



THE HON MARK DREYFUS KC MP

**ATTORNEY-GENERAL
CABINET SECRETARY
MEMBER FOR ISAACS**

Judicial Immunity

Federal Parliament has today passed the Government's legislation to safeguard judicial independence for all federal judges by resolving the uncertainty around the scope of judicial immunity.

A recent decision of the Federal Court of Australia (*Stradford (a pseudonym) v Judge Vasta*) found that judges of the Federal Circuit and Family Court of Australia (FCFCOA) (Division 2) have narrower protections under the doctrine of judicial immunity than their counterparts in other courts, including the Federal Circuit and Family Court (Division 1).

The *Federal Courts Legislation Amendment (Judicial Immunity) Bill 2023* ensures that FCFOA (Division 2) judges now have the same protections as other federal court judges.

Judicial immunity protects judges from personal liability for actions done as part of their judicial functions. This ensures judicial independence and, in turn, supports each person coming before the court receiving an impartial and fair hearing. Judges must be able to decide matters before them in accordance with their assessment of the facts and their understanding of the law, without the threat of being personally sued.

I am pleased the Albanese Government has been able to take this important step to fix a problem that was ignored by the former government.

Mr Pringle: The Chief Justice has been very active in raising this issue of concern, and raised it first in **May 2021** with government—

CHAIR: With who in government?

Mr Pringle: The first communication would've been with the Attorney-General at that time, Michaelia Cash.

[Senate Estimates, Legal and Constitutional Affairs Legislation Committee, 24 October 2023](#)