspended".

The judge is yet to respond to revelations in The Australian on Friday that, after discussions with him, Chief Justice Alan Blow suggested his resignation was "one option" to ensure the government action did not "go further".

According to particulars of the charges against Justice Geason lodged at the Magistrates Court, police allege he assaulted a woman by "grabbling her by the arms and squeezing, shaking her and striking her chest" with his hand.

A charge of emotional abuse or intimidation alleges he "coerced"

the woman "into establishing a shared phone account to gain access to her electronic records"; "interrogated" her "about her location, including details about her companions"; scrutinised her electronic devices and reviewed her messages, and; subjected her to verbal abuse.

As well, this charge alleges he pressured her into signing the contract of sale on West Hobart home; exhibited "jealously, rage, anger and aggression"; and; breached a family violence order. Justice Geason denies all the allegations.