



Australian
Bar Association

MEDIA RELEASE

29 October 2018

The ABA rejects the recent analysis of Federal Court judges' productivity

The Australian Bar Association (ABA) is concerned by recent attacks on Federal Court of Australia judges' productivity which portrays the process of justice in too simplistic terms.

The ABA has the highest respect for the independence, integrity and impartiality of the judiciary across Australia and rejects the *Australian Financial Review (AFR)* methodology.

The AFR methodology is flawed as, inter alia, it fails to take into account the varied character, complexity and nature of individual cases. In addition, the analysis is unsophisticated as it does not incorporate other significant elements to any assessment of an effective system of justice.

It is unclear how these statistics are compiled and if they are simply a result of comparing the last date on which the case was listed for hearing and the judgment date. That can be particularly misleading in large cases, where it is not uncommon for extensive written submissions to occur between the bench and the bar after the hearing, which are necessary for the purpose of delivering judgment.

Whilst "speed of justice" is important and not denied by either the courts or the ABA it is merely one element to be considered.

The ABA endorses the comments of former Chief Justice of New South Wales, James Spigelman AC QC "the most important aspects of the work of the courts are qualitative and cannot be measured, such as fairness, accessibility, openness, impartiality, legitimacy, participation, honesty and rationality".

ABA President Noel Hutley SC said: "It is the quality of a judgment that delivers justice to the parties and provides public confidence in a Court. The jurisdiction of the Federal Court brings before its judges very complex matters in which time is often necessary to provide that quality of judgment".

MEDIA ENQUIRIES: Cindy Penrose, CEO

ceo@austbar.asn.au

(m) 0420 309 420