

Our vision

Excellence in judicial performance

Our purpose

To assist judicial officers attain excellence in judicial performance

Our values

Integrity. Teamwork. Trust. Responsiveness. Innovation. Transparency. Continuous Improvement. Impartiality. Fairness. Consistency. Confidentiality. Professionalism.

Our history

The Judicial Commission of New South Wales is an independent statutory corporation and a part of the judicial arm of government. It was established under the *Judicial Officers Act 1986* in response to calls for a formal mechanism to review sentences and sentencing practice, and to give effect to judicial accountability.

In its 15 years of operation the Commission has established a reputation as one of the leading institutions of its kind in the world. Many of the Commission's programmes, including its computerised Judicial Information Research System and its Bench Books, have been used as models both here in Australia and overseas.

Legislative charter

The Commission's principal functions under the *Judicial Officers Act 1986* are to:

- organise and supervise an appropriate scheme for the continuing education and training of judicial officers
- assist the courts to achieve consistency in imposing sentences
- examine complaints against judicial officers.

The Commission may also:

- give advice to the Attorney General on such matters as the Commission thinks appropriate
- liaise with persons and organisations in connection with the performance of its functions.

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President's foreword



Over the last year the Judicial Commission continued to perform its important role in maintaining public confidence in the judiciary and improving the quality and efficiency of judicial decision making.

The three principal fields in which the Commission operates are outlined in some detail in the Forewords of previous Annual Reports: the handling of complaints concerning judicial officers in 1996–1997; the education programmes and publications in 1997–1998; and service to the criminal justice system in the form of Bench Books and sentencing information in 1998–1999. Each of these functions continued to be performed in 2001–2002 in the manner outlined in those earlier Reports.

A number of significant outcomes during the course of the last year are detailed in the “Highlights” section of this Report. I note a number of particular achievements:

- the continued recognition of the Judicial Information Research System as world leading technology in the field of computerised judicial support systems
- the publication of the *Sentencing Manual* to assist judicial officers in this most difficult of judicial tasks
- the completion of the major revision of the *Criminal Trial Courts Bench Book* and the decision for the first time to make this book publicly available, including on the Commission's website. This will ensure that the profession will be able to assist the Commission in maintaining the accuracy and currency of the Bench Book.

On behalf of the Commission, I wish to express our collective appreciation to the dedicated and diligent staff whose professionalism and competence receives the admiration of the entire body of judicial officers. I also express the appreciation of the Commission to the significant number of judicial officers who give generously of their time to the various committees of the Commission, such as the Education Committees of the respective courts and also to the Bench Book Committees.

Finally, I wish to take this opportunity to thank the other members of the Commission for the contribution to the public interest each of them makes by their participation in the management of the affairs of the Commission.

A handwritten signature in black ink, appearing to read 'J J Spigelman', written in a cursive style.

J J Spigelman AC
President

2001–2002 highlights

JIRS recognised as world leader

The Judicial Information Research System (JIRS) has been recognised as a world leader in the field of computerised judicial support systems. It was demonstrated at the seventh National Court Technology Conference in Baltimore, USA in August 2001. The conference is the world's largest court technology conference and was attended by more than 3,500 delegates from over 40 countries. JIRS was the only Australian developed technology invited to be demonstrated at this important conference.

In February 2002 the Commission was invited by the Judicial Studies Board, London, to demonstrate the sentencing component of JIRS to a working group established to implement recommendations made by Lord Justice Auld for the establishment of a computerised sentencing support system for England and Wales. In his report entitled *A Review of the Criminal Courts of England and Wales*, Lord Justice Auld described JIRS as *one of the most sophisticated yet unobtrusive systems of its kind in the world and probably the world leader in this field*. His Lordship recommended that a sentencing information system similar to JIRS be adopted for England and Wales.

Increased research capability

Treasury approved additional funding in November 2001 to support the expansion of the Commission's research capabilities. The appointment of three new researchers and an editor has greatly increased the Commission's ability to undertake research and disseminate information on various aspects of sentencing law and practice.

Major revision of Criminal Trial Courts Bench Book

During the year the Commission completed a major revision of the *Criminal Trial Courts Bench Book*. This updates the suggested directions for use in jury trials and will also enable the Bench Book to be made generally available on the Commission's website in the second half of 2002.

Launch of Sentencing Manual

The Chief Justice of New South Wales formally launched the Commission's *Sentencing Manual: Law, Principles and Practice in NSW* in October 2001. The book, jointly published with the Law Book Company, is the product of over 10 years of research into sentencing. It has been provided to all judicial officers with a view to assisting them attain consistency of approach in sentencing. An additional benefit is that the book is now available to legal practitioners and the community alike, thereby promoting greater transparency in the sentencing process.

