

# SEE NO MORE EVIL

After reaching the mandatory retirement age, district court judge John Robertson puts the horrors of the bench behind him

RAE WILSON

John Robertson has looked into the face of evil many times. But the recently retired Queensland district court judge says the person staring back is not always the monster we imagine when we hear the gruesome details of the crimes they commit. Instead, the perpetrators can be good-looking and charming – traits they may use to seduce their victims. Often, they are damaged human beings – tragic products of their own troubled childhoods.

After more than 24 years on the bench, Robertson recalls the only case for which he delivered a life sentence and says he can still picture the man sitting in Ipswich District Court in 1998. He describes a handsome individual of slight build who you would walk past in the street without suspecting the evil within. Until he spoke. Robertson remembers the way the molester calmly detailed what he did to a six-year-old girl. He says it was chilling in its lack of empathy.

"There is undoubtedly a small group of people who are so damaged they are dangerous and antisocial and should be shut away," Robertson says.

But the former judge, who reached compulsory retirement on his 70th birthday last month, believes the truly depraved are a minority and says, more often, he encountered defendants with their own tragic tales of woe. He recalls one young woman and a photograph he saw of her aged about 15 at a picnic with her foster family, which shows "an apparently normal, happy, healthy girl, a beautiful one at that". But she had endured appalling treatment as a child and went on to be "reviled as a monster; a violent, dangerous person full of hate and bitterness" for what she did to her

case worker a few years later, Robertson says. "[Hers] is a story of a justice system and a health system simply unable to cope. It is a story about those sad souls who fall through the cracks of our ... societal structure. It is a story that should challenge us if we could truly claim to be a caring and compassionate society."

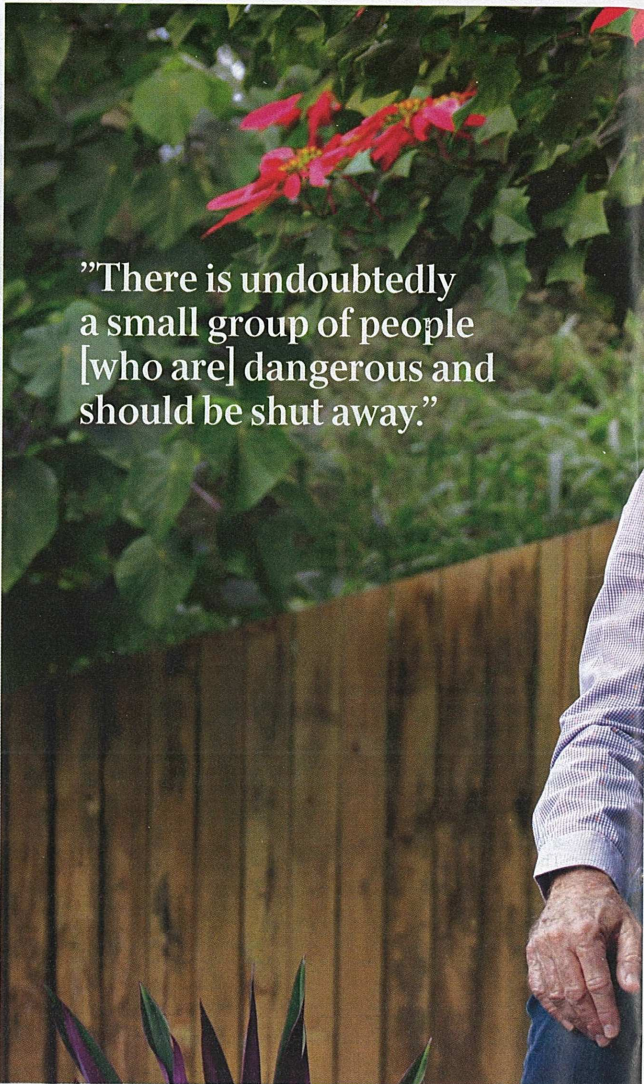
## FROM BOY TO MAN

Robertson is softly spoken, reflective and speaks with intellect about everything from the legal system to classical music, to the women he credits with shaping the man he is now. He's not meek, nor is he shy of uttering the odd profanity – especially when he reflects on the grisly cases he has presided over.

