



Judicial Conference of Australia

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Judges should not be in the cross fire of debate over court restructure

The President of the JCA, Justice Robert Beech-Jones, has expressed concern that the current debate about the proposed restructure of the Family Court and the Federal Circuit Court has included unfounded criticism of the performance of individual judges and groups of judges.

“Generally, an assessment of the merits of the proposed restructure is a policy matter for government” Justice Beech-Jones stated. “In the absence of further detail, the JCA does not propose to comment on the proposed restructure. However, interested groups, the press and the community at large are obviously entitled to express their views on the proposal.”

“Unfortunately, some of the commentary has expressly or implicitly suggested that the necessity for the restructure is a result of underperformance by some individual judges or groups of judges within the affected courts” Justice Beech-Jones said. “This has included comparative analyses which fail to properly acknowledge the different methods of disposing of cases adopted by different courts and the different levels of complexity of individual cases that can arise within and between courts. One article conveyed a baseless assertion that the outcome of appeals in the Family Court has been affected by the feelings of the appeal judges towards the trial judge.”

“There is no basis for any suggestion that any of the judges of the affected courts, including the judges assigned to the Appeal division of the Family Court, have not been working to full capacity and faithfully applying the law” Justice Beech-Jones said. “The JCA hopes that the participants in the debate will acknowledge that when contributing to the debate.”

As noted the JCA does not propose to comment on the restructure at this point. However, Justice Beech-Jones stated that “The restructure and the appointments that follow should respect the tenure of existing judicial appointments”.

The Judicial Conference of Australia is the professional association of judges and magistrates in Australia.

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The President of the JCA is not available for broadcast or television interviews on this matter.