

Raw transcript of interview:

## 2024-03-11 - Graham and John Discuss with Retired Judge Stuart Lindsay for his perspective on issues...

Publish

March 11, 2024 7:00 pm AEST

Hi everyone, and welcome back to Club Grubbery. It's great to have you back on and, uh, this interview, the first of a big week of interviews coming up, uh, interviewing also Craig Kelly and Malcolm Roberts, uh, which will be the next show. We're also having on, um, Rod Culleton. And, uh, several others that we're lining up as well.

So it's going to be a very full week of club grubbery and Johnny, we're off to the Senate committee hearings, uh, in relation to the terms of reference for the Royal commission. We'll be there next week. And then I'll be going on from Canberra to Albury to participate in, uh, Aussie wise, uh, triple conference, um, over three days in Albury.

And if you haven't, um, If you want to go there, I believe the tickets are for sale. There's various prices for them. I suggest you go to the Aussie wire website and book yourself some tickets because it's going to be a massive event, a whole bunch of speakers there. And, uh, we look forward to meeting some of you there tonight.

Our guest, a former federal circuit court judge, Stuart Lindsey. He was a judge for 10 years, a barrister before that. And he is a barrister after that. And, um, we've invited him back on. He was on our show once before, and, uh, it was great to have him on. And you're always in our thoughts, Stuart. We thank you for joining us.

That's my pleasure. Johnny, anything you'd like to throw in before we start? Well, what do you, uh,

There's always something you can throw in. But, uh, look, I, I, I think, uh, I think that the thing that'll be pressing on most people's mind is what, uh, what Judge Lindsay, uh, thinks of what happened up in Queensland. Realistically, that's, that's, that's, That's, that's probably the number one, uh, topic. Uh, it's certainly, uh, it's certainly on everyone's minds, isn't it?

That there was an injustice done and, uh, the courts up in, uh, Queensland certainly, uh, found that and, and interesting. It'd be interesting to get, uh, Judge Lindsay's thoughts on, uh, uh, Lindel Dean's judgment, uh, in the Fair Work Commission too, because I, I, I think, uh, she was grossly, uh, unfairly treated, uh, in relation to that diss descending judgment.

Hasn't she been proven right now? Yeah, she has. And hasn't she copped it for it? I mean, uh, a wonderful woman. She really is a wonderful woman. Um, so anyway, let's get right into this, uh, judge Stewart Lindsay. Uh, victory on the ground in, since the COVID pandemic started for those who have been fighting for bodily autonomy has been, um, It's been few and far between, let's be honest.

And it would have led you on a number of occasions. And I know we discussed this last time to start to wonder what the judiciary is all about. But finally, a little bit of traction here, a bit there, the judgment out of Queensland, um, based on the, um, the, uh, the dereliction of duty from those involved in police to apply the proper human rights to mandates, um, is obviously a very telling one.

And it's been looked at by various. jurors from different angles. Uh, what's your take on it? Well, I would have said it's a week or two ago now and um, look, my first impression was Maybe two chairs, but on more careful examination and reflection, I think it's, it's one chair. So a wins, always a win, isn't it?

Um, and, uh, so to that extent, well done to everyone involved, but on a closer examination, I think that the, The judgment is, is very disappointing, not from the point of view of the people who conducted the proceedings on behalf of the applicants, the, the, the policemen and the ambulance officers that did a wonderful job.

But, um, but on my reading of the matter, and from what I know with speaking with at least some of the witnesses involved, um, it's, it was a great missed opportunity. That's the first thing I'd raise about it is, um, the judgment seems to have been a long time reserved. As I understand it, the evidence finished, um, around about April, May of 22.

Certainly, there was the need for some lengthy written submissions. There were all kinds of Of aspects to that. So just looking at the judgment, we see various states in which it was heard, but, but I thought the police commissioners evidence was in and everyone else's of relevance their evidence was in bearing in mind that the CEO of the Department of Health who made the ambulance.

Direction, the ambulance officers direction. He didn't show up. He didn't think the proceedings were significant enough to require his attendance, but, but really, um, and I stand to be corrected by those who were, who were conducting the proceedings or we were, who were present, but, but it seems to have been a long time reserved.

So, um, You know, it takes a while to get around to writing these judgments. The judgment has the sort of hallmarks to me, um, the way there's a range of issues, but it has the hallmarks of something that, that we can often be delivered as an ex what we call an extemporaneous judgment. In other words, The judge steps down from the bench, maybe thinks about it for the afternoon and comes back and then delivers oral reasons which the stenographers take down.

That's always the best way to proceed if you can because the decision is given to the parties very quickly. So it was, by that I mean it was a bit rough around the edges. in the way it leapt from one issue to another. Um, but this is a judgment that's been reflected upon and I, I, I, I just think it's surprising that, um, a judgment that was so damning, uh, in relation to the evidence of the police commissioner.

