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## Integrity of the judiciary essential

The Law Council of Australia welcomes the steps taken today by the Commonwealth Government towards the establishment of a federal judicial commission and improving transparency of judicial appointments.

“In its response to the Australian Law Reform Commission’s report *Without Fear or Favour: Judicial Impartiality and the Law on Bias*, the Government has given in principle support for establishment of a judicial commission,” Law Council of Australia President, Mr Tass Liveris said. “It has also agreed to two other key recommendations aimed at improving the judicial appointments process and the diversity of the federal judiciary.”

The Law Council of Australia has been calling for a standalone federal judicial commission since 2006.

“It is essential to the promotion of the rule of law and the Australian constitutional system that there be a strong, independent, and transparent judiciary. Consistent with this aspiration, a means of fairly and punctually addressing complaints directed to the judiciary in an independent, structured manner is necessary.

“A federal judicial commission, underpinned by four key features, namely independence, coherence, accessibility and transparency, will assist to provide a clear and structured framework for responding to such complaints.”

The Law Council also sees a role for a federal judicial commission in the provision of education, training and development to the judiciary and in assisting judges with difficult ethical questions.

“Our Policy on the Process for Judicial Appointments lays out principles for judicial appointments which we believe will also help strengthen our judiciary and maintain public confidence in the administration of justice. It highlights the importance of a selection being made on merit and through a consultative and transparent process.

“We would support the collection and release of annual statistics on the diversity of the federal judiciary. The Law Council has advocated for appointments that are reflective of the diversity of each jurisdiction, including with respect to social, cultural or other groups, in a specific jurisdiction or nationwide. Reporting on these factors could assist in ensuring efforts to promote them are maintained.

“We commend the Attorney-General and Government for listening to the views of the profession and look forward to working with them to implement these essential measures.”

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