



NEW SOUTH WALES
BAR ASSOCIATION

MEDIA RELEASE

11 July 2014

REFERRAL OF JUDGE NEILSON TO THE JUDICIAL COMMISSION

The New South Wales Bar Association notes the referral of Judge Neilson to the Judicial Commission by the NSW Attorney General. The Association's Junior Vice President Arthur Moses SC has today made the following statement:

"The reported comments of the Judge were plainly inappropriate and it is understandable that they would be offensive to members of the community. The comments are not reflective of the views of our judiciary. Whether those comments caused the Judge to fall into error is a matter solely for the NSW Court of Criminal Appeal – which is the leading appellate court in criminal matters in Australia.

As for the fitness of any Judge to remain in office, that is not a matter that should be the subject of public debate or comment. I am not commenting on this particular Judge in making that statement. The fitness of any Judge to remain in office is a matter for the NSW Judicial Commission and ultimately the State Parliament. NSW is fortunate to have a body such as the Judicial Commission that vigorously investigates complaints it receives about judicial officers in a fair and transparent manner. It prepares detailed reports and recommendations for the NSW Parliament which has the ultimate responsibility to remove a judicial officer. Such a power is only exercised in exceptional circumstances of proven misbehaviour or incapacity to remain in office."

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