Born in Townsville, Robertson is the youngest of three sons to Gwen and Mervyn Robertson, both now deceased. His eldest brother David, 78, was an industrial chemist for CSR who later owned a wholesale food business and is now retired and living in Brisbane. His other brother Peter, who will be 74 in September, was an internal auditor for BP and is now retired and living in Melbourne. Their father worked as a shipping agent for the Adelaide Steamship Company in Townsville and then later in Bowen and Mackay, where the family moved as his job led them down the Queensland coast.

"Mum was a housewife," Robertson says. She was pulled out of school when her father died and he cannot recall her working outside the home. "She was an extremely intelligent woman but in those days that's what was done," he says.

Robertson also fondly remembers his maternal



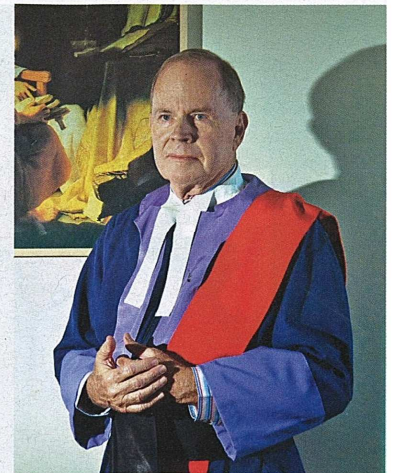
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grandmother, Agnes Garbutt, with whom he used to spend his holidays in Townsville each summer.

"She was one of the guiding lights in my life. She was a wonderful woman but again, a highly intelligent woman who never had the chance to pursue her education. She was a thoroughly decent person who had been through enormous travails after [her husband, Ernest] died young and she had eight children to raise. My grandmother went through all that and there was not a hint of bitterness about her and she had a larrikin side to her," Robertson says, recalling her penchant for betting a threepence or sixpence through her SP bookie every Saturday.

Robertson says he learnt to handle himself at primary school in the Whitsunday town of Bowen, where he recalls being one of only three students in his class who were interested in education, the rest planning to be farmers or miners.

"Bowen was a pretty rough place. I was short-sighted from the get-go and I was, of course,



**ALL RISE:** Robertson with his wife, June Redman, and cat Remy at home in his first week of retirement; (above) at Maroochydore courthouse in his former chambers. **Pictures:** Megan Slade/AAP (main), John McCutcheon

academically minded," he says. "Mum got me glasses when I was seven, in Grade 2, and they were pink-rimmed. And I was the only kid in the school with glasses. It was a nightmare for a while, but it prepared me for boarding school."

After the family moved 200km south to Mackay, where he completed Years 7 and 8 at the local state school, Robertson was sent to the Anglican Church Grammar School in East Brisbane (Churchie) on a scholarship when he was 12.

"That first year [at boarding school] was pretty brutal," he says. "I always got into fights. I'd get beaten up but I used to have a go, so after a while they'd just give up because [I wasn't] much fun," he says. "Bullies like people to be in fear but I was never afraid, that just wasn't me. I got into sport, I was hopeless at it, but I loved it. I ended up being captain of the thirds football and cricket teams."

It was the 1960s and "a time when we now know pedophiles were active". "Bloody evil people", Robertson says, grateful he was not a target. "It's

just bizarre but there are two people who were boarding masters at the time I was at that school who have been sent to prison by colleagues of mine," he says. "There was one guy I remember that everyone knew was a fiddler. He used to go around the dormitories at night – the boys would set traps for him, set tripwires."

Robertson has sentenced plenty of pedophiles himself – mostly in Ipswich, 50km west of Brisbane, and Maroochydore, on the Sunshine Coast, where he has spent the bulk of his judicial career. During his career he conducted about 500 jury trials, more than 3000 sentence hearings, hundreds of civil trials and chamber hearings, and countless civil and planning appeals. He was president of Queensland Children's Court from 1999 to 2001 and has written the state's foremost textbook on sentencing, the Queensland Sentencing Manual, updated at least twice a year since 1999, and he is still revered as an authority on the subject.

Civil liberties champion Terry O'Gorman says

**"He walks that [legal] tightrope extremely well."**

Robertson could be counted among Queensland's most influential men during his legal and judiciary career for his work on sentencing – including restorative justice and vulnerable witnesses.

"What has mapped him out as a good judge, and he enjoys a very good reputation across the legal profession, is that he is balanced, thoughtful and not a soft touch but also that he's given a lot of critical thought to the issues of sentencing," O'Gorman, a longtime friend and former business partner at Robertson O'Gorman Solicitors, says.

