



Consultation with the public is an important part of the law reform process conducted by the Australian Law Reform Commission (ALRC). The ALRC encourages the public to engage with it and values the contributions it receives from the public and relevant stakeholders.

The ALRC is also committed to ensuring that it provides access to the information it receives and will, whenever appropriate, make information available to the public. The ALRC generally publishes the submissions and comments that it receives on proposals. This is done irrespective of whether they are favourable or not with respect to the ideas put forward by the ALRC for reform.

In publishing information (whether online or in print), the ALRC operates in accordance with relevant legal frameworks. The ALRC has a *Submissions and Inquiry material* policy which explains how the ALRC treats the submissions it receives (see <https://www.alrc.gov.au/about/policies/submissions-and-inquiry-material/>). The policy explains that the ALRC will generally make public the submissions it receives, but that it will not publish a submission in certain circumstances, including if it ‘makes defamatory or libellous comments’.

Based on external legal advice, the ALRC has formed the view that the submission received from the Menzies Research Centre on 30 June 2021 to the Review of Judicial Impartiality Inquiry contains material that is defamatory. In accordance with the submissions policy, the ALRC will be treating the submission as confidential and will not publish it on the ALRC website. The fact that the submission may be published by the Menzies Research Centre or third parties does not negate the ALRC’s view of its defamatory content.

The Menzies Research Centre has been provided with an opportunity to make a new submission which does not contain defamatory or libellous information and such a submission would be published on the ALRC website if it accords with the ALRC submissions policy.

Any inquiries in relation to this statement can be made to Nadine Davidson-Wall.

ENDS

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