I mean, I can't recall, um, I can't recall A judgment which recorded the performance of a senior public servant and a police commissioners and especially important public servant, of course, um, recording evidence of that nature. I don't know whether you've each had the chance to read the transcript, but the police commissioners evidence was a fumbling, bumbling disaster.

This is, this is the person who was. We saw fit to deprive police officers of the opportunity of participating in their, in their calling, earning money, earning income for their families. And the evidence revealed that when it, when it, when it behooved the judge to look at whether she'd complied with the procedural aspect of the human rights legislation.

So you've gotta look at the, the, um, the, the act of the public entity in which this case it was the police force itself. You've gotta see how it measures up against the particular human rights that are described in the legislation. But the first step is the procedural one. You've actually got to show under the act.

Under section 58 of the act that you've turned your mind to all of the things that the public and especially the people who are going to be at the sharp end of what you're deciding, you've got to show you turned your mind to all of the relevant things. human rights obligations that arise under that Human Rights Act.

So there's a Human Rights Act in, in Queensland, there's one in Victoria, the Queensland one was modelled on the Victorian one, there was one, there's one in the ACT. That's it for Australia. We've got the New Zealand one, of course, which, which also gave us some joy last year in relation to, was it police officers or army officers, but, um, but the Police Commissioner's evidence was just astonishingly In it or rather the evidence revealed just how inept she had been in carrying out her her responsibilities.

So, for example, she had to give a description of the documents that she'd taken into account. Um, and bear in mind, this was a, this was a complicated issue. I think we're talking in her case, September of 2021 and December of 2021. So. The first mandate and then the boost is coming in December. Um, she had to get on top of the progress of the, of the, of the covert virus.

She had to get on top of the medical information she had to get on top of. Uh, whether it, uh, the, the vaccines would prevent transmission in the workplace, in particular in a police workplace. She had to then read all of this very complicated information that was provided to her by the public service in relation to the compliance with the Human Rights Act.

And what her evidence revealed is that she simply had no idea what she'd read. Uh, she said she had made the decision after reading certain documents, for example, that, that, that human rights assess that Human Rights Act assessment from the public servants and her deputy commissioners, uh, reports in relation to various matters.

And she was completely wrong, uh, she, I understand from people who were present in the court when she gave her evidence that, uh, that her performance in the witness box resembled a, what psychologists or psychiatrists might call a decomposition. So even to the extent where she revealed things that were, um, that were, were actually covered by legal professional privilege communications between her and the Crown, they turned out to be insignificant in relation to the ultimate result.

The, the judge records all of this. Uh, the judge, sets out quite lengthy passages of the transcript and lets it speak for itself. But given that her evidence would have been at the latest in the early part of, Sorry, mid part of 2022. Why are we not getting a judgment about this until February of 2024?

Because bear in mind. A lot depends on it. True, it is that the police mandate had been withdrawn by then and long withdrawn, but these are vital public health and vital public administration issues. And look, I've had the task of writing judgments myself, and I've, particularly if it's a busy judge, no doubt he had other commitments, but one does wonder.

Um, as to why it took as long as it did for this extraordinary judgment to, uh, to come out. And as I understand it, and again, I stand to be corrected, I'm not okay with, with all of the events of Queensland politics, but as I understand it, the police commissioner had already, uh, essay to resignation before it came out.

Can you help me with that? Yeah, she did. But not long before. So it would be a different thing if the, if the judgment was released, say, within three to six months of the close of the evidence. So that would take us, I hope I'm right about this. I stand to be corrected. But as best as I can assert, that would be at the end of Of 22, so the beginning of 23, so 12 months ago, well, imagine the impact of that, see, the political impact of it, uh, she would have, surely there would have been a, a, a, a hue and cry for her sacking, but instead of that, that's not happened, this, I, can you think of a more important matter relating to human rights and public administration that's occurred in Australia Over very many years and yet the judgment is, is that the egg is hatched as it were over such a, over such a long period so that's, that's, that's one of the things the second thing that's perhaps striking to me about the outcome of the matter is that the, the grounds on which the judge foundation his orders, and his orders.

Bear in mind, don't declare the ambos or the police direction to be invalid. They only declare them to be unlawful, and then the only, uh, thing that he does on the strength of that is, essentially, is he grants an injunction from the police commissioner and the ambulance, and the CEO of the Department of Health, um, from relying upon it.

So there's all kinds of issues that remained unexamined. It really is. The judge considered all those human rights matters, all those, the extent to which the, um, each of the mandates compromised or contradicted or were inconsistent with the requirements of the Human Rights Act. They were considered, what we say in the law, obiter dicta.

In other words, he'd already found the grounds of his decision in this very narrow area of unlawfulness. So the unlawfulness. As far as the police commissioner was concerned was just this extravagant, um, non compliance with the procedural obligation to turn her mind to the things she needed to turn her mind to.