More specialised and interactive education sessions

The 2001–2002 education programme incorporated more specialised and interactive sessions. This led to nine additional programmes being conducted. To be more effective educationally, these sessions had fewer participants compared to those held in the past.

Focus on Aboriginal cultural awareness

The development and implementation of an Aboriginal cultural awareness programme for the judiciary was a major achievement of the Commission's education programme in 2001–2002. Organised in conjunction with the Australian Institute of Judicial Administration, the programme was designed to increase judicial officers' awareness of Aboriginal culture and assist judicial officers in carrying out their judicial functions. To ensure effective implementation, the Commission appointed a part time Indigenous Project Officer to assist with the programme.

Exceeding complaints targets

In 2001–2002 the Commission finalised 97% of complaints within six months of receipt, well in advance of our target of finalising 90% of complaints within six months.



Judicial officers visiting the Shoalhaven as part of the Commission's Aboriginal cultural awareness programme.

The year at a glance

Key result area and strategies	Performance measures
Judicial education	
Conduct educational conferences and seminars — see page 10	<ul style="list-style-type: none"> Number of judicial education days per annum % of attendance at annual conferences Overall satisfaction rating with judicial education
Publications — see page 14	<ul style="list-style-type: none"> Publication of the <i>Judicial Officers' Bulletin</i> Publication of <i>The Judicial Review</i> Currency of the <i>Criminal Trial Courts Bench Book</i> Availability of the <i>Criminal Trial Courts Bench Book</i> Currency of the <i>Local Courts Bench Book</i> Publication of the <i>Children's Court Information Bulletin</i> Publication of an education monograph
Computer training — see page 14	<ul style="list-style-type: none"> Number of computer training sessions conducted Provision of Help Desk service
Research and sentencing	
Provide sentencing information online via the Judicial Information Research System (JIRS) — see page 16	<ul style="list-style-type: none"> Usage of JIRS Reliability of JIRS computer hardware Number of enhancements to JIRS Accuracy and timeliness of sentencing information on JIRS
Undertake original research and publish material on sentencing — see page 18	<ul style="list-style-type: none"> Number of <i>Sentencing Trends</i> papers and monographs published Publication of additional research material Provide research assistance
Complaints against judicial officers	
Review and update policies, procedures and time standards for examination of complaints	<ul style="list-style-type: none"> Time standard for acknowledgment of complaints Time standard for disposal of complaints

Performance targets 2001–2002	Achievements	Performance targets 2002–2003
Conduct 1,150 judicial education days	1,358 judicial education days conducted	Conduct 1,350 judicial education days
At least 90% voluntary attendance	92% voluntary attendance	At least 90% voluntary attendance
At least 85% satisfaction rate on education evaluations	88% satisfaction rate	At least 85% satisfaction rate on education evaluations
11 issues of the <i>Judicial Officers' Bulletin</i>	Achieved	11 issues of the <i>Judicial Officers' Bulletin</i>
2 issues of <i>The Judicial Review</i>	3 issues published	2 issues of <i>The Judicial Review</i>
4 updates to the <i>Criminal Trial Courts Bench Book</i>	4 major updates and 4 special bulletins issued	4 updates to the <i>Criminal Trial Courts Bench Book</i> The <i>Criminal Trial Courts Bench Book</i> is available on the internet by November 2003
4 updates of the <i>Local Courts Bench Book</i>	Achieved	4 updates of the <i>Local Courts Bench Book</i>
1 <i>Children's Court Information Bulletin</i>	Not published — see page 15	Discontinued — see page 15 1 monograph
250 computer training sessions	268 training sessions conducted 594 Help Desk calls attended	250 computer training sessions Respond to 100% of calls immediately and resolve 80% of calls within 15 minutes
Usage of JIRS greater than 25,000 page hits per month	Achieved — average usage of JIRS was 27,688 page hits per month	Usage of JIRS greater than 27,000 page hits per month
JIRS availability greater than 95%	Achieved — JIRS availability greater than 99%	JIRS availability greater than 95%
3 or more enhancements to JIRS	Achieved	3 or more enhancements to JIRS
Judgments loaded on JIRS within 24 hours of receipt	Achieved	Judgments loaded on JIRS within 24 hours of receipt
Summaries of judgments prepared within 2 weeks of receipt	Achieved	Summaries of judgments prepared within 2 weeks of receipt
Sentencing statistics audited, processed and loaded on JIRS within 1 month of receipt	Not achieved — see page 17	Sentencing statistics audited, processed and loaded on JIRS within 1 month of receipt
Sentencing statistics to be current within 3 months	Not achieved — see page 17	Sentencing statistics to be current within 3 months
3 <i>Sentencing Trends</i> papers and 2 monographs	1 <i>Sentencing Trends</i> paper — see page 19	5 <i>Sentencing Trends</i> papers and 3 monographs
Publish <i>Sentencing Manual</i>	Achieved 140 research enquiries answered	Commence revision for publication by end 2004 Respond to all requests immediately and resolve 80% of calls within 2 days
All complaints acknowledged within 1 week of receipt	Achieved	All complaints acknowledged within 1 week of receipt
Examination of 90% of complaints completed within 6 months of receipt	Achieved	Examination of 90% of complaints completed within 6 months of receipt
Examination of 100% of complaints completed within 12 months of receipt	Achieved	Examination of 100% of complaints completed within 12 months of receipt

