



Judicial Conference of Australia

**Media release by the Vice-President
of the Judicial Conference of Australia
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Improper and unfair attack on judicial officer

The Vice President of the Judicial Conference of Australia (JCA), Justice Glenn Martin, has expressed deep concern at the tone and content of recent articles published in the *NT News* concerning the decision of the Northern Territory Civil and Administrative Appeals Tribunal (NTCAT) in the Dan Murphy’s appeal.

This was an appeal against a decision by the Northern Territory Liquor Commission to refuse an application by Woolworths to transfer one of its liquor licences from existing premises to new premises to be constructed to house a Dan Murphy’s Liquor Barn. The President of NTCAT dismissed the appeal, on the ground that that the relevant legislation did not permit the transfer of a licence to premises that have not yet been built.

Justice Martin said that an editorial published in the *NT News* on 26 December 2019 was of particular concern.

“That editorial contains a serious unsubstantiated allegation against a judicial officer which is a matter of deep concern to the JCA,” Justice Martin said.

The editorial stated, “Ostensibly, the appeal was rejected because the tribunal decided a liquor licence couldn’t be transferred to a store which is yet to be built.” Justice Martin said that this comment contains a clear imputation – made on the basis of no evidence whatsoever – that the published reasons of the Tribunal were not the real reasons.

“This amounts to a serious, unwarranted allegation of impropriety and dishonesty against the NTCAT President,” Justice Martin said. “The JCA takes no issue with the press and the general public debating the correctness of decisions of courts and tribunals and criticising

them if they wish. That is what reasons are for – so people can follow the reasoning process (and criticise it if they find it wanting).

However, it is unfair and unseemly for a responsible journalist to descend to unwarranted personal abuse of a judicial officer merely because the journalist doesn't like the decision. The author of the editorial was entitled to criticise the Tribunal's reasoning: he (or she) was not entitled, without any evidence, to impute dishonest motives to the President.”

On behalf of the JCA, Justice Martin wrote a letter to the editor of the *NT News*, pointing these matters out and inviting the *NT News* to withdraw the allegation and to publish a retraction. To date the letter has not been published; there has been no apology or retraction; and the JCA has not received a reply.

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