That was the beginning and end of the judge's reasons for, for, uh, for making the audits he did in relation to her. But in relation to the CEO of health with the ambos, it was even. Even more striking, neither he nor his legal representatives, which would have been the Crown, they couldn't even tell the judge whether he had in, he'd made that mandate in reliance on a particular statute, which would have brought it within the ambit of the human rights legislation, or whether he'd done it because it was a reasonable direction he could make.

under the employment contracts of the various ambulance officers. He changed his position about that from the start of the trial until the end. Uh, and in the end, the judge simply didn't know what he was promoting as the basis for him having made the orders. Again, a chaotic, um, I'm not, this is, this is just the facts as they struck me from reading the judgment, Graham.

I'm not trying to, to, um, to talk them up. They're that striking. Just a completely inadequate, unprofessional, um, uh, attention to, uh, his obligations, to have very clear in his mind the legal basis He, the legal ground he stood on in making these decisions about statutory vaccination, you get, you get vaxxed, you haven't got a job.

So two very narrow grounds, um, were established very early on in the judgment. And the rest of the judgment is really just a, um, an overt addicted discussion of various other matters that had he not found those grounds may have had to be Uh, part and parcel of his decision. So, uh, a good result, it's a win, and as you were pointing out at the start, Graeme, wins have been very rare in this, what I, what I call the era of the flu data.

Wins have been very, very rare, haven't they? We've had, um, in our case in South Australia, we ran a judicial review that, um, was delayed, once the hearing started, was delayed and delayed and delayed. Until the new Labour government passed an act of Parliament, which closed it down, we had the spectacle in Darwin, with perhaps the most outrageous piece of legislation, where, which was foundationed upon all Aboriginal people being vulnerable people.

And if you worked in close proximity to an Aboriginal person, and who wouldn't do that in the Northern Territory, um, you had to be vaccinated. Again, Delay after delay in that matter, the, I know the fine young man, a fine young Catholic gentleman who, who got the litigants organized in that matter. They raised their money.

Um, they knew that they had a very strong case. The hearing of the case was delayed. And when it finally got underway, what the government did is they passed an act, the territory government passed an act that essentially said, whatever the outcome of this decision, we are validating the direction of the mandated directions.

So this is the sort of dispiriting environment in which we've operated. And of course, John, John would know all about this. John was. One of the pioneers. They should strike a medal, frankly, for people like John and Mr. Kassam. And what was the name, John, of the police officer in Western Australia who ran those?

Oh, look, and again, um, uh, no fruits of victory. Um, and then when victory finally does come along and comes along in such a An astonishing way in a way that that if the if the media had been given the opportunity to to give it some currency when it really counted would have would have really landed some blows upon that medical and political and administrative establishment.

That carried out this flu data media. I've come up with some, uh, interesting thoughts in the last 24 hours. I've looked at the language of the world we're living in now. And the most repugnant words are things like fascism, racism, racism, communism, feminism, uh, Marxism. And now I've added journalism, uh, to, to that list of repugnant words because the fourth estate has let us down.

But, uh, Johnny, you got a question for Stuart? Yeah. Well, it's interesting. It's interesting to hear Stuart's views on those, uh, on, on that verdict, because I, I thought it was, uh, interesting too, when you read, read the, uh, the judge's, uh, transcript about balancing the, the, the obligations, uh, about, you know, protecting the public and, and the like, and, and, yeah, I, I, I don't disagree.

It was a win, but, uh, it, it could have been a lot, lot more hard hitting. Thank you. Uh, and, and it seems, uh, odd to me that, uh, in jurisdictions like New South Wales, they don't appear to have. Any human rights laws within their state legislation, which, which precludes us from, from going down that pathway. Uh, but I, I know in our case, we had four current law professors, uh, give, uh, written evidence and essentially it was largely ignored by the judge, Judge Adamson.

In relation to human rights. So, uh, you know, that was at the Supreme court. So it just beggars belief what's going on. And now, now she's been promoted. She's been promoted to the appeal court and the, uh, the, the silk, uh, that was representing Brad hazard, who, uh, didn't have to appear either because judge Adamson said that he was too busy.

Uh, to, to appear. And, um, that was fair enough. He had to be in parliament. At least the Chief medical officer had the decency to show up in your rights, didn't she? That's right. She, she did, uh, Dr. Kerry chair. Yes. And that evidence will, uh, will make history, I think, uh, because of, uh, what was detailed in there.

Uh. Uh, it was horrendous really, uh, and, and now that, uh, that Silk, Jeremy Kirk, he went on to be appointed as a, uh, a Supreme Court judge and an appeal judge, uh, as soon as he was, uh, finished representing, um, Brad Hazard, um, And, uh, the, the Supreme Court, uh, judge, uh, in charge, uh, Justice Beech Jones, who, um, was the head of common law, he has since, uh, given a, uh, a talk to the University of New South Wales.

