

MEDIA RELEASE

PRIME MINISTER'S COMMENTS IGNORE THE ROLE OF OUR COURTS

7 August 2015



The President of the New South Wales Bar Association, Jane Needham SC today expressed concern at reported comments by the Prime Minister criticising the Federal Court after it set aside, by consent, the Australian Government's approval for the Carmichael mine development in Queensland.

Media reports indicate that the Prime Minister has stated, in the wake of the decision, that courts can be used to 'sabotage' development projects and that 'as a country we must, in principle, favour projects like this'.

'These comments demonstrate a lack of understanding of the independent role of the courts in our democracy' Ms Needham said.

'It is critical that our courts make decisions on the basis of the legislation they are charged to interpret and the facts of each individual case before them. Legislation imposes strict conditions on developments such as coal mines, and the courts' task in these circumstances is to scrutinise the Executive's actions to ensure that any approvals fall within legislative parameters.

The courts are not the servant of the Executive – any such implication is inimical to the basic principle of the separation of powers, which is fundamental to our Westminster-style system of government' said Ms Needham.

'The courts exist to make decisions according to the law, not to further the interests of particular individuals or organisations, including government. They are an independent arbiter of disputes, and politicians need to understand and respect their non-partisan role.'

Media Contact: Alastair McConnachie: 04203143462