



IMPEACHMENT

FOR WHOM, FROM WHERE ...
AND WHAT ABOUT THE
SEPARATION OF POWERS?

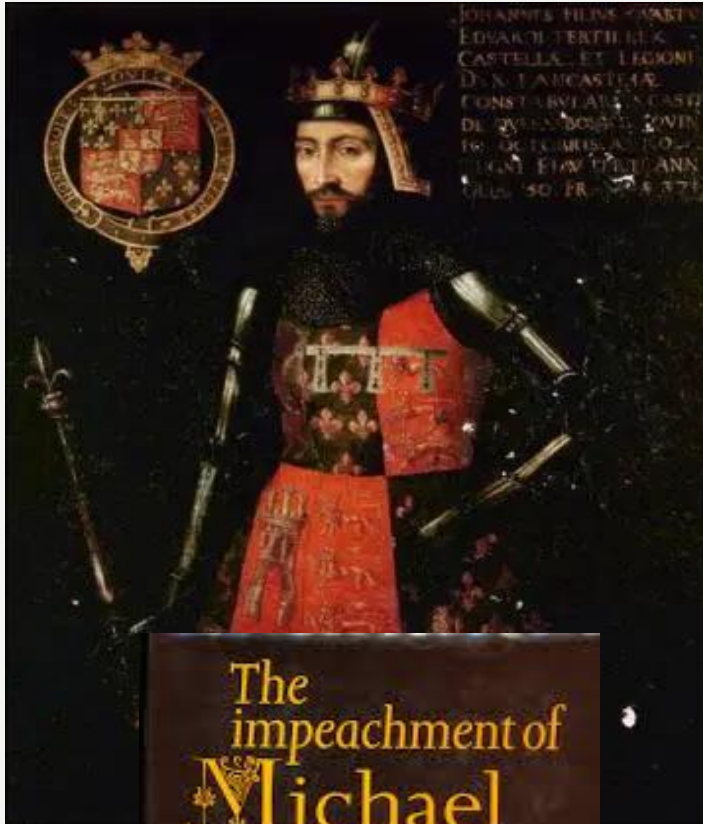
DIS-LODGED



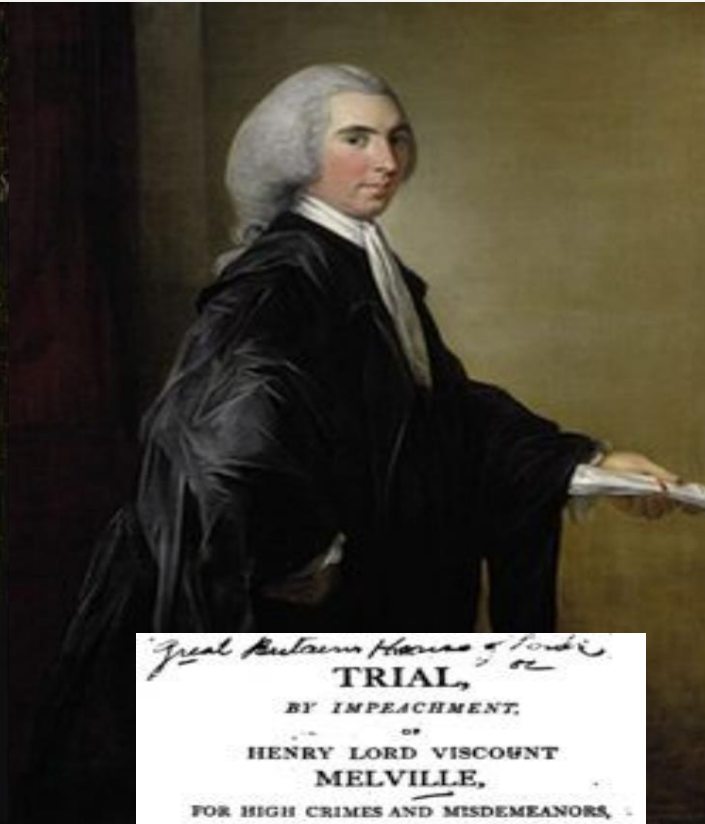
4 Australian Prime Ministers toppled

In last 10 years

Lost confidence of their party



The
impeachment of
**Michael
de la
Pole**
Earl of Suffolk
in 1386
in the context of
the reign of Richard II
J. S. Roskell



Great Brittain
House of Lords
TRIAL,
BY IMPEACHMENT,
OF
**HENRY LORD VISCOUNT
MELVILLE,**
FOR HIGH CRIMES AND MISDEMEANORS,
BEFORE
The House of Peers,
IN
WESTMINSTER HALL,
Between the 20th of April and the 27th of May, 1806.
To which is prefixed,
A SKETCH
OF
THE LIFE AND POLITICAL CHARACTER OF HIS LORDSHIP,
AND A COMPLETE ACCOUNT OF
The Proceedings in Parliament
Relative to the Charges on which the Impeachment was founded.
LONDON:
PRINTED FOR LONGMAN, SURGE, RILES AND COLE,
PATERNOSTER - ROW.
1806.

IMPEACHMENT UK

Michael de la Pole/1st Earl of Sussex.
Convicted 1386

Henry Dundas/Lord Melville
Acquitted by House of Lords 1806



IMPEACHMENT BEYOND THE US/UK

South Korea 2017

President Park removed



Dramatic events on 10 June 1955: the Serjeant-at-Arms, Jack Pettifer (left) escorts Frank Browne (wearing spectacles) and Raymond Fitzpatrick (in front) from King's Hall, Parliament House, after the House of Representatives had ordered that they be imprisoned for three months. Photo: The Fairfax Photo Library

PARLIAMENT SENDS TWO MEN TO PRISON

CANBERRA, Friday. — The House of Representatives today committed Raymond E. Fitzpatrick and Frank C. Browne to prison for three months for contempt of Parliament. After the parliamentary debate the men were taken into custody by the Serjeant-at-Arms of the House of Representatives and lodged in the cells at Canberra Police Station.'

Unprecedented events unfolded in the Federal Parliament on 10 June 1955. For the first time in its history, the House of Representatives used its powers and imprisoned the owner and the editor of a suburban newspaper, the Bankstown Observer, for

electorate in the lead up to the 1946 election. The matter was referred to the Privileges Committee on the grounds that the articles impugned the honour of the Member for Reid and were an attack on his conduct as a Member of Parliament.

The Privileges Committee conducted a formal investigation, taking evidence from Morgan, Fitzpatrick and Browne. Most of that evidence has not been available publicly until now.

The Privileges Committee found a conspiracy to blackmail.



‘HIGH COURT OF PARLIAMENT’

Legislatures have ‘judicial power’...

Contempt of parliament

MP disqualification

Impeachment (not Australia)

AUSTRALIAN CONSTITUTION

section 72

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 ... praying for such removal on the ground of proved misbehaviour or incapacity;*



PARLIAMENT – REMOVING A JUDGE

Queensland 1989

Justice Angelo Vasta QC

Only removal in Australia since
federation



TRIAL IN THE SENATE



Chief Justice Roberts
(US) presiding

2/3rd majority needed