



THE LAW SOCIETY  
OF NEW SOUTH WALES

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## **UNJUSTIFIED CRITICISM OF JUDICIAL OFFICERS UNDERMINES CONFIDENCE IN OUR JUSTICE SYSTEM**

Recent comments by the Minister for Police in relation to the decision to grant bail to Mostafa Baluch are unfortunate and have the potential to unnecessarily undermine public confidence in our justice system, the President of the New South Wales Bar Association Michael McHugh SC and the President of the Law Society of NSW Juliana Warner said today.

“Judicial officers can only make decisions based on the evidence that is before them at the time, and not with the benefit of hindsight” Mr McHugh said.

“The *Bail Act* sets out a legislative framework for decisions about whether a person accused of a crime should be detained or released while the matter is determined by a Court. Some of the considerations include the likelihood that the accused may fail to appear at any proceedings for the offence, may commit a serious offence, may endanger the safety of victims, individuals or the community, or interfere with witnesses or evidence” said Ms Warner.

“Judicial officers are required to determine matters in good faith in the context of the available evidence and the law as set out in the *Bail Act*. It is important that judicial officers are not placed under pressure or be perceived to be placed under pressure as to how matters should be determined by ministers of the Crown” Ms Warner said.

“The Local Court of NSW is the busiest Court in Australia. Magistrates make thousands of important decisions every year that deliver justice for people who live across all our communities in New South Wales. The NSW Government should be supporting Magistrates in this important work” said Mr McHugh.

“Processes exist to ensure that all judicial decisions are subject to proper scrutiny. The justice system has its own checks and balances to ensure that justice is done. Personal attacks on judicial officers applying the law in good faith are inappropriate and undermine the Rule of Law” said Mr McHugh.

### **MEDIA CONTACTS**

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