Uh, singing the virtues of, of mRNA vaccines. And this is only recently. I wasn't aware of that. Yeah. Because, because he was the judge in Mr, uh, Kassam's matter. That's right. And of course you're, you're one of your difficulties, John, wasn't it? You tell me my recollections, right? One of your difficulties is you came after the Kassam judgment.

And I think your matter proceeded upon the basis of your counsel. Uh, accepting that what that judge had to say about certain important aspects of the legal argument was right, and you had to distinguish your case from Mr. Kassam's Adamson wasn't satisfied that it was distinguishable. 100%. And she made it very clear that she was not prepared to go over any of the, uh, the arguments that were put forward in the Kassam case.

Um, and then, uh, Justice Beach Jones has been appointed to the, uh, the High Court. So Yeah, look, I must say though, if I may, John, I, I, um, reading those judgments, both both Kassam and your own. Um, uh, they, this was quite early days in terms of the mandates. You were sort of first out the block, weren't you? You and Mr.

Kassam. Um, but the, the way in which the arguments were dealt with, I, there were, Clearly, um, the judges involved were experienced judges. They, they addressed all the integers of the claim. Obviously, you were disappointed with the outcome. Um, uh, and I, I personally disagreed with the outcome in terms of. of the questions of legal unreasonableness and, uh, um, and interference with fundamental rights.

But, but it was essentially, um, it, it, the judgments were unremarkable in the sense that clearly the judges address their task and you've had, you had your judgments pretty quickly. Um, but, um, bear in mind yours were traditional judicial review applications, um, relying on the The question that relying on the legal unreasonableness of, um, of the directions in that case.

And as I said, that Queensland judgment never even got to that stage. There's a sort of a discussion of all of these various issues, but there were only one or two that actually settled up on fashioning the outcome. And it was with those matters under the Human Rights Act. But. So look, I, I don't mean to dispirit anyone.

We, we needed a victory in this context, uh, and there it is. So I don't know what's happening on the strength of it. I mean, the, the mandates are already over. Um, it's difficult to see how they could have been relied on in the absence of an injunction anyway. Uh, under the human rights legislation, you can't award damages.

That's in the Act itself. I think that, I think the, the, Uh, applicants in the, in the Queensland case were really after the traditional judicial review remedies that you and Mr. Kassam and, uh, and the gentlemen in Western Australia were after, but, but they ended up getting the consolation prizes or wherever I can put it that way.

You, um, I mean, you say the mandates are over and, and, uh, I've been talking to a lot of nurses, particularly in Queensland in the last couple of weeks. It's a horror story what they're going through. They've been told the mandates are over, they want them back. But then when they apply, a lot of them have been, uh, were terminated on the basis of gross misconduct.

Yeah. Um, they're told that, uh, one nurse in particular was even had measured up for uniforms and was ready to go back to work. And they said, Oh, look, we've changed our mind. We can't now because of the way that you were terminated or, or that we're still going through, um, disciplinary hearings. I mean, there's, there's a certain procedural madness in this.

We've seen in the last four years, uh, Judge Lindsay, that policy has no heart. Uh, policy is policy and, and the human remains, I'm sorry, human resources departments of all these organizations have been ruthless, absolutely ruthless, and should be subject to an inquiry on their own. But we also see some cases that look like they're, they've really got the momentum and they're going to get there.

Uh, a recent one that fell over was, uh, was Julian Gillespie's case against, um, Pfizer, I believe it was, on, uh, GMO, unlicensed GMO, and, and, uh, that case was thrown out by the judge, and, uh, obviously they're going to appeal it because it was ridiculous, but it's, it almost seems like, and forgive me for saying this, it almost seems like the judiciary is being tapped on the shoulder by political interests, um, am I overstepping the mark by saying that?

Um, You're not overstepping the mark in the sense that it's understandable why you would harbor that kind of suspicion but, but, but you I mean I disagree. The, there's no evidence of of impropriety there's been across the journey on these matters there's been, there's been occasions of perhaps egregious incompetence or delay in specific instances and that's particularly the case.

Thank you very much. in Fair Work Commission matters, which, um, which, but essentially the people who, who are adjudicating in the Fair Work Commission, uh, they're not necessarily trained judges or trained legal practitioners, um, but the, the Fair Work Commission were responsible. They were at the cutting edge of so many of these employment matters.

And as an institution, in my respectful opinion, their performance was a disgrace. And if it was made worse by the circumstance that, um, if you were disgruntled with a decision of the Fair Work Commissioner in your particular case in relation to these mandates, your next, you would go from one, um, you'd go from a deputy president, To the president and for deputy presidents in the fair in the full court of the Fair Work Commission, where, where you are unlikely and indeed you didn't in that in none of the cases.

