



Australian
Bar Association

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AUSTRALIAN BAR ASSOCIATION CALLS FOR RESPECTFUL DISCUSSION OF THE DECISION IN *LOVE*

The Australian Bar Association (**ABA**) always welcomes the accurate reporting of court proceedings and judgments. The media plays a vital role in informing the public and so contributing to civil society. Informed debate and commentary furthers the public's engagement with the Australian justice system.

Debate and commentary should, however, at all times respect the position of the courts and the rule of law. Inflammatory language which attacks the integrity of judges who have taken an oath to serve the public tends to undermine the public's confidence in the courts. Confidence in the courts and the rule of law is vital to the continuation of our peaceful community.

The ABA considers that some of the commentary about last week's decision of the High Court in *Love and Thoms v The Commonwealth* went beyond the bounds of robust criticism.

President of the Australian Bar Association, Matthew Howard SC, noted that the High Court decision involved difficult questions of constitutional interpretation about which members of the Court reasoned differently and reached different conclusions. All judges conscientiously grappled with the questions in the case, bringing differing perspectives and learning to bear.

"It is healthy that the public, through the media, is informed about such a significant decision. It is also a good sign of an open society that there can be robust debate about the decision and its implications. The concern of the ABA is where inflammatory language is used in that debate or comment which suggests a lack of honesty or legitimacy in the judgments reached. Such language may undermine the public's confidence in judges generally and our system of justice," Mr Howard said.

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