



## **Judicial Conference of Australia**

### **Media release by the President of the Judicial Conference of Australia 31 August 2018**

#### **Australia's judicial association states its position on restructure of the Family and Federal Circuit Courts**

Today, the President of the Judicial Conference of Australia, Justice Robert Beech-Jones, reiterated the JCA's position in relation to the Federal Government's proposal to restructure the Family Court and the Federal Circuit Court. The legislation giving effect to that proposal was introduced into Federal Parliament on 23 August and referred to a Senate Committee on the same day.

"The JCA does not propose to enter the debate on the merits of the proposed restructure" Justice Beech-Jones stated. "Generally, that is a matter for the government and the interested stakeholders". However, Justice Beech-Jones reiterated its position on three matters relating to the proposal.

First, the JCA urges the interested parties not to make unfounded criticism of the judges or groups of judges of any of the affected courts. "Judges of the relevant courts should not be caught in the cross fire of the debate over the restructure" Justice Beech-Jones stated. "The JCA urges stakeholders to avoid attacking individual judges or group of judges and to avoid criticisms that involve the use of comparative analyses which fail to acknowledge the different types of cases dealt with by the various courts and their method of disposing of them" Justice Beech-Jones added.

Second, Justice Beech-Jones reiterated that both the restructure and the appointments that follow should respect the tenure of existing judicial appointments. "A critical component of the rule of the law is the independence of the judiciary and that in turn depends upon the guarantee of tenure afforded to judges", Justice Beech-Jones noted. "Historically some court restructures have had the effect of excluding some judges from fulfilling the offices to which they were appointed" Justice Beech-Jones stated. "It is important that this proposal respect both the letter and spirit of guarantees of judicial tenure".

Third, Justice Beech-Jones reiterated the JCA's position, first expressed in April 2016, that Federal Circuit Court judges should participate in a judicial pension scheme. "The JCA made that statement in part because the difficulties in operating such a busy Court were made more difficult if the Federal Circuit judges did not receive a pension. For example a judicial pension enables judges who fall ill to take retirement rather than take extended sick leave or work limited hours" Justice Beech-Jones noted. "Our position concerning judicial pensions applies with even

greater force if the Federal Circuit Court is combined with the Family Court whose judges already participate in a judicial pension scheme” Justice Beech-Jones said.

*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.