"If what you expect in a judge is someone who is fair, someone who tries to fashion sentences that meet the expectation of punishment and retribution, while at the same time giving the person being sentenced a chance to be rehabilitated, well, he walks that tightrope exceedingly well."

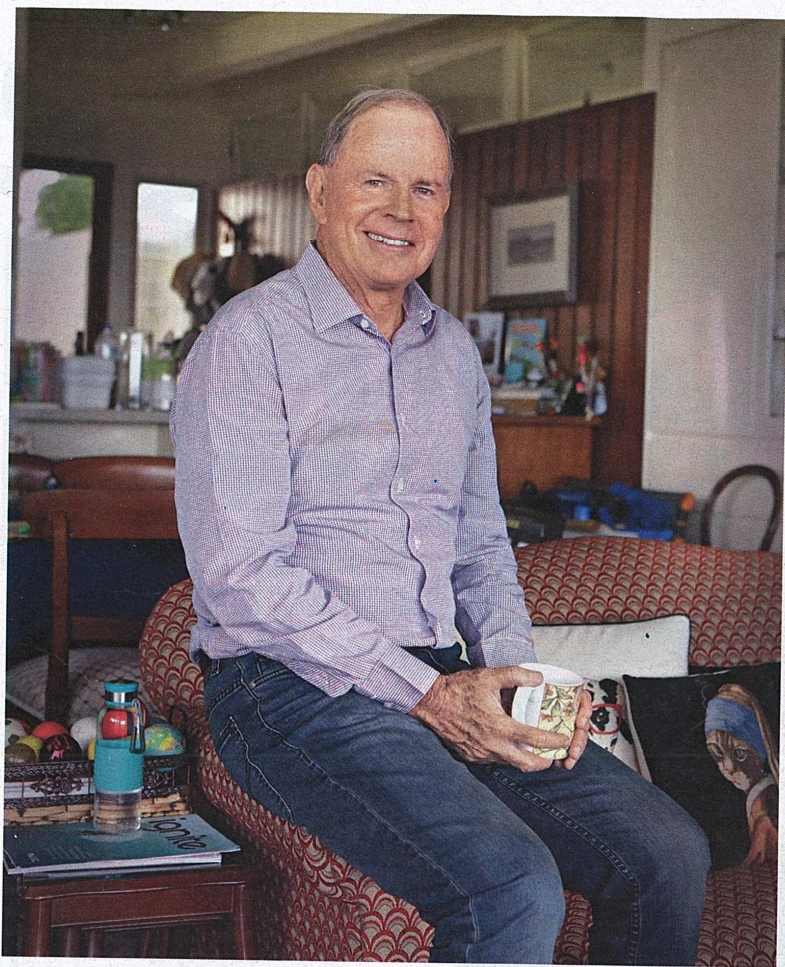
#### CHAMPION FOR CHANGE

Robertson has worked hard to effect change when he has seen injustice. Among his proudest achievements is entering a once-controversial debate about children testifying in courtrooms.

"When I started as a judge, small children were expected to come into court and give their evidence before a room full of strangers, some dressed in wigs and gowns. It was shocking and always stressful, especially for the child," he says. "I am proud of my role in an [ABC] *Four Corners* program dealing with this issue, which in large part led Queensland to adopt West Australian laws designed to protect children by having them give evidence in advance of the trial and not in the courtroom and where they cannot see [their abuser]."

He and Judge Helen O'Sullivan were criticised heavily for joining the debate, even after parliament finally agreed to the changes. "But I do not regret what we did for a minute," he says. "Everyone thought the world would change – we'd lose that fundamental principle of the accuser facing the accused. But when the accuser is six and the accused is her father ... come on."

Robertson was admitted as a solicitor in 1973, working for Brisbane firm Elliott & Co until 1978.



**COURT OUT:** (above) Jack and Peggy Herbert, and former transport minister Don Lane; Robertson (left, today) represented Lane in the wake of the 1987-89 Fitzgerald Inquiry, in which Herbert also figured. **Main picture:** Megan Slade/AAP

## “The Bjelke-Petersen era was Cowboys and Indians.”

### SINGING THE PRAISES OF FAMILY

Robertson speaks proudly of his family. He and his first wife, Marguerite, a doctor who also lives on the Sunshine Coast, had three children, Jeremy, 44, Caroline, 42, and Jonathon, 40. Each of them has four children, aged between four and 17. June Redman, his second wife, to whom he has been married for the past 16 years, is a triple-certificate nurse and now has a bachelor degree in business, an honours degree in science and a PhD in public health, in which she lectures at the University of the Sunshine Coast.

