

# **ANNEXURE A**

Report of an Inquiry by a Conduct Division  
of the Judicial Commission of NSW  
in relation to  
Magistrate Jennifer Betts

21 April 2011

CONFIDENTIAL INQUIRY BY A CONDUCT DIVISION OF THE JUDICIAL  
COMMISSION OF NSW IN RELATION TO A MAGISTRATE

Transcript of Taped Proceedings

IN THE LOCAL COURT OF NEW SOUTH WALES

DIRECTOR OF PUBLIC PROSECUTIONS

v

JULIE PASSAS

Held at Burwood Local Court, Sydney, NSW

Before her Worship Ms Jennifer Betts

On Friday, 15 August 2003

(Names could not be verified; no information provided)

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.15/8/03

1

*Transcript produced by Merrill Legal Solutions*

1 MR McLAUGHLIN: McLaughlin, I appear for the complainant.  
2 The defendant, as I understand it, is outside. It's the  
3 defendant's application to have the complainant's AVO set  
4 aside.  
5  
6 HER HONOUR: Okay, that is matter number 25, Julie Passas.  
7  
8 MR McLAUGHLIN: Yes.  
9  
10 HER HONOUR: Have her called, please.  
11  
12 MR McLAUGHLIN: I appear for Ms Brooks Maher. I indicate  
13 it's contested, but there is an application (indistinct)  
14 today.  
15  
16 HER HONOUR: Well, the reasons outlined in the application  
17 are really, I would have thought, to issue one's own  
18 complaint not to seek to have this one be revoked  
19  
20 MR McLAUGHLIN: If that, your Worship, then I'll --  
21  
22 THE COURT OFFICER: Ms Passas is before the court, your  
23 Worship.  
24  
25 HER HONOUR: Yes, Ms Passas. Now, Ms Passas, do you have  
26 any solicitor appearing for you today?  
27  
28 THE DEFENDANT: No, your Worship.  
29  
30 HER HONOUR: Now, the orders were made at this court on  
31 7 March.  
32  
33 THE DEFENDANT: That's correct.  
34  
35 HER HONOUR: By consent.  
36  
37 THE DEFENDANT: Yes, your Worship.  
38  
39 HER HONOUR: And you were represented at that time?  
40  
41 THE DEFENDANT: Yes, your Worship.  
42  
43 HER HONOUR: The application to revoke the order now is on  
44 the grounds set out in the application. Have you sought to  
45 take any complaint out against Ms Brooks Maher yourself?  
46  
47 THE DEFENDANT: Your Worship, I don't know if you're aware

1 that I'm a local government counsellor and it's been very  
2 stressful --  
3  
4 HER HONOUR: I'm not - I'm not concerned with your  
5 position, ma'am.  
6  
7 THE DEFENDANT: Well, I was --  
8  
9 HER HONOUR: I want to know on what basis are you making  
10 this application. Have you considered taking out your own  
11 complaint against Ms Brooks Maher - yes or no?  
12  
13 THE DEFENDANT: No, your Worship. I just want to --  
14  
15 HER HONOUR: Well, that's probably the - no, that's  
16 probably the thing you need to do, because the basis on  
17 which you're asking this to be revoked is because you have  
18 been subject to harassment. That's not sufficient reason  
19 to have this matter revoked, especially when you have  
20 consented to the order in the first place.  
21  
22 THE DEFENDANT: The order, your Worship, that - when I  
23 came down to the counter downstairs, I sought some advice  
24 from the magistrate. I have paperwork here from the police  
25 and I was led to believe today that I could - the police  
26 would be here. I do have evidence, and if the court  
27 permits me to --  
28  
29 HER HONOUR: No, there's not a question for evidence at  
30 this stage, ma'am. The reason why you're seeking to have  
31 the order that you consented to to be revoked is because of  
32 problems you say you had with the other person's behaviour.  
33 That, itself, would really be grounds for initiating your  
34 own complaint against her; do you understand?  
35  
36 THE DEFENDANT: Yes, but I don't want to take up the  
37 court's time on these type of things. I know that there is  
38 sufficient evidence - I do have it - that this lady does  
39 not have any reason to fear me. I have a - I'm talking  
40 about the reason I came to the court to have it revoked. I  
41 have proof that she has no reason to fear me.  
42  
43 The police initially had taken out the interim order,  
44 and I cannot understand why now the police have washed  
45 their hands of the issue, and I have to go back again and  
46 seek legal - pay legal money. I have paid thousands of  
47 dollars and I'm in the hands of the court.

