



Judicial Conference of Australia

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From the President
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Dear Editor

According to a report in the Courier Mail published on 3 February 2017 the Immigration Minister, Peter Dutton referred to Queensland Magistrates as “left wing softies” and “hopeless”. He was said to have referred to the larger number of serving magistrates appointed in Queensland by the Labor Party compared to those appointed by Liberal National Party or Coalition governments and stated that “[i]f you appoint civil libertarians to court benches ... you will get soft sentences”. According to the article the Minister added that is “exactly what’s happened here” being a reference to a particular case in Queensland.

The Judicial Conference of Australia condemns this attack on the integrity of Queensland Magistrates. The reported comments of Mr Dutton were a slur on the Magistrates of Queensland. Comments of that kind by a government minister undermine public confidence in the impartiality of the judiciary.

The Minister’s comments should be condemned for a number of reasons. First, although he disclaimed any intention to do so, the Minister clearly did refer to the circumstances of a particular case that is before the Queensland Courts. Second by relating the number of Magistrate’s appointed by a particular party when in government to sentencing decisions of the Magistrate’s Courts, the Minister was undermining confidence in the judiciary. Third the fact that the attack was made by a government minister made the matter worse in that it was inconsistent with the respect that must be afforded by the various branches of government towards each other. The judiciary does not engage in such attacks upon the executive and the executive must not attack the judiciary.

There is nothing to suggest that there is any connection between the sentencing decisions of a particular magistrate and the political party that was in government when they were appointed. The people of Queensland can have confidence that its Magistracy is delivering justice according to law.

Yours faithfully,
Justice Robert Beech-Jones
President, Judicial Conference of Australia