



## Media Statement

### Member for Northern Tablelands ill-informed comments on bail decisions

From Justice Michael Walton  
President of the Australian Judicial Officers Association

19 February 2024

The Member for Northern Tablelands in NSW has again criticised the bail and sentencing decisions of the Magistrate sitting at Moree and Inverell.

The AJOA does not seek to repeat its previous comments in response to the Member's earlier statements. However, in the interests of informing the community about the proper function of the courts, the AJOA considers it necessary to draw attention to some of the profound misunderstandings which underpin the Member's ill-conceived comments.

Magistrates are not 'judicial public servants' as the Member claims. Consistent with the separation of powers which is at the core of our democratic system, the role of magistrates is not to implement government policy as the Member appears to assume, but to apply the law which Parliament enacts.

In performing this role, it is critical that judges and magistrates do so independently and without fear or favour. The Member's unfair and misguided criticism of the Magistrate undermines those principles, as they may be viewed as attempts by a member of the legislature to pressure a member of the judiciary about the manner in which they apply the law. Magistrates and judges are not beyond criticism, but they should not be expected to endure unfair and misguided commentary, to which they cannot respond, which undermines their independence.

The community can have great confidence in our hard working magistrates, assured in the knowledge that the system contains within it safeguards to address error, where it occurs. That protection lies in the capacity of a party, including a prosecutor, to appeal a decision of the magistrate where it is thought that they have erred. It is striking that, despite the Member's colourful claims, so far as the AJOA is aware, no appeal has been brought from any of the Magistrate's decisions to grant bail. To the contrary, there have been a number of successful appeals of decisions of the Magistrate to *refuse* bail. The criticism of the Magistrate is ill-informed and wholly unjustified.

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](mailto:secretariat@ajoa.asn.au) | 02 6125 5763.

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