

Royal Commissioners entitled to same respect as Judges

The following statement can be attributed to Mr Duncan McConnel, President, Law Council of Australia:

- The public attacks on the Commissioner being played out through the media are unacceptable and damage the basis on which tribunals and Courts operate.
- Commissions of Inquiry, like Courts, are conducted impartially and independently of government or political influence. Where circumstances arise that would create a reasonable apprehension of bias in the Judge or Commissioner, the proper course is for an application to be made to the Court or Inquiry for the Judge or Commissioner to stand aside.
- Royal Commissions provide a vital forum for understanding significant and often far-reaching issues which affect the Australian community, such as the Royal Commission into Institutional Responses to Child Abuse, the Royal Commission into Aboriginal Deaths in Custody and the Commissions of Inquiry into Queensland floods or Victorian bushfires.
- The person who sits as a Royal Commissioner is entitled to the same respect, inside and outside of the Inquiry, as a Judge in a Court. In this case, Mr John Dyson Heydon AC QC is a highly regarded former judicial officer. The proper way for dealing with any question of bias, including apprehended bias, is to make an application for the Commissioner to recuse himself, and for the Commissioner to consider and rule on the application.

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