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Commonwealth Law Courts, Brisbane, housing Spender's 'home' Federal Court. HAIGPHOTO

Spender J. of Federal Court, Brisbane must be removed

By Alex Gordon LLB

Spender should be removed from the Bench in all courts where he sits. Section 72 of The Constitution of the Commonwealth of Australia provides the procedure for such Removal. We make no secret of the fact that we wish him removed from his appointment to the Federal Court and all other courts to which he has been appointed, for "proved misbehaviour". As per sect 72 (ii) of the Australian Constitution, such removal shall be by the Governor-General-in-Council on an address from both houses of parliament as specified in that section. Specifically, in RD Lumb's text, The Constitution of the Commonwealth of Australia, Annotated Fourth

Edition, Lumb suggests at Item 518 page 255, that the misbehaviour must be clearly proved to the satisfaction of the Houses of Parliament, and the Governor-General-in-Council, and that may be on the level of proof of the balance of probabilities. We detail the misbehaviour of Spender J. and the evidence to support it, here and in our concurrently published [Australian Criminal Law Journal \[ACLJ\] ISSN1321-6562 Issue200708 Published 13 August, 2007](http://austlawpublish.com/20070813AustralianCriminalLawJournalissue200708.justice.jeffrey.spender.pdf) archived online at <http://austlawpublish.com/20070813AustralianCriminalLawJournalissue200708.justice.jeffrey.spender.pdf> for the benefit of BOTH HOUSES OF PARLIAMENT. This is our second and more determined salvo upon Jeffrey Ernest John Spender. Our first salvo, in [ACLJ Issue 200705 published 21 May, 2007](http://austlawpublish.com/20070521AustralianCriminalLawJournalissue200705.pdf) is archived online at [http://austlawpublish.com/20070521 Australian Criminal Law Journal issue200705.pdf](http://austlawpublish.com/20070521AustralianCriminalLawJournalissue200705.pdf) /.

Spender may resign and try to go quietly. Alternatively, as may be suggested by his response to our first salvo, his “remarkable” “expression of (his) attitude” and his “concerns” in the QUT case re “laughing at/with the disabled” in the directions hearing on 12 July, 2007, HE MAY DECIDE TO FIGHT. If he wants to fight this out, such will give us great publicity, promote our journals and we will win, regardless of the duration taken; all that time, giving us and our journals publicity.

COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 72

Judges' appointment, tenure, and remuneration

The Justices of the High Court and of the other courts created by the Parliament:

- (i) shall be appointed by the Governor-General in Council;
- (ii) shall not be removed except by the Governor-General in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity;
- (iii)

This situation in which Jeffrey Ernest John Spender was knowingly involved in 1974, is an instance of “proved misbehaviour” by him. This consideration of Spender's conduct does not attract “advocates' immunity”[AI]. It is not necessary to prove that Spender has committed any criminal offence or tort, so that defence, AI, is irrelevant. Regardless, it is clearly proved that Spender had *mens rea*; a guilty mind. Were it necessary that criminal or tortious conduct was necessary, the legislation would state that to be the case; the legislation would specify that; a criminal offence and/or tort was necessary, but it does not. The fact that it does not, does not mean that “Misbehaviour” is an empty set. ‘Misbehaviour’ has a clear everyday meaning and includes all criminal and most if not all, tortious conduct. It certainly includes conspiring with an instructing solicitor, and representatives of the client's adversary, to defraud the client, to in effect, perpetuate the fraud already initiated by the client's adversary. This is what Spender did. The fact that Spender's client was clearly and greatly disabled,

should not detract from the basic fraud deliberately perpetrated by Spender against his client, our photographer Haig. Had Haig not been so disabled at that time, it is likely that Mellifont and Spender would not have been able to defraud Haig, or as easily.

In this case, Terence Joseph Mellifont [Terry Mellifont] conspired with Frank Thomas Heffernan, assistant to the GMCO, of Queensland Government Railways [QGR], CJ 'Joe' Kelso, and QGR, to continue the fraud against Haig, perpetrated by Walter Nornam Reiman, [Wally Reiman] in conjunction with Heffernan, to have Haig sacked from his job in the Queensland Government Railways [QGR]. [We are sure Spender did not expect this fraud of his and his mates, Mellifont and Heffernan, on an insignificant disabled young fellow, this, our photographer Haig, 33 years ago, to return to haunt him, as it surely is; the career topping on Spender's judicial career desert, or merely career stopping.]

Additionally, Mellifont was grossly incompetent. He did not discuss the evidence with his client and in fact forgot to even take a statement from his client, with that statement supposedly forming part of the brief to the barrister, Jeffrey Ernest John Spender [Jeff Spender].

Mellifont's incompetence should not detract from the realisation that Spender had defrauded his client, our photographer, Haig.

Even at this late stage, when so much "evidence" that Spender could have used will have been destroyed, we still believe, there is so much evidence that can still be pieced together in so many ways to show that Spender's then client, in 1974, had been illegally sacked from the Queensland Government Railways [QGR]. Hence, we are confident that we can prove that Haig had been illegally sacked from QGR; just as Spender should have, even though Spender had access to so much more evidence and so had very many more ways to show that Haig had been illegally sacked. With his guilty mind, Spender clearly misbehaved. We already have access to a 1975 file from State Archives. This file is evidence showing conclusively that Spender had a guilty mind. This puts Spender clearly in the frame for illegal conduct.