He also treasures her children, Leigh, 42, Rob, 39, and Kate, 29, who have six children between 11 months and 10 years old. “I am so fortunate that each one – and their partners – are my friends,” he says. Away from the courtroom, Robertson is called Poppy, or Popstar, and the youngest of his 18 grandchildren thinks he’s a policeman.

Robertson has always considered himself a dog man but his black RSPCA rescue cat Remy, named after a *House of Cards* character, has converted him to the feline species. “I do yoga. I swim daily. I go for long, epic treks with my son Jono [around Australia] and hopefully I will do the same with his children if they’ll have me.” He’s also a keen golfer. Music is his other great escape and a passion, and Robertson is a popular member of the Sunshine Coast’s Oriana community choir. He toured with them to Europe in 2012 where they competed in a Welsh eisteddfod, and sang at St-Martin-in-the-Fields in London’s Trafalgar Square and St Paul’s Cathedral. Next year they head to Italy for a booking at St Peter’s Basilica.

Robertson jokes he’s the subject of “statutory senility” – with judges forced to retire at 70 – but is confident the law will remain in his life in retirement, more in the way of a public service than as a paid job. Just last week, he was appointed chair of the Queensland Sentencing Advisory Council, which will provide him with ongoing opportunities to explain sentencing to the community.

He also plans to traverse the Great Walk track in the Sunshine Coast hinterland and, as a crime novel buff, also will indulge in plenty of Kiddle time. At least those protagonists, evil or otherwise, will be imagined through an author’s words and will no longer be standing just metres away. ■

when he began his own firm, J. M. Robertson & Co. He focused on white-collar crime – once representing Gold Coast developer Michael Gore in a \$300,000 sales tax fraud case, of which Gore was acquitted. The firm later became Robertson O’Gorman when Terry O’Gorman – now vice-president of the Queensland Council for Civil Liberties and president of the Australian Council for Civil Liberties – joined in 1981.

It was a time when police misbehaviour, including bashing and verbalising suspects, and fabricating confessions, was still rife, O’Gorman says. When Robertson reflects on the Bjelke-Petersen era, he shakes his head: “It was Cowboys and Indians.”

His most memorable case was R v Jack Reginald Herbert and others – a 126-day trial in 1976 arising from attempted corruption allegations of then licensing branch head Arthur Pitts. All those on trial were acquitted but many, especially Herbert, later featured prominently in the Fitzgerald Inquiry in 1987. “The long and the short of it is that the jury acquitted them because I don’t think they could possibly believe what was going on was really going on,” Robertson says.

He later represented former Queensland transport minister Don Lane and other more minor players in the wake of the Fitzgerald Inquiry.

In 1994, Robertson became the first solicitor appointed as a district court judge – an honour reserved only for barristers at the time – and served

most of his years on the bench in regional centres. In 1998 he became the first district court judge to conduct circuits to the Gulf communities of Normanton, Mornington Island and Doomadgee.

Robertson vividly remembers his first day on the bench, wearing gifts to celebrate his appointment – a wig from retired Supreme Court judge and mentor Bill Carter, and a friend’s jabots. “I’m waiting for the call [to enter the court] and for some reason I did a big swing, probably my theatrical background, and of course all the robes did a big turn. I said, ‘how do I look?’ and [my associate] said, ‘Priscilla of Ipswich’. That’s what took me into my first trial.”

Robertson is fiercely opposed to mandatory sentencing and says a civilised society should put its trust in judicial officers to use their discretion based on individual circumstances. Using one of Australia’s notorious child killers as an example of how even Queensland’s mandatory life sentence for murder can be unjust, he questions how that can compare to every other murder in the state.

“A person like [Brett Peter] Cowan, who [in 2003] murdered [Sunshine Coast schoolboy] Daniel Morcombe, he’s liable to [serve] the same sentence as the woman, who after years of domestic violence, when her abuser, her husband, is asleep, shoots him in the back of the head and she’s convicted of murder. They get the same sentence. Is that right? Of course it’s not,” he says.