



Judicial Conference of Australia

**Media release by the President
of the Judicial Conference of Australia
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Victorian Magistrate Misreported and Unfairly Criticised

The President of the Judicial Conference of Australia, Justice Robert Beech-Jones, has expressed concern over the recent reporting and criticism of a Victorian Magistrate's reasons for granting bail.

On 1 February 2018 a Victorian Magistrate determined to grant bail to a person charged with culpable driving causing death. In giving reasons for his decision, the Magistrate explained that he was obliged to apply the bail laws as in force on the day the decision was made and could not apply various amendments that are due to come into force on 1 July 2018. In giving reasons, the Magistrate noted that there was "anxiety" within the "community surrounding persons accused of serious offending and the operation of the Bail Act".

The "media reporting of the bail judgment incorrectly asserted that he had criticised and blamed the state government for failing to bring the amendments into force earlier" Justice Beech-Jones stated. "The magistrate did not criticise the State government, he just simply explained the law that he was applying and that he could not apply the amendments", Justice Beech-Jones added. "It was not correct to characterise the judgment as 'blaming' the State government or as amounting to 'extraordinary criticism' of the State government".

Justice Beech-Jones also expressed concern about the criticism of the Magistrate by the Victorian Attorney General who stated that the Magistrate "dol[ed] out advice to [the] Government about when laws should commence" and "engag[ed] in the political debate". This criticism of the Magistrate was unfair. The Magistrate was obliged to give reasons for his decision and in doing so the Magistrate explained what law was being applied and what law was not" Justice Beech-Jones stated.

A copy of the Magistrate's reasons has been placed on the JCA website.

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

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

The President of the JCA is not available for broadcast or television interviews on this matter.