1  
2 I have a witness here. I have paperwork from the  
3 police officers, what occurred on the day, that should  
4 prove that this lady is dishonest and has no fear of me  
5 whatsoever.  
6

7 I am not here to take up hours and days off busy  
8 courts and I do not have any more finances to pay  
9 barristers.  
10

11 MR McLAUGHLIN: Your Worship, can I make some remarks?  
12

13 HER HONOUR: Yes, Mr McLaughlin.  
14

15 MR McLAUGHLIN: The fact of the matter is that the AVO  
16 that was consented to in March of this year was on the  
17 basis of a statement made - that is, "You're dead" -  
18 following a council meeting. Now, that was consented to --  
19

20 THE DEFENDANT: Without admission  
21

22 MR McLAUGHLIN: -- and, in my respectful submission,  
23 pursuant to subsection (4)(a) section 562F, as your Worship  
24 would know, in order to entertain any revocation  
25 application, there must be a change in circumstances. That  
26 is the basic allegation upon which the AVO orders were  
27 made.  
28

29 Can I just indicate that, in my respectful submission,  
30 my reading of the grounds are actually somewhat different,  
31 and, if anything, nothing has occurred. You have a  
32 crossing of the paths in a toilet, apparently. There is  
33 certainly nothing in there which would suggest any  
34 harassment or any other similar activity on behalf of my  
35 client. You have an alleged smirking and you have one of  
36 the grounds referring to my client being scared.  
37

38 So the difficulty, as I see it, for the defendant is  
39 that there has been no change in circumstances and indeed  
40 the grounds actually refer to my client being scared. So  
41 what the defendant now puts is, with respect, inconsistent  
42 with the grounds filed. So my submission is that it is  
43 clear that, pursuant to that subsection, this is an  
44 application that the court should decline to hear.  
45

46 And I should also indicate this: my instructions are  
47 that any hearing would take in excess of four days and

1 there'd be a number of witnesses called.  
2

3 For those reasons, I ask that it be struck out today,  
4 and I'm also instructed to put defendant on notice that  
5 certainly a costs application will be made should the  
6 matter proceed and the defence are not successful in having  
7 the AVO revoked; but, in my respectful submission, it  
8 doesn't get that far.  
9

10 HER HONOUR: Ms Passas, your application says that you're  
11 seeking to have the order made by consent in March revoked  
12 on the basis, "I am being harassed by the complainant."  
13 That is a COPS entry in relation to what happened at the  
14 Downing Centre and really there's nothing there that I can  
15 see apart from a perceived smirk.  
16

17 THE DEFENDANT: Your Worship, I cannot understand today --  
18

19 HER HONOUR: Courts are open. Courts are available for  
20 any members of the public to attend.  
21

22 THE DEFENDANT: I understand that, but, your Worship, this  
23 lady says she fears me, she's terrified of me, and she  
24 comes down to an area in a place that she knows I will be  
25 there. She was not a witness. She wasn't a party to the  
26 proceedings. And I am somewhat shocked and so upset that  
27 I'm hearing of cost hearings. I believe that the police  
28 rang through the interim order. How come now this is a  
29 civil case between Mrs Brooks Maher and myself? That's why  
30 I have no legal representation.  
31

32 What is happening here, your Worship? I do not  
33 understand this. Why have the police washed their hands of  
34 the issue? They initially --  
35

36 HER HONOUR: Probably because they've got better things to  
37 do, Mrs Passas.  
38

39 THE DEFENDANT: I can understand that. Well, why did not  
40 the police advise Mrs Brooks Maher to take out a civil AVO?  
41

42 HER HONOUR: Just (indistinct).  
43

44 THE DEFENDANT: Now the police have washed their hands of  
45 it.  
46

47 HER HONOUR: Look, I'm not here to answer your questions.

1 This is not a government forum; okay?  
2  
3 THE DEFENDANT: Who answers them, your Worship.  
4  
5 HER HONOUR: Just listen to me, ma'am. I'm suggesting  
6 that your grounds for revocation do not comply with what is  
7 required. There's no change in circumstances; okay? The  
8 incident complained of is nothing. If you have genuine  
9 concerns about the other lady, you can take out your own  
10 complaint.  
11  
12 THE DEFENDANT: I'm not saying I'm afraid of her, your  
13 Worship, but with what I have, the documentation I have a  
14 witness, if he could address the court --  
15  
16 HER HONOUR: No, I'm not concerned with what happened on  
17 that day; okay? This is not a day where we need witnesses.  
18  
19 THE DEFENDANT: But this lady is not in fear of me. She  
20 would not follow me to a place that she had no business to  
21 be at.  
22  
23 HER HONOUR: Ma'am, the complaint originally was admitted  
24 to or the --  
25  
26 THE DEFENDANT: Without --  
27  
28 HER HONOUR: Listen to me, please. Don't butt in, I know,  
29 without admissions of any liability or fault by you, you  
30 consented to an order for --  
31  
32 THE DEFENDANT: I had no more money for barristers, your  
33 Worship.  
34  
35 HER HONOUR: For whatever reason, ma'am, I'm not concerned  
36 with it - for a period of 12 months; that is that you not  
37 engage in conduct that intimidates her or any other person  
38 having a domestic relationship with her, not to stalk her,  
39 and not assault, molest, harass, threaten or otherwise  
40 interfere with her. That is the order that was made and  
41 that is the order that is in force as of 12 months from  
42 7 March 2003.  
43  
44 THE DEFENDANT: So, your Worship, she can follow me and  
45 come to where I am. Where is the fear? This is not the  
46 Australia I know. This is not the justice that I was  
47 brought up with. Thank you, your Worship.

