

MEDIA RELEASE

PERSONAL ATTACKS ON JUDGES UNDERMINE PUBLIC CONFIDENCE

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Personal attacks on members of the judiciary in the context of particular judgments undermine public confidence in the justice system, the president of the New South Wales Bar Association, Noel Hutley SC, said today.

There has been recent criticism from media outlets and from a Minister of the Crown of various sentencing decisions by Judge Jeffreys of the District Court which have been the subject of appeals to the New South Wales Court of Criminal Appeal by the Director of Public Prosecutions.

‘Trial judges are required to determine matters in good faith in the context of the available evidence and the demeanour of the witnesses who are called to give evidence. Complex facts and evidentiary considerations arise in criminal trials. It is important that judges are not placed under pressure or perceived to be placed under pressure as to how matters should be determined by Ministers of the Crown. The reported comments by a Minister that a judge should consider her or his position as a result of a decision or decisions, represents a fundamental misunderstanding of the separation of powers, and should not have been made’ Mr Hutley said.

‘Processes exist to ensure that all judicial decisions are subject to proper scrutiny. The system of appeals in New South Wales provide oversight and review of relevant judicial decisions’ he said.

‘The justice system has its own checks and balances to ensure that justice is done. Personal attacks on judges applying the law in good faith, often in difficult and traumatic cases, is inappropriate. If a judge has incorrectly applied the law, then the appropriate place to deal with the error is in the New South Wales Court of Criminal Appeal.

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