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Government moving in the right direction on Federal Judicial Commission

The Law Council of Australia has long advocated for the establishment of a standalone Federal Judicial Commission and considers the government is moving in the right direction by seeking independent legal advice on its establishment.

Law Council President, Dr Jacoba Brasch QC, said a Federal Judicial Commission needs to be at arm's length from the executive government, to ensure the independence of the judiciary and the separation of powers.

“Since 2006, the Law Council has supported the establishment of an independent Federal Judicial Commission to promote transparency and accountability for judges,” Dr Brasch QC said.

“Recent reports indicating that the government is now considering a standalone entity is a positive move.

“Like the Attorney-General, the Law Council has long promoted the model operating in NSW, which enables an independent, procedurally fair, and transparent means of dealing with complaints against judicial officers, as providing the best solution.

“It is essential to the protection of the rule of law that there be a strong and independent judiciary, separate to, rather than subject to, review by the executive arm of government.

“A separate Federal Judicial Commission would alleviate this serious concern while ensuring crucial accountability and the maintenance of public confidence in the judicial process.

“We look forward to working with the government and the federal judiciary to bring the Federal Judicial Commission to fruition,” Dr Brasch QC said.

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