



Judicial Conference of Australia

**MEDIA RELEASE BY
THE HON JUSTICE STEVEN RARES
PRESIDENT, JUDICIAL CONFERENCE OF AUSTRALIA
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Daily Telegraph article unfairly attacks District Court Judge

The President of the Judicial Conference of Australia, Justice Steven Rares, today expressed concern about an attack on Judge Andrew Haesler of the New South Wales District Court in an article entitled “Bench him” published in the *Daily Telegraph* on 11 December 2015. The article included a call for the judge not to be allocated cases that could require the imposition of a long custodial sentence.

“The article was an unwarranted attack calculated to undermine the independence of the judiciary” Justice Rares said. “Articles of this kind are unfair because judges cannot respond without compromising their role”.

The article included a quote taken out of context from an interview with Judge Haesler in the *NSW Law Society Journal* in which he had expressed concern about the effect of increasing maximum sentences and the effect of the imposition of longer custodial sentences on the protection of the community and rates of reoffending. The article omitted the question posed in the interview which asked Judge Haesler “What is the hardest part of your job as District Court judge?”. In answering that question, Judge Haesler clearly was acknowledging that it was his duty to give effect to increases in maximum sentences.

The article also included the irrelevant fact that before he became a judge he had appeared for a notorious convicted rapist. Under the heading “soft serves” the right hand column of the article referred to four cases in which Judge Haesler had sentenced offenders. The Crown appealed in three of them and two of those appeals were successful. Those references were also unfairly taken out of context. A rudimentary search of the publicly available decisions on www.caselaw.nsw.gov.au reveals that in the last 4 years there have been only 12 appeals from sentences or convictions involving Judge Haesler. In three of the nine sentence appeals the appeal court found that his Honour’s sentence had been manifestly inadequate. On one occasion the sentence he imposed was reduced on appeal and no error was found in the other five sentence appeals. Those instances occurred in the context that Judge Haesler sits predominantly in crime and has presided over many hundreds of criminal cases and sentences in that period.

“The topics raised in Judge Haesler’s interview in the *Law Society Journal* were clearly legitimate matters for debate and views over which people can differ and persons can be legitimately criticised” Justice Rares said. “However this article irresponsibly attempted to use a selective portion of that interview taken out of context, some irrelevant facts and a distorted selection of cases decided by the judge to suggest that he was not suitable to preside over certain types of cases” Justice Rares added. “The article was unfair to the judge and an attack on judicial independence” Justice Rares stated.

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

For further information, contact Christopher Roper, the Secretary of the Judicial Conference of Australia: secretary@jca.asn.au | 0407 419 330