We and Haig are not malicious in this revelation. This fraud happened over 33 years ago. Spender should never have been appointed to the judiciary. It is better late than never that Spender is removed.

There are four clear but interrelated aspects to the 1974 fraud of Haig. They are perjury by Reiman and Heffernan, conspiracy between them [and QGR, the Queensland Government, is liable for all that preceding], the incompetence of Mellifont, the disability of Haig, and the fraud by Spender, Mellifont, Heffernan, Reiman and QGR.

The incompetence of Mellifont is a matter upon which the other were in no way dependent. In fact, once Spender became aware of Mellifont's incompetence, [the "I haven't got a statement from you yet, have I?" question two days before the appeal, in Spender's office, in front of Spender], Spender would have been wise to discontinue the fraud. That statement/question of Mellifont's, and in that location, [and the irrefutable evidence of it], will be the undoing of Spender. Haig's undeniable disability which preceded these events by a few years and continues to the present, reflects so poorly upon Spender, adds an extra dimension to the fraud, overlays every part of it, and has a multiplicative aggravation of all facets of the affair.

With Spender removed, there will be a domino effect. Spender and Mellifont have "headed" up a labor lawyer inspired corruption in Queensland. This corruption has extended to Courts, and Court Registries, Government Commissions both State and Federal, and other

Queensland labor government appointments. This includes Beattie government appointments. These revelations are likely to cause anxiety in many quarters.

This Journal is part of the Mellifont/Spender/Heffernan/Reiman/Queensland Rail fraud topic. On this August, 2007 occasion, this FRAUD TOPIC is spread across four journals. They are archived at [Australian Parliamentary Law Journal Issue 200702](#)

[http://austlawpublish.com/20070813AustralianParliamentaryLawJournalissue200702.pdf /](http://austlawpublish.com/20070813AustralianParliamentaryLawJournalissue200702.pdf/), [Australian Criminal Law Journal Issue 200708 \[Justice.Jeffrey.Spender\]](#)

[http://austlawpublish.com/20070813AustralianCriminalLawJournalissue200708.justice.jeffrey.spender.pdf /](http://austlawpublish.com/20070813AustralianCriminalLawJournalissue200708.justice.jeffrey.spender.pdf/), [QUT Alumni Journal Issue 200701](#)

[http://austlawpublish.com/20070813QUTAJissue200701.pdf /](http://austlawpublish.com/20070813QUTAJissue200701.pdf/), [The Allstralian Journal Issue 200701](#) [http://austlawpublish.com/20070813TheAllstralianJournalissue200701.pdf /](http://austlawpublish.com/20070813TheAllstralianJournalissue200701.pdf/).

In July 2007, we had four journals addressing this topic. They are archived at

<http://AustLawpublish.com/20070716AustralianCriminalLawJournalissue200707.judge.julie.dick.pdf> ,

<http://AustLawpublish.com/20070716dossierof.judge.julie.maree.dick.pdf> ,

<http://AustLawpublish.com/20070716dossierof.terence.mellifont.pdf> ,

<http://AustLawpublish.com/20070716QBAissue200702.pdf> /. These are in addition to seven of our previous journals. In April, we published [HaigReport \[ISSN 1834-6294 #200701 26 March, 2007](#) (we held it over for a month)]/.

It is also archived online at

<http://austlawpublish.com/20070314%20HaigReport%20journal%20issue200701.pdf> /. That

gave the factual setting from which this umbrella topic has arisen. In May, 2007, we

publishing a further six journals which are relevant to this topic/matter. Our then newest

Law Journal, very topical in Australia in the lead up to the 2007 Federal Election, was the

[Australian Industrial Relations Law Journal ISSN 1834-8378 \[AIRLJ\] Issue #200701](#) which is archived at

[<http://austlawpublish.com/20070521 Australian Industrial Relations Law Journal issue200701.pdf>].

Although the [Australian Judiciary Law Journal ISSN 1321-4497 Issue #200701](#)

[<http://austlawpublish.com/20070521 Australian Judiciary Law Journal issue200701.pdf>], is

included as part of the [Australian Criminal Law Journal ISSN 1321-6562 Issue200705](#)

[archived at <http://austlawpublish.com/20070521 Australian Criminal Law Journal issue200705.pdf>],

we also reference its separate publication as

<http://austlawpublish.com/20070521 Australian Judiciary Law Journal issue200701.pdf>, and the

Dossiers of: three people involved are [Dossier of: Walter Norman Reiman](#) archived at

<http://austlawpublish.com/20070521dossierof.walter.reiman.pdf> , [Dossier of: Jeffery Ernest](#)

[John Spender](#) archived at

<http://austlawpublish.com/20070521dossierof.jeffery.spender.pdf> and [Dossier of: Frank](#)

[Thomas Heffernan](#) archived at

<http://austlawpublish.com/20070521dossierof.frank.heffernan.pdf> and for background

[HaigReport \[ISSN 1834-6294 #200701 26 March, 2007](#), also archived online at

<http://austlawpublish.com/20070314%20HaigReport%20journal%20issue200701.pdf> /.

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