



Media Release

Member for Northern Tablelands comments on bail decisions

From Justice Michael Walton
President of the Australian Judicial Officers Association

1 June 2023

The Member for Northern Tablelands in NSW has criticised the bail and sentencing decisions of the Magistrate sitting at Moree and Inverell. He has called for the Magistrate to apply the law, reflect community standards and that “if the local Magistrate chooses not to, then the Chief Magistrate of the Local Court should move them on.”

In making their decisions Judges and Magistrates apply bail and sentencing laws passed by the elected representatives of the community. They apply these laws to the facts of each individual case about which they will have usually been given significantly more information than what might appear in a news report or press release.

AJOA does not comment upon the correctness of individual decisions. Judgments may be the subject of reasonable criticism. However, if a party to a proceeding is unhappy with a Magistrate’s decision, the decision can be appealed. Accordingly, if the prosecutor believes that an error has been made by a Judge or Magistrate in a sentencing decision, they can appeal; or in the case of a bail decision, make a detention application in the Supreme Court. This did not happen in the case referred to by the Member for the Northern Tablelands. Significantly, most decisions by Magistrates are not appealed by the prosecuting authorities.

Our democracy recognises and protects the distinct and separate roles of Parliament, executive government and the courts. Public scrutiny is important, but ultimately it is not for any individual member of the community, or member of Parliament, to seek to determine or directly influence how courts manage their business.

The Australian Judicial Officers Association is the professional association of judges and magistrates in Australia. For further information, contact Karen Sloan, Australian Judicial Officers Association Secretariat: secretariat@ajoa.asn.au | 02 6125 5763.

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