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# Ministers to be hauled before Supreme Court after criticising terror sentencing

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**Published:** June 14 2017 - 7:12PM

Three senior Turnbull government ministers will be hauled before the Supreme Court of Victoria to explain why they should not be charged with contempt after accusing the judiciary of advocating softer sentences for terrorists.

In an explosive development, the Supreme Court has ordered Health Minister Greg Hunt, Assistant Treasurer Michael Sukkar and Human Services Minister Alan Tudge to appear on Friday "to make any submissions as to why they should not be referred for prosecution for contempt" .

A letter from Judicial Registrar Ian Irving obtained by Fairfax Media says comments by the three ministers published in the *The Australian* accusing the judiciary of going soft on terrorists would appear to bring the court into disrepute.

"The attributed statements were published whilst the judgements of the Court of Appeal were reserved," the letter says.

"The attributed statements appear to intend to bring the Court into disrepute, to assert the judges have and will apply an ideologically based predisposition in deciding the case or cases and that the judges will not apply the law."

The extraordinary order follows comments published in *The Australian* in which the senior ministers blasted the Victorian judiciary for handing down lighter sentences for terrorists as part of "ideological experiments".

The judicial registrar has also written to *The Australian's* editor and the journalist Simon Benson asking them or their legal representatives to attend the court, alongside legal representatives for News Corp.

Mr Hunt reportedly said: "Comments by senior members of the Victorian courts endorsing and embracing shorter sentences for terrorism offences are deeply concerning – deeply concerning."

"The Andrews government should immediately reject such statements and sentiments."

"The state courts should not be places for ideological experiments in the face of global and local threats from Islamic extremism that has led to such tragic losses."

The comments were seen by the court as relating to an appeal by the Commonwealth Director of Public Prosecutions challenging a 7½ year non-parole sentence imposed in 2016 on Sevdet Ramadan Besim.

The Court of Appeal is yet to deliver its judgements on the matter.

Besim pleaded guilty to planning a terrorist attack in 2015 to behead a police officer on Anzac Day.

The Court of Appeal last Friday also heard challenges by Commonwealth prosecutors to the sentences imposed last year on a teenager who built a bomb and planned to detonate it on Mother's Day the same year; and Hassan El Sabsabi, who sent \$16,000 to a contact who planned to fight in Syria.

Besim, 20, was jailed for 10 years, but must serve 7½ years before he is eligible for parole.

The teenager – who has not been named – was jailed for seven years and must serve at least five; and El Sabsabi was spared further jail having served 44 days in custody when arrested in 2014.

Commonwealth Director of Public Prosecutions Sarah McNaughton, SC, said the intentions of both the teenager, known as MHK, and Besim were to terrorise and kill Australians on home soil.

The development will come as a further headache for Prime Minister Malcolm Turnbull, who also attacked Victoria's justice system in the wake of the Brighton terror attack.

Mr Sukkar was also quoted in *The Australian* claiming that the soft attitude of judges "has eroded any trust that remained in our legal system".

"Labor's continued appointment of hard-left activist judges has come back to bite Victorians," he is quoted as saying.

Criminal defence lawyer Rob Stary told ABC radio he had lodged a formal complaint to the Commonwealth prosecutors about the ministers' comments.

ABC Melbourne tweeted that Mr Stary said the ministers should resign or be stood down.

Mr Stary said the judiciary must be independent and "free from political interference".

Mr Stary said the comments constituted contempt of court.

He said attacking the court eroded public confidence in the administration of justice "from people who should know better".

He said it was permissible to comment on the inadequacy of a sentence but it must be done in a "proper way".

"It's not open slather," he said.

The three ministers' comments have appalled judges and magistrates.

On Tuesday, the Judicial Conference of Australia said the ministers' conduct was "grossly improper and unfair", representing a co-ordinated and direct attack on the independence of the courts and risked undermining public confidence in the judiciary.

Mr Hunt's spokesman declined to comment. Mr Sukkar and Mr Tudge have been contacted for comment.

This story was found at: <http://www.theage.com.au/victoria/ministers-to-be-hauled-before-supreme-court-after-criticising-terror-sentencing-20170614-gwr6t0.html>

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