



Judicial Conference of Australia

JCA CRITICISES MISREPORTING OF CHIEF JUSTICE'S ADDRESS

**Media release by the President
of the Judicial Conference of Australia
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The President of the JCA, Justice Robert Beech-Jones has criticised the recent misreporting of the address given by the Chief Justice of New South Wales, Tom Bathurst, at the opening of Law Term.

“Media organisations are entitled to criticise extra judicial speeches given by judicial officers” the President stated “but in doing so they should at least attempt to accurately state what the judicial officer actually said”.

An article published in the *Daily Telegraph* on 2 February 2017 entitled “Judge Full of Dread” asserted that the Chief Justice had “launched a strong attack on ‘popular sentiment’ and ‘xenophobia’ in Australia” and that he had “claim[ed that] only himself and his fellow judicial officers – not the government - could be relied upon to promote fairness and equality”. The article also asserted that the Chief Justice stated that “the rule of law in Australia was in danger because of rampant racism”.

An editorial in the same edition made similar assertions in claiming that the Chief Justice had “declared it was the judiciary and not the government which could be relied upon to promote fairness and equality”.

“Chief Justice Bathurst did not make the statements attributed to him,” Justice Beech-Jones stated.

“Chief Justice Bathurst’s address did not attack “popular sentiment”. It did not state or imply that the rule of law in Australia was in danger because of “rampant racism” or “xenophobia”. It made no criticism express or implied of “populist government policies on immigration”. It made no reference at all to any failure by the government and made no suggestion that there was or racism or xenophobia within the Australian community,” Justice Beech-Jones said.

“The only reference to ‘popular sentiment’ and ‘xenophobia’ and only criticism of a government made the Chief Justice in his address was his description of events in 1888 when the Supreme Court of New South Wales ordered the then State Government to allow some Chinese passengers on a ship to disembark and the State government refused to comply.

“The address itself, which was given to lawyers at the opening of the legal year, described difficulties experienced in ensuring full and fair participation in court proceedings by culturally and linguistically diverse members of the community and Aboriginal and Torres Strait Islander people (as well as foreign parties and witnesses in international commercial disputes). The Chief Justice suggested ways in which judges and the legal profession could improve the inclusivity of our courts. He did not refer to government policies on immigration or anything else and did not suggest that only judges could be relied upon to promote fairness and equality.

“It is regrettable that such an important statement was distorted by certain media reports,” Justice Beech-Jones said.

The Judicial Conference of Australia is the professional association of judges and magistrates in Australia.

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