Our organisation

Members of the Judicial Commission

As prescribed by the *Judicial Officers Act* 1986, the Judicial Commission consists of six official members, being the heads of jurisdiction of the State's six courts, and four members appointed by the Governor of New South Wales. Of the appointed members, one is a legal practitioner and the other three are persons of high standing in the community. The President of the Commission is the Chief Justice of New South Wales.

Official Members



The Honourable Chief Justice Spigelman AC was appointed Chief Justice of New South Wales on 25 May 1998, and has occupied the position of President of the Commission from that date.



The Honourable Justice Blanch was appointed Chief Judge of the District Court on 13 December 1994.



The Honourable Justice Wright was appointed President of the Industrial Relations Commission on 22 April 1998.



The Honourable Justice Campbell was appointed Chief Judge of the Compensation Court on 7 February 1994.



The Honourable Justice Pearlman AM was appointed Chief Judge of the Land and Environment Court on 6 April 1992.



Ms Patricia Staunton AM was appointed Chief Magistrate on 11 October 1999.

Appointed Members



Mr Norman Lyall AM

was appointed a member of the Commission on 11 March 1998. He was reappointed as a member of the Commission for three years from 9 April 2001.



Ms Jenni Mack

was appointed a member of the Commission on 24 December 1998. She was reappointed as a member of the Commission for three years from 9 April 2001.



Mr Alan Cameron AM

was appointed a member of the Commission for three years from 8 August 2001.



Dr Michael Dodson

was appointed a member of the Commission for three years from 4 April 2001.

Meetings of the Commission

The Commission met each month, except for January. Meetings were held on the second Monday of the month and all Members attended each meeting, unless leave of absence was granted. The Chief Executive or his delegate attended the meetings to report on the ongoing operations of the Commission.

Although special meetings of the Commission may also be convened to deal with urgent matters that cannot be dealt with during the usual meetings, no such special meetings were required during the reporting period.

Executive Management



Chief Executive

Mr Ernest Schmatt PSM Dip Law (BAB)

Mr Schmatt is responsible for all of the Commission's operations. He has input into all aspects of the Commission's work, from financial management to research, complaints, information systems management and education activities.

Mr Schmatt held senior legal and management positions in the Public Sector before his appointment, in October 1987, as the first Deputy Chief Executive of the Judicial Commission. In March 1989, he was appointed to the position of Chief Executive of the Judicial Commission. He is a solicitor of the Supreme Court of New South Wales and the High Court of Australia. Mr Schmatt was awarded the Public Service Medal in the 1997 Queen's Birthday Honours List for service to Public Sector management and reform, Public Sector industrial relations and judicial education in New South Wales.



Education Director

Ms Ruth Windeler BSc (University of Toronto, Canada)

Ms Windeler is responsible for the Commission's judicial education programme. She works closely with the Education Committees of each court to plan and organise all Commission conferences and seminars, and is also responsible for the Commission's publishing programme.

Ms Windeler has held the position of Education Director since May 1996. Her career in professional education and training began in 1975 in Canada and includes appointments in a number of Commonwealth countries. She has been Director of the Canadian Advocates' Society Institute; Co-ordinator and Instructional Design Administrator for the Institute of Professional Legal Studies in New Zealand; Director of Standards and Development for the Law Society of Hong Kong; Secretary to the Advocacy Institute of Hong Kong; and Head of the Department of Continuing Medical Education and Re-certification for the Royal Australasian College of Surgeons.



Director, Research and Sentencing

Mr Ivan Potas BA LLM (ANU)

Mr Potas is responsible for the Commission's research programme and for the content of the Commission's Judicial Information Research System (JIRS).

Mr Potas was previously the Research Director at the Commission for a period of three years, from 1991–1993, and then resumed that position in 1996. Before joining the Commission, he worked as Senior Criminologist with the Australian Institute of Criminology in Canberra. He is admitted as a barrister and solicitor of the Supreme Court of the Australian Capital Territory and the High Court of Australia, and is also admitted as a solicitor of the Supreme Court of New South Wales. He has extensive research experience and has published a number of books and articles on sentencing.



The Honourable Justice Michael Kirby AC CMG presenting a session on human rights law to visiting judges.