So even expect the same same except the BHP Billiton case which was a case, all about process, rather than about the mandates itself, where it got up, you just, you, you had five examples of the same adjudicated and you got the bad result from in the first place. Now we all tried various initiatives to try and get around that in, in, in Adelaide, one of the cases in which we were involved, involved the employees of a particular brewery, long standing employees, exemplary employees, uh, who were stacked when this particular brewery decided, they weren't mandated of course, they just decided to get on board, to get on board with, uh, with requiring workers to be vaxxed before they could turn up for work.

Um, like so many employers did, um, in that particular case, being very dissatisfied with the quality of the decision making of the Fair Work Commission, in that instance, we, we decided to bypass, we thought we're not going to the, we're not copying another serve of that from the full bench of the Fair Work Commission, we went straight to the federal court on a Fair Work Commission.

On a, uh, on a Judiciary Act application and, um, ultimately the matter resolved and resolved in terms that, that are confidential, but, um, but certainly that the main interface between people affected by the mandates. Uh, and, and the judicial process was the Fair Work Commission, and I, I, I would certainly agree with you, Graeme, that their performance was, was substandard in the extreme.

In relation to the other, you mentioned Julian's, uh, matters, and, uh, Again, he's been a, a very brave campaigner, each of the, he's taken two very important applications, one in relation to the TGA approval of, of the vaccines, that process. And then the second one you've just mentioned, which was dealt with recently was the, um, The genetic material, um, a failure of the, of the regulator of the GMOs to, to do their job.

He was, he was taking on some very difficult tasks with those. Each of them failed because of the issue of standing. You might recall. So when you bring, when you bring an application to the court of the nature of those two applications, you've got to, you've got to show that you're not just someone from the general population, you've got to show you've actually got an axe to grind or some, uh, Um, or some skin in the game to be able to bring, uh, in this case, Pfizer and the various regulators to court and, and on each case, those cases failed because of a, of a lack of standing.

Um, my, my good friend, Mark Neugebauer came into the first one, the Pfizer one, he was added as a, uh, as, uh, An applicant because he'd, um, he'd been a particularly egregious victim of, uh, uh, of the licensing of the vaccines and that he'd had to, he had, he was looking after disabled children. And he was going to be required to get them to be given the vax and, uh, it's through his whole personal circumstances into, into chaos.

But even with the intervention of Mark Neugebauer in that case, it was refused on standing. So these are difficult cases. Obviously, they're given a red hot go. But as a judge, I, I look at them and I can, I can, um, I can accept that, um, that, uh, whilst they, I might think they ought to have been decided differently on standing.

It was certainly open to the courts to come to to that decision. And that's, that's broadly my view about the way the judiciary have conducted themselves. My complaint is more about what the politicians have done when it's been on the cards that the judicial review applications, I'm referring particularly to South Australia and to the Northern Territory, when it's on the cards, they're going to get up the politicians, both sides of the politics, pull the rug from under.

Uh, the, uh, the litigants and all of the people who've supported them in this privately, in this publicly funded litigation. Uh, and that's where I have the, the, the real concern. Um, and of course that comes back to the kind of politicians we had running the country, the kind of politicians we still have running the country.

Of course, Mr. Morrison, as we all know, I think we've discussed this before, Graham, Mr. Morrison, uh, had every, um. Every, uh, weapon in his, in his armory that was necessary to impose, uh, vaccine mandates or any other mechanism for dealing with a putative, um, pandemic. He didn't want to cop the political, what he thought would be the political flack for that.

So he He farmed it out to the states to do as they wanted and we saw what they wanted to do. Have a look at some of those state premiers. Have a look at the enthusiasm which with, with which they embrace these unprecedented powers to trample Fundamental human rights in so many areas. So, so, so whilst I understand your cynicism and your concern outside of the Fair Work Commission, I, I think, um, I think my ire is more directed at the politicians who, who are Who facilitated these injustices, Johnny, well, uh, we've still got a matter in the industrial relations commission, uh, in New South Wales, both, uh, myself and my wife, uh, in relation to, uh, our termination, uh, and the judgment was reserved at the last hearing, uh, date on the 19th of May.

Oh, well, that's 10 months ago. Nine months ago. It's a while, isn't it? So you're an Embo yourself, weren't you? Yeah. Yeah. So, I mean, the senior counsel, Shane Prince, was arguing that the, see, because what they did was that they essentially just, uh, sacked us without taking into account any, uh, Of the circumstances that they had a cookie cutter letter, uh, that the HR department just rolled out.

There was about four or five variants of it. All they did was swap our names out. It went from one in trade to the next. And, and in, in my wife's case, uh, there was evidence to, to suggest that there may have been up to 20 people dismissed in, in, in the space of an hour in the chief executive's office. So, uh, I mean, there's no way in the world that they took into account any of our circumstances, any of the, uh, the letters, any of the, uh, the information that we'd provided.

Um, and, and, and Shane Prince, uh, wa was arguing that the, the public health order, which they used to terminate us was, was not an instrument to do that. It, it was essentially, uh, an order to stop you from working for 90 days. And I think there was a case where, uh, you, I can't recall it, but, um, people were, were basically paid to wait and serve.

