

Friday, 1 February 2019

Increased judicial appointment transparency and intention to boost legal aid funding applauded

The Law Council of Australia has backed moves to promote greater transparency and accountability of judicial appointments, and an indication that legal aid funding will be boosted, as outlined by the federal opposition today.

Labor has vowed to reinstate a rigorous, transparent and merits-based appointments process if elected, that would also apply to Administrative Appeals Tribunal (AAT) appointments.

Under the proposed changes, judicial positions in the Federal Court of Australia, Family Court of Australia and Federal Circuit Court of Australia and appointments to the AAT would be publicly advertised, with an independent panel to provide a shortlist to the Attorney-General of potential appointees.

Appointments would remain the decision of the Attorney-General and Cabinet, however, any made outside this process would have to be reported and explained to Parliament.

Law Council President, Arthur Moses SC, said the proposal would enhance the transparency of the federal judicial and AAT appointments processes, reinforcing the independence and integrity of these bodies.

“The current appointments process is shrouded in mystery, which can diminish public confidence in the judiciary and justice system,” Mr Moses said.

“The federal opposition’s proposal would promote greater transparency and public confidence that all appointments are based on merit and that those who have the qualities required for appointment are fairly considered.

“Such a system would safeguard the quality and improve the diversity of appointments. A judiciary that reflects the community it serves better enhances public confidence in the administration of justice, including respect for the rule of law.

“We note that recommendations for appointments will be sought from stakeholders, including the legal profession, and the Law Council would welcome the opportunity to participate.”

Mr Moses also threw his support behind Shadow Attorney-General Mark Dreyfus’ statement that he is ‘committed to increasing the commonwealth’s contribution to legal assistance’, which has been a long-standing priority for the Law Council.

“The Commonwealth Government’s contribution to legal aid funding has dropped from 55 per cent in 1996-97 to 32 per cent in 2017-18. As a result, while 14 per cent of Australians live below the poverty line, legal aid is available to just eight per cent of the population.

“The [Law Council’s Justice Project](#) has found, due to chronic underfunding, every year tens of thousands of Australians are being denied access to justice. This must change,” Mr Moses said.

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