



Judicial Commission of NSW information guide

This is the Judicial Commission's information guide as required by section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act). It:

- a) describes the Commission's functions and structure
- b) describes the ways in which the Commission's functions affect members of the public
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the Commission's policy and the exercise of the Commission's functions
- d) identifies the various kinds of government information held by the Commission
- e) identifies the kinds of government information held by the Commission that is publicly available
- f) specifies the manner in which the Commission makes government information publicly available
- g) identifies the kinds of information that are publicly available free of charge and those kinds for which a charge is imposed.

The Commission's functions and structure

The Commission's principal functions are set out in the *Judicial Officers Act 1986*. In summary, the Commission:

- provides training and continuing judicial education
- provides sentencing information to assist courts to achieve consistency in sentencing
- examines complaints against judicial officers. The jurisdiction of the Commission extends to all NSW judicial officers.

The Commission has six official and four appointed members. The heads of the State's five courts as well as the President of the NSW Court of Appeal are the official members. The Governor of NSW appoints three people who, in the opinion of the Attorney General of NSW, have high standing in the community. The fourth is a legal practitioner appointed following consultations between the Attorney General and the Presidents of the Law Society and Bar Association. The Chief Justice is the President of the Commission.

The Commission members set strategic directions for the organisation, appoint the executive management, approve budgets and publications, present judicial education sessions and conduct the preliminary examination of all complaints.

The Chief Executive and the directors are responsible for the Commission's day-to-day operations. They ensure that the principal functions are carried out efficiently and effectively. The Chief Executive is responsible for the preparation of the financial report in accordance with Australian Accounting Standards and the *Public Finance and Audit Act 1983*. This includes establishing and maintaining internal controls relevant to the preparation of the financial report.

Further information on the Commission's functions and structure is contained in the Commission's Annual Reports. Copies of the Commission's Annual Reports can be accessed from the Commission's website: www.judcom.nsw.gov.au under "Publications".

How the Commission's functions affect the public

Members of the public and court users have the right to expect that judges and magistrates will behave impartially, courteously, ethically and to the highest standards of conduct.

The Commission promotes public confidence in the judicial system by providing continuing education and training for judicial officers, promoting consistency in sentencing, examining complaints about the ability and behaviour of judicial officers, and educating the public about what judicial officers do.

Public participation

The Commission does not directly involve members of the public in policy formulation.

Anyone may make a complaint about the ability or behaviour of a judicial officer. A formal complaint must be in writing, identify the judicial officer concerned and the complaint, be supported by a statutory declaration that verifies the particulars of the complaint and be lodged with the Chief Executive of the Commission. The Commission's website: www.judcom.nsw.gov.au provides further information to help people understand the types of complaints we deal with, possible outcomes and how to make a complaint.

Types of information held by the Commission

The Commission holds information relating to its administrative, research and sentencing, education, and complaint handling functions.

Information that relates to the Commission's (including the Conduct Division) complaint handling, investigative and reporting functions is "excluded information" under Schedule 2 of the GIPA Act. This means that an access application cannot be made for this information under that legislation.

Information in relation to the Commission's administrative, research and sentencing, and education functions may be made publicly available by the Commission subject to any overriding public interest against disclosure.

Under the GIPA Act, there are four ways that information can be made available to the public. These are mandatory release of "open access information", proactive release of information for which there is no overriding public interest against disclosure, informal release of information for which there is no overriding public interest against disclosure in response to an informal request, and, as a last resort, formal release in response to an access application.

Details of how to access the Commission's "open access information" is set out below.

An access application form can be found on the Commission's website: www.judcom.nsw.gov.au under "Forms and feedback".

Publicly available Commission information

The GIPA Act requires "open access information" to be made publicly available. This information is identified on the Commission's "Access to Information" section of its website. The Commission information publicly available free of charge includes:

- Annual Reports
- corporate documents such as the code of conduct
- research monographs and bench books
- education publications
- media releases, fact sheets and media statements.

All publicly available publications are available on the Commission's website: www.judcom.nsw.gov.au.

Manner in which Commission information is made available

All information contained on the Commission's website can be downloaded free of charge.

Alternatively you may contact the Commission on (02) 9299 4421 or write to:

Right to Information Officer
The Judicial Commission of NSW
GPO Box 3634
Sydney NSW 2001

Charges

The Commission does not generally charge for the provision of information. However, if a hard copy of its publications including monographs, journals and annual reports is sought, the Commission charges a fee and the details are on the Commission's website: www.judcom.nsw.gov.au.

The Commission may charge an application fee of \$30 for each formal access application. Depending on the amount of time it takes to process a formal access application, the Commission may also charge a processing fee of \$30 per hour (the application fee of \$30 counts towards the first hour of processing). If a processing fee is to be charged the person making the formal access application will be given notice of the charge and how it is calculated. Further information on fees and charges can be obtained from the GIPA Act fees and charges fact sheet provided by the Information and Privacy Commission NSW at: www.ipc.nsw.gov.au.

Further information

Further information on the operation of the GIPA Act and your rights under that Act can be obtained from the Information and Privacy Commission NSW (IPC NSW) by:

Accessing the website at www.ipc.nsw.gov.au
Free telephone call: 1800 IPCNSW (1800 472 679)
Email: ipcinfo@ipc.nsw.gov.au
Postal address: GPO Box 7011, Sydney NSW 2001
Visiting the IPC NSW: Level 11, 1 Castlereagh Street, Sydney NSW