Um, and he argued, and I think rightly argued that, uh, they could have, uh, put us aside and, and, and waited for that, uh, for that 90 days to end. Or found alternate duties for us, but they didn't.

What do you make of, um, what do you make of our Senate chamber? Uh, let's go to the politicians now. When it took, uh, Senator Ralph Bevett three goes to get the Senate to even vote in favor of looking at. An inquiry into excess deaths in Australia, and they only just got it through then. So the Labor and the Greens is saying they don't want an investigation into excess deaths.

What's your take on that? Well, I mean, I did good on him for good on for those those people. He's got a fine team behind him, Senator Babbitt. Um, and he's got the support of really fine people like Alex Antic. Um, look, I can't see that one. Whilst they got the support of people like Lambie. From Tasmania this time around.

Um, would you, would you put your money on her seeing it through her Graham? I, I don't think so. Do you remember her behavior during the Oh yeah. Second one. Forget it. Really? We covered off on that on a program we did recently. In fact, um, uh, we leaned on her very heavily and, and, uh, we're, we're kind of thinking that a lot of what we did was, was put on her by constituents to actually do something about it.

She actually. contacted Faith Ransom, a young lady who was one of the first victims of the vaccine. And, uh, even though she wouldn't support her in the process, she asked if she could have a photo op with her to put on her webpage. Um, so, you know, the lady who said that she was going to, all the, all the, um, the anti, filthy anti vaxxers should be locked up in a ring of steel.

How can we ever forget? Absolutely. Unbelievable. Yes. And look, we still have. We've one of Alexander's fellow liberal senators from South Australia, uh, only recently was still, um, saying things in the Senate chamber, which clearly indicated that, that while she might've supported this vote, which really hasn't had any consequences as yet, uh, she still, it seemed to me was, um, uh, was aligning herself with the rest of her party, with the As I say to those brave exceptions, exceptions of rank and an antitch in supporting the regime and would probably do so the next time around.

And that's, that's, I think we talked about this the last time we met, uh, in this context, Graham, uh, that's why I think we've got to, I'm a lawyer, so, I bring to the fight my particular skills. I can't do anything else. I'm no good with my hands. So, uh, so whatever, um, I can do to assist in the fight, I'll, I'll, I'll put in, but, but there, there comes a time when what you put in and the effort that goes into it.

You've got to be able to apprehend that there's some reasonable prospect of a successful outcome, or a really striking a blow, and I think with our existing political system, with the Corruption that dies, that lies deep within all of the major political parties. Um, with the, the fact that we don't have a media that scrutinizes their



behavior, not only doesn't scrutinize it, but doesn't even bring any intelligent analysis to, to, to what's happening.

I mean, the most dispiriting, one of the most dispiriting things about the lockdown era in South Australia was observing the so called press in this state. Um, uh, conducting themselves at press conferences with the police commissioner and, and the spurry of the Chief Medical Officer. Um, it's, it's surely where that expression, just being stenographers for the regime is.

It's appropriate when you're talking about journalism, no challenge, no analysis, uh, but then, uh, where would we expect them to, to have the judgment and to have the, the moral points of view that would generate that sort of interest that they're products of the education system that's been extant in Australia for the last 30 or 40 years, aren't they?

They're products of the universities. Um, if they join a profession, they join. Um, a profession that's run by, in the case of the medical profession, the AMA, in the case of lawyers, it's law societies and bar associations who in the main were, for example, enthusiastic supporters of the Uluru Statement. And the, and the, and the yes case in the referendum.

So there's, there's this complete, um, at every level, uh, once you get beyond the, the ordinary professional person or the ordinary worker in his schooling or occupation, when you go to the unions, when you go to the professional guilds, when you go to all of the public institutions, the schools, the universities, every facet of government, not to mention the church, Not to mention the, the, the churches, uh, you're, you're, you're dealing with institutions that essentially.

are on song with what's been happening. So I, so the question I've been asking myself, um, since, um, over these last few years is, is what, what can we do? What's, what sort of meaningful contribution can we make to turn this, to turn this back? And I, I've still got plenty of irons in the fire with respect to legal proceedings.

We're waiting on a, on a judgment from the federal court in respect of a. Of a, uh, former AFL captain turned media personality who's, uh, who was sacked because he wouldn't take the jab. So, uh, so that's, that was, that was a cause certainly worth investing in and we, we thought we fought a very good battle in relation to that.

But, but I think we've got to look at, at trying to build a coalition, uh, that, uh, It doesn't just come together for a particular legal application and then we're all sitting there waiting to see is the judgment going to fall for or against us. It's got to be a coalition that addresses these broader social degenerations that have, um, that have produced, that produce the kind of populace that put up with the, with the flu data in the first place.

And we'll show more resistance next time it comes around. And I think you've, you've been ahead of the game on in this ground, because we're essentially then talking about a spiritual battle, aren't we? Right. Most definitely. We are. This is a battle between good and evil. There's no doubt about that. Um, and, and really let's face it.

