



Australian  
Bar Association

## AUSTRALIAN BAR ASSOCIATION DEEPLY CONCERNED ABOUT JUDICIAL IMMUNITY

31 August 2023

The Australian Bar Association (ABA) is deeply concerned about implications for judicial immunity following the decision in *Stradford (a pseudonym) v Judge Vasta* [2023] FCA 1020.

Peter Dunning KC, President of the ABA, says the decision in *Stradford* “raises potentially significant issues for the effective conduct of the work of judges of Division 2 of the Federal Circuit and Family Court, or indeed any other inferior court in Australia with a comparable legislative scheme governing judicial immunity.

Without in any way commenting on the content of the judgment itself, or diminishing the impact of the events on the Applicant, the issue raised concerning judicial immunity is one of such magnitude that it should be the subject of urgent legislative consideration, regardless of whether the judgement is appealed.”

Mr Dunning continued, “Judicial immunity is an important institutional requirement in facilitating the fearless administration of justice by judges across Australia. When occasions arise, such as the present, that in a significant way impact the understanding of its boundaries, it is always appropriate to consider whether the immunity remains appropriately calibrated to securing that fearless independence.”