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MEDIA RELEASE 13th October 2005 - EMBARGOED 14 October 2005

“THE LAW NEEDS GREATER DIVERSITY and TRANSPARENCY ON THE BENCH”

Tonight Judges, senior members of the legal profession including representatives from the NSW Law Society and NSW Bar Association, and the President of the Workers Compensation (also a former State Attorney General) spoke in unison on how to improve the judiciary; by way of having a fairer and certainly more transparent system of appointments to the bench – one in keeping with the 21st century expectations reflected of our evolving Westminster system of open government and executive decision making.

The seminar organised by WLANSW and NSW Young Lawyers was aimed not simply as an erudite discussion of the issues, but most importantly to highlight the matter for the current Attorney General’s of all State and Federal Governments. Greater consultation in the process of appointments is currently rejected by the Federal Attorney General.

WLANSW supports the position that greater diversity in appointments would enhance the reflection of judges being representative of the now diverse society of the 21st century. And, greater transparency in appointment of judges would improve the communities trust in their decisions, as its true to say that such un-elected law makers have great power and influence in our society.

Whilst it may be trite to say some of the recent mishaps among the ranks of the judiciary could have been avoided with more open appointment system; certainly the current “no system”, is not, in the eyes of Her honour Judge Gay Murrell SC, of the NSW District Court a good idea. Her honour points out that currently no “Attorney General need consult with anyone.”

England and Wales now have a proposal that all appointments be made through a Judicial Appointments Commission comprising not only judicial members but others in the profession and lay members with strong consultation with the Minister, which is the current process in Scotland. The Law Council of Australia has made a similar suggestion to update the ancient somewhat “mystical” appointment system that still prevails and advocates the same protocol that is now used for the appointment of Senior Counsel. WLANSW do not advocate the US politicisation of the judiciary, by election of judges.

In practice the current appointment of judges, the usual practice is that the Attorney General consults with the heads of the different jurisdictions. The only legal requirement is that the appointment must be to a legal practitioner of 7 years experience. The qualities that are regarded as necessary are professional skill, patience and courteous and compassionate. Comment was made that the current system seems to place greater emphasis on professional skill over other qualities.

For more information please call Mary Underwood on 0407339837.

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