

MEDIA STATEMENT
5 December 2013

AGC'S RESPONSE TO MEDIA QUERIES ON
THE "STATEMENT ON AGC ACTION AGAINST ALEX AU"

1. The "Statement on AGC Action against Alex Au" purportedly signed by 170 persons and sent to the media by Mr Jolovan Wham on 29 November 2013 acknowledges that it is important to uphold public confidence in the judiciary, and states that "[i]f Mr Au has erred, then his claims should be rebutted in public." We agree with this.
2. The article "377 Wheels Come Off Supreme Court's Best Laid Plans" by Mr Au contains allegations of wrongdoing by senior judicial officers. These allegations severely undermine their standing, and the authority of the judiciary as a whole. The hearing to determine whether the article is in contempt of court will be open to the public, and Mr Au will have every opportunity to rebut the charge against him.
3. The Constitutional right to free speech and expression is not an absolute right, but subject to limits which are expressly provided for in the Constitution. These limits are necessary to protect the reputations of individuals, both private and public, and also the standing of key State institutions, including the judiciary. As important as the right to free speech and expression is, the Constitution recognises that our society as a whole must be safeguarded against statements without basis which injure the reputation of persons or lower confidence in the administration of justice.
4. Mr Au had previously scandalised the court in the article "Woffles Wu case hits a nerve" which he posted on the same website on 18 June 2012. On that occasion, legal action was not taken against him after he withdrew the article, apologised and undertook that "[he would] not in future put up any post to the same or similar effect".

Media Relations Unit
Attorney-General's Chambers