



Judicial Impartiality Consultation Paper Released

Today the Australian Law Reform Commission (ALRC) released a Consultation Paper for the review of Judicial Impartiality, and is calling for submissions on its questions and reform proposals.

In Australia, judicial independence and impartiality are seen as fundamental to the common law system of adversarial trial, to the exercise of judicial power under the Australian Constitution, and to upholding public confidence in the administration of justice.

The [Terms of Reference](#) for this Inquiry ask the ALRC to consider whether:

- the law actual or apprehended bias relating to judicial decision-making is sufficient and appropriate to maintain public confidence in the administration of justice;
- the law provides clarity to decision-makers, the legal profession and the community about how to manage potential conflicts and perceptions of partiality; and
- the mechanisms for raising allegations of actual or apprehended bias, and deciding those allegations, are sufficient and appropriate.

The Inquiry relates to the law as it applies to judges in the High Court, Federal Court, Family Court and Federal Circuit Court.

To date, the ALRC has consulted with more than 140 individuals and groups, including current and former members of the judiciary and tribunals, the legal profession, litigants, non-profit legal services, community groups, and academics.

President of the ALRC, the Hon Justice SC Derrington, said judicial impartiality is central to justice, and systems to support it need to reflect and respond to the realities of modern Australian society.

“Our consultation proposals and questions for this Inquiry focus on enhancing the institutional structures that already exist to support impartial decision-making, along with the implementation of transparent procedures and guidelines, which are foundational to the rule of law and the public’s confidence in the administration of justice in Australia” Justice Derrington said.

The ALRC invites submission in response to 25 questions and proposals in relation to judicial impartiality and the law on bias.

Submissions are due to the ALRC by 30 June 2021: <https://www.alrc.gov.au/inquiry/review-of-judicial-impartiality/submission/>

The ALRC will deliver its Report on Judicial Impartiality to the Attorney-General by 30 September 2021.



About the Australian Law Reform Commission

The Australian Law Reform Commission (ALRC) is an independent Australian Government agency that provides recommendations for law reform to Government on issues referred to it by the Attorney-General of Australia.

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ALRC President the Honourable Justice SC Derrington is available for interview.

Judicial Impartiality Consultation Paper: <https://www.alrc.gov.au/publication/judicial-impairtiality-cp1/>

Judicial Impartiality Inquiry Submissions: <https://www.alrc.gov.au/inquiry/review-of-judicial-impairtiality/submission/>

Judicial Impartiality Inquiry: <https://www.alrc.gov.au/inquiry/review-of-judicial-impairtiality/>

Judicial Impartiality Inquiry Terms of Reference: <https://www.alrc.gov.au/inquiry/review-of-judicial-impairtiality/terms-of-reference/>

Further information on the work of the ALRC: <https://www.alrc.gov.au/>

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