

Tuesday, 13 June 2017

Political attacks on the courts a very worrying trend

The Law Council, speaking on behalf of the Australian legal profession, is calling for an end to political attacks on the judiciary, especially in cases where they might be perceived to interfere with matters currently before the courts.

Law Council of Australia President, Fiona McLeod SC, said recent comments from Government MPs referring to "ideological experiments" supposedly being carried out by the judicial system were gravely concerning.

"It is inappropriate to suggest that judges decide their cases on anything other than the law and the facts presented to them by the parties," Ms McLeod said.

"Attacking the independence of the judiciary does not make Australia safer, in fact it erodes public confidence in the courts and undermines the rule of law.

"It is Australia's robust adherence to the rule of law that has underpinned this nation's status as one of the most peaceful, harmonious, and secure places in the world."

Ms McLeod said the Law Council has particular concerns about comments made in the media today by Government MPs about a terror-related case currently before the courts in Victoria.

"Australian politicians have traditionally, and quite correctly, been very careful to avoid any perception of attempting to influence the courts. This is a standard that should be upheld by every Member of Parliament," Ms McLeod said.

"Commenting on a matter that is currently before the courts could be perceived by members of the public as an attempt to influence the outcome and interfere with the court process."

Ms McLeod noted that the media commentary today was actually prompted by the court observing the difference in recent sentencing decisions between States and asking the prosecutor and defence Counsel to address submissions on this difference.

"The horrific nature of the crime is apparent to all and was in fact noted by members of the court during the hearing of the appeal," Ms McLeod said.

"It is therefore particularly unfair and concerning that the independence and impartiality of the courts have today been questioned.

"The Court of Appeal will in this case, as in all cases, decide the matter on the facts and the applicable law."

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