We, we are as Australians, we have been accepting the unacceptable for too long and I've just gotten away with it. The two, the two central, uh, organizations. Institutions that should hold the government to account is the fourth estate, uh, the journalists, the news media, and the church, and both have been in lockstep.

There's never been a greater argument for separation of church and state than the last three or four years. It's just been, it's been despicable. And it is disenfranchised so many people of faith, the way the church has behaved. And, uh, I know a lot of people are praying for the church to come to its senses and, and, and come back to something reasonable, but there just seems to be no accountability.

And these judgments that are handed down, like the one in Queensland, for example, we're all hoping that there'll be a ripple effect that goes around the states, even the states that don't have human rights bills. It just seems that the political class just stick their fingers in their ears and forget that we're, we're even there.

And so it just beholds us all to keep yelling a bit louder, I guess, but it perplexes me, I can tell you. Judge Lindsay, what's, what's the, what's the threshold for a criminal investigation into these people? These people because I mean, there seems to be movement, you know, in a civil sense. Uh, but I mean, I've gone down to the police station with, with, you know, hundreds of pages of documents and said, I want, uh, people investigated for what I perceive to be, uh, criminal activities.

I mean, when you look at say politicians that have Uh, and been found out in ICAC to have been engaging in a visa scams or whatever, they get charged. Uh, why isn't there been a, you know, a willingness to have a look at this? Well, you're essentially talking there, John, about, um, I mean, anyone can go to the police, the various police forces and And lay a complaint or provide them with information.

They've got to have the willingness and the resources to investigate it. So, um, you're then, we're talking about just as Graham and I were talking about a moment ago, we're talking about another institution, the police, where, um, certainly in Victoria, I think we've, we've seen what's happened to it. The same is to a greater or lesser extent is true of many of the other police forces of the state.

So you're in the hands of individual police officers and investigators doing their duty. Uh, the only thing you can do if, or the remedies you have if you think an investigation that ought to be taking place, because the information you've provided is credible and the issue you've raised is, involves significant criminality, you, There's judicial review remedies there, but, but, um, but, uh, and I mean, ultimately, you've got the remedy of a private prosecution, but private cost prosecutions are often undertaken by folk who don't understand that you.

Generally speaking, can only get to the level of, of a committal for trial. And then the relevant crown authority in each of the states has to step into your shoes and take over. So, so no, I'm not, um, I understand, um, it's important to look at all the alternatives, but. But again, that seems to me it's, it's putting all of our eggs in the basket of, uh, let's go to the institutions that we used to trust and that used to be conscientious about how they perform their, their duties and let's put it in their hands.

I don't think we've got grounds for that confidence anymore. Not necessarily grounds that relate to the corruption or the venality of individual police officers or, um, or anything of that nature, but it's the, it's the, the corruption of our moral core that's accompanied the decline, uh, in the, uh, influence of the Christian religion in our, in our state.

I mean, we're, what we're doing is we're now suddenly realizing that when we abandoned our faith and when we set our faces against and against all of the wonderful gifts that were bequeathed to us by our Christians, civilization and our forebears, that that would carry consequences. Well, we're living out those consequences now, and, uh, uh, when you reach my age, you, when there aren't that many years looking ahead that remain to do anything constructive, I think we've all got to, I have, and I think we've all got to give, uh, Very serious thought as to how we can be most effective now trying to encourage people who are unlikely to do their duty to do their duty and then getting angry and resentful when they don't do it.

I don't know how that, how productive that's going to be. I think we need to look at far more fundamental and radical, um, political formations, community formations to, to, to bring about the necessary change if, If there is to be any future for our civilization and our commonwealth. I think the majority of the audience that are listening could probably think that you've just described the judicial system.

Uh, unfortunately. Look, it's a system that still serves as well. I can tell you, John, if, if you're, if you or Graham or me is charged with a criminal offence, You'll get a fair trial in Australia. The criminal law, for reasons which are complicated, has, seems to have been quarantined from, uh, the, the general decline in, um, in, in the, uh, In the quality of the work that's done in the courts, but certainly when you, when you move into, um, part of the problem, of course, and I'm sure you've discussed this before, part of the problem is that we're living now in a, we used to think we knew where power lay in our society.

We said, well, ultimate power resides. In the sovereignty of Parliament, which represents the people. It's been many, many decades since that's been other than a, than an abstract notion. Power has been, has been siphoned out to all kinds of administrative, Hangers on in every facet of our lives. You might think, well, I'll go and I'll go and join the local council and I'll get some of my mates on the council and, and we're the people who've been elected by the community, but you'll join the local council and you'll find In the case of South Australia, for example, there's, there's another layer of bureaucracy that's come in called the Local Government Association, and it's similar, very similar in the other states.