1  
2 HER HONOUR: Look, there's no votes to be gained by making  
3 your little speech from your platform there, ma'am.  
4  
5 THE DEFENDANT: Your Worship, I'm not given the  
6 opportunity to show what I have. I'm led to believe the  
7 police took out the AVO. Now, I have legal representatives  
8 here --  
9  
10 HER HONOUR: I have not dealt with the matter, ma'am. Do  
11 you wish to hear me further or do you wish to make another  
12 political statement?  
13  
14 THE DEFENDANT: It's not a political statement, your  
15 Worship. I have --  
16  
17 HER HONOUR: If you want to whinge, you whinge outside.  
18 I've got many people here I have to deal with --  
19  
20 THE DEFENDANT: Well, this is why I --  
21  
22 HER HONOUR: I resent spending one more second on your  
23 matter. You have not outlined sufficient grounds, no  
24 change of circumstances..  
25  
26 THE DEFENDANT: I'm not an experienced legal person --  
27  
28 HER HONOUR: The application is revoked.  
29  
30 THE DEFENDANT: Thank you, your Worship.  
31  
32 HER HONOUR: The application is dismissed to revoke. I'm  
33 not satisfied there's any change of circumstances being  
34 outlined.  
35  
36 THE DEFENDANT: Thank you, your Worship, but you will not  
37 give me the chance to ask why it was taken out or to show  
38 you proof that this woman has no fear?  
39  
40 HER HONOUR: Ma'am, get out of this courtroom, ma'am,  
41 please. It's not my function to do all that; okay?  
42  
43 MR McLAUGHLIN: Your Worship, can I be heard?  
44  
45 HER HONOUR: I decline to make any application in relation  
46 to cost, Mr McLaughlin; okay? Both parties are excused.  
47



1 MR O'REGAN: You've been denied justice.  
2  
3 HER HONOUR: Sir, you just come back here, thank you, sir.  
4  
5 MR O'REGAN: Yeah, I'll come back.  
6  
7 HER HONOUR: Who are you? Who are you, sir?  
8  
9 MR O'REGAN: My name is Jack O'Regan.  
10  
11 HER HONOUR: And what did you just say to me?  
12  
13 MR O'REGAN: And I'm disgusted to see the way that lady  
14 has been treated. She came here to present a case on her  
15 own. She got no help and she (indistinct) --  
16  
17 HER HONOUR: Sir, I suggest that before anybody comes to  
18 this court, they get appropriate legal advice in relation  
19 to what they're doing.  
20  
21 MR O'REGAN: I beg your pardon?  
22  
23 HER HONOUR: You have no legal training, I take it?  
24  
25 MR O'REGAN: No which?  
26  
27 HER HONOUR: You have no legal training?  
28  
29 MR O'REGAN: No, that's true, but I have a good sense of  
30 justice.  
31  
32 HER HONOUR: Well, make sure you get your facts right in  
33 relation to it. The matter has been determined because  
34 there's no proper ground as in accordance with the  
35 legislation. Your friend --  
36  
37 THE DEFENDANT: You haven't allowed the grounds to be  
38 submitted.  
39  
40 MR O'REGAN: But may I just say this: please give  
41 me one --  
42  
43 HER HONOUR: Go downstairs. Get somebody downstairs to --  
44  
45 MR O'REGAN: I apologise, just give me one minute.  
46  
47 HER HONOUR: -- try and explain to these people who are

1 holding up this court. Otherwise I'll have you both  
2 charged with contempt of this court.  
3

4 Ian, take them downstairs, get - get somebody  
5 downstairs to explain it to them.  
6

7 MR McLAUGHLIN: Just for the record.  
8

9 HER HONOUR: Mr McLaughlin, you foreshadowed the  
10 application for costs. I'm declining any application for  
11 costs. You're both excused.  
12

13 MR McLAUGHLIN: Yes, thank you.  
14

15 HER HONOUR: Yes, the next matter?  
16

17 THE COURT ADJOURNED ACCORDINGLY  
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