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## Federal judicial commission a welcome step closer

The Law Council of Australia welcomes the opportunity to provide input on the model and key features of a federal judicial commission.

“The release today of a discussion paper on scoping the establishment of a federal judicial commission is a very positive step forward,” Law Council of Australia President, Mr Luke Murphy said. “We have been calling for a standalone federal judicial commission since 2006 because we believe having a means to fairly address complaints about the judiciary is essential to the promotion of the rule of law.

“While we will be considering and responding to each of the questions raised in the discussion paper, the Law Council has already established a number of principles it believes should underpin a federal judicial commission.”

The Law Council of Australia has called for a federal judicial commission to be underpinned by four key features: independence, coherence, accessibility and transparency.

“We are very pleased that both the federal judicial commission and National Anti-Corruption Commission (NACC) are being progressed,” Mr Murphy said. “It is our very strong view that the federal judicial commission should be established at arm’s length from the executive government and separate from the NACC.

“The final commission model must be endorsed by the federal judiciary and adequately resourced to carry out its remit, which should include the fair and impartial handling of allegations of lack of competency, serious misconduct or corruption within the federal judiciary, as well as providing training, education and support to judicial officers.

“While the commission’s membership should include heads of jurisdictions, the Law Council has recommended the majority of members be community representatives of high standing who reflect the diversity of our community. In fact, we believe consideration should be given to proactively appointing people from significantly underrepresented groups, including First Nations people and people with disability.

“We look forward to considering the issues outlined in the discussion paper and providing a response on behalf of the legal profession.”

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**Contact:** Kristen Connell, P. 0400 054 227, E. [kristen@talkforcemedia.com.au](mailto:kristen@talkforcemedia.com.au)