So there's a bureaucracy already above you, that bureaucracy answers to the state bureaucracy, which answers to the Commonwealth bureaucracy, which now answers to all kinds of international superstructures that are already very significant and would be much more significant if. The World Health Organization get their way, as they well might with, um, with the Commonwealth Parliament we have now so, so we've got to recognize that reality as well that there's a, there's an unelected state out there.

There's a, there's a state that's that grows on its own without consulting us. Without being elected by us, without having regard to what our views might be, and, um, and I, it's, it's, uh, it's the growth of that administrative state and the denuding of the actual power of parliaments that's as much of a Cause of this problem as any, I think.

I think most Australians are now thinking that the corporations have way too much power, um, because you know, governments can just say what they like about mandates, but if corporate CEOs don't want to go along with that or the HR department, so you might as well whistle Dixie. It just, um, it just, to me, it just, it just, there's no pub test anymore because none of this would pass the pub test.

Yeah. Look, getting back to the more strictly legal issues. That's really, that is one interesting aspect of the Queensland judgment. Okay. The AMBOS got up in that matter, um, as I say, because, uh, in the end, in the end, the, uh, CEO of the, of the department claimed that he was acting, uh, just upon the basis of giving reasonable, uh, Directions to people in his employment.

His problem was he couldn't identify the relevant contracts and employment. And of course he was making those directions to people who hadn't even joined the police, the ambulance service. In other words, the direction applied to people who would. Join in the future. So how that could be based upon a reasonable contractual direction, of course, was, was unknown.

But that that field of, um, once you get it away from the Fair Work Commission, so once you get it away from strict employment law, and especially when you're dealing with situations of, of where a person attends at his place of employment, has a contractor, which is the case in this particular case, matter we're awaiting judgment from in the federal court relating to the television personality, then you're into a different You're into a different area, then you're into an area where the reasonable direction has to arise in the actual contractual arrangements and you're having that dispute dealt with, not by some adjudicatory body like the The Fair Work Commission, you're having it adjudicated by real judges.

So I understand what you're saying, Graham. I, uh, how the corporations behave, but, uh, but this might be an area. We'll see what this judgment has to say. Who knows what the outcome will be, but we've put our best foot forward in it. But it may be that this corporate adventurism, um, of, and it was, it was often corporations, as you'd know, whose major shareholders are overseas.

Okay. If you actually look at the corporate, at the, at the ownership of some of these corporations, particularly those in the media, you'll find that the lion's share of the shares are held by, Uh, if not, uh, Vanguard and, uh, Black Rock, uh, you'll find the analogous, um, financial institutions from the United States or Britain.

We better, uh, we better bring this one to a close, I guess, uh, you know, just one final thing from me about the Queensland judgment. I think, uh, my, my, uh, my smell senses for facts in the cheese factory is very active and I

think that the judgment was handed down. Not long after the premier, the health minister at the time and the police commissioner resigned and moved on.

I think, um, anyway, call me cynical. Um, what more can we say? Johnny, have you got anything else you want to throw in before we bring it to a halt? When's, when's that, uh, judgment, uh, uh, due? Do you think judge? I look, um, it's in the, in the judge's hands that we, um, whenever he, he, he, um, he gets around to it, but I, he's had a lot of other commitments.

We're aware of some of, some of them and we'd expect in the relatively near future. So my best guess within the next, the next month or two. We'll give you our best regards to the person you're representing in that case. He's waiting for this judgment to be handed down so he can come onto Club Grubbery and who can blame him?

Who can blame him? So good luck with that. And, um, I know you're not going to mind if I close this in a prayer. Certainly not. I love you too. Dear Lord, Father in heaven, we just thank you for your grace and mercy. And we thank you that those of us who are knowing you at various levels are starting to see that you're still in control.

And we thank you Lord that, uh, hardship is a pathway to peace because we're certainly learning and our characters are being sharpened. And we've been talking about matters of the law. And Father God, I think it's fair to say that the three of us honour your laws. The first four of the ten are about honouring you with all of our minds, all of our heart and all of our strength and loving you accordingly.

And the last six are about loving each other. So Father God, equip us with the grace and mercy to do just that. Even those who we see as enemies, even those who see us as enemies, help us to put aside those things in grace so that we can come to conclusions. Let's save lives and souls. We pray in Jesus.

Holy name. Amen. All right. Well, uh, Johnny, as you often been heard to say, just couldn't make this stuff up. Couldn't make this stuff up. Stay out of the trees. Everyone. Judge Stuart Lindsey. You're a very generous with your time. We thank you. It's been a pleasure. Thanks for inviting me. Thanks for being on.

And don't forget everybody, compassion, please, whether we agree or disagree. You know, stay out of the tunnels, turn your computer off, get out into the sunshine, and for goodness sake, love one another. Because without that, nothing makes any sense. What you did yesterday got you to today. God bless you, and bye for now, and we'll see you tomorrow night on Club Grammarly.