

MEDIA RELEASE

STATEMENT MADE BY PRESIDENT JANE NEEDHAM SC

19 December 2014



NEW SOUTH WALES
BAR ASSOCIATION

New South Wales Bar Association President Jane Needham SC has made the following statement:

The tragic events of this last week have understandably led to questions being raised as to what caused the untimely deaths of two loved members of our community, and what can be done in the future to minimise the risk of such incidents occurring again. That is a matter which is being examined by, amongst others, the Australian Federal Police and the NSW Police, who are preeminent law enforcement agencies.

However, it has been regrettable that members of the judiciary have been targeted in a personal manner as if they were somehow to blame for the terrible events in Martin Place. Such comments are inappropriate and misplaced. Members of the judiciary each and every day in this State are required to discharge his or her oath of office by having to make difficult decisions based on the evidence that is before them. This task is an onerous one which the members of the state's judiciary discharge in good faith and according to law.

Further, the lawyers representing Mr Monis have also been the subject of personal abuse and criticism. Such comments fail to understand that lawyers have an obligation to represent their clients to the best of their ability, irrespective of the personal views that a lawyer may have about the alleged conduct of their client. Members of the New South Wales Bar are not permitted to pick and choose who they represent, based on the alleged offence with which their client has been accused, or on their personal views about the individual. This ethical requirement ensures that all in our society are able to be represented before the courts.

On issues relating to bail, judicial officers always have, as their paramount consideration, the protection of the public. Whilst there has been criticism of the members of the judiciary in relation to the granting of bail to Mr Monis., it has to be understood that judicial officers can only make decisions based on the evidence that is before them at the time, and not with the benefit of hindsight.

It is noted that there have been calls this week for further amendments of the *Bail Act 2013* in addition to the amendments which have been recently passed by the NSW Parliament in the *Bail Amendment Act 2014* as a result of the Hatzistergos review. This is premature. There needs to be a mature and considered reflection of these events, and of the outcome of any review. Any further proposal to amend the Bail Act should only be undertaken when all the information has been received and is able to be reviewed. This is not the proper time to be engaging in those debates.

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