Judicial education

The Commission's judicial education programme promotes excellence in judicial performance by providing judicial officers with information on law, justice and related areas, and by assisting in the development of appropriate skills and values.

The Commission has three separate education strategies:

- conducting conferences and seminars
- providing computer training
- publishing professional reference material.

CONFERENCES AND SEMINARS

The Commission's conference and seminar programme provides continuing education for judicial officers. Sessions range from induction courses for new appointees to specialist conferences on specific aspects of law, procedure, and judicial skills and techniques, as well as social issues. Ongoing input from judicial officers about the content and direction of our education programmes ensures the programmes provide relevant and timely information (see Appendix 2 for details of the composition of Education Committees).



Mr Barry Moore explaining points of significance at Wreck Bay to judicial officers.

Key achievements

Aboriginal Cultural Awareness Programme

This programme, developed in conjunction with the Australian Institute of Judicial Administration (AIJA), is designed to explain contemporary Aboriginal society, customs and traditions to judicial officers. Increased awareness of Aboriginal culture will assist judicial officers in carrying out their judicial functions as there are a large number of Aboriginal defendants, often unrepresented, who appear in their courts. Activities to support this programme included:

- organising six twilight seminars (attended by 84 participants) on topics including Circle Sentencing; Aboriginal English; Diversionary schemes and crime prevention programmes in indigenous communities; and Indigenous women, sexual assault and the politics of feminism
- organising a visit to an Aboriginal community in the Shoalhaven to enable judicial officers to identify the challenges facing Aboriginal people in the legal system and receive a first hand account of how circle sentencing, an innovative sentencing option, works in the Shoalhaven
- an extremely moving, thought-provoking and informative session at the Local Courts Annual Conference based around a showing of the videotape *Cry from the Heart* detailing a family's experience of forced separation, and commentary from one of the subjects of the video, Mr Chris Edwards
- a presentation on Aboriginal culture by Dr Michael Cooke, the principal of Intercultural Communications, Canberra, to participants at the National Judicial Orientation Programme
- publishing and distributing a brochure to all judicial officers detailing cultural awareness activities organised jointly by the Commission and the AIJA (such as the 'bush foods' tour of the Royal Botanic Gardens and specialist lectures), in an effort to promote greater awareness of and participation in these programmes by judicial officers
- creating a new part time position of Project Officer, Aboriginal Cultural Awareness Programme, to assist in the implementation of judicial education programmes on Indigenous issues and the development of a bench book that will increase awareness and understanding of Aboriginal issues in the courtroom.



Ms Neva Collings, Project Officer, is working on the Commission's Aboriginal Cultural Awareness Programme.

Cultural awareness

In a reflection of Australia's growing multicultural society, NSW courts have increasing numbers of litigants and witnesses from different societies. In order to understand and respond appropriately to these different cultures, cross cultural training sessions have been incorporated into the Commission's conference and seminar programme, including presentations on Vietnamese culture in Australia; social awareness issues including migrants, interpreters, ethnicity and gender; Islamic culture; and Maoris and the New Zealand legal system.

Children's issues

In 2001–2002 children's issues were again a focus for education activities, primarily as a result of the need to inform magistrates of changes arising from the *Children and Young Persons (Care and Protection) Act 1998*. That Act changed the process for dealing with children's cases within the Children's Court and resulted in more complex cases. The Senior Children's Magistrate formed a special Education Committee to deal solely with Children's Court matters. The Education Director was invited to become a member of the committee.

The Children's Court, with the assistance of the Judicial Commission, conducted four evening seminars on the work of the Children's Court attended by 41 magistrates. The seminars are aimed at the education needs of new Children's Magistrates and other magistrates who undertake country relieving work or are interested in receiving updates on Children's Court issues.

The first seminar concentrated on the criminal jurisdiction of the Children's Court. The second and third seminars provided a case based introduction to the *Children and Young Persons (Care and Protection) Act 1998*. The fourth seminar focused on diversionary schemes for young people including the youth drug court programme and youth justice conferencing.

Annual conferences

In 2001–2002, the Judicial Commission conducted annual conferences for each of the six courts in NSW attended by a total of 320 judicial officers. Annual conference programmes include a range of practical sessions relevant to the day to day work of judicial officers, balanced with sessions on substantive and social context issues to encourage discussion. Conference programmes are targeted to the particular needs of each court, and include court specific presentations and workshops.

National Judicial Orientation Programme

The seventh National Judicial Orientation Programme, jointly conducted by the Commission and the Australian Institute of Judicial Administration, was attended by 28 participants from 14 courts. This programme assists newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills, knowledge and attitudes necessary for effective judging. The education sessions encouraged active participation, an exchange of views and experiences, self-evaluation, and reflection.

The 2001 programme was structured to be of interest to all participants and to include topics in a wide range of areas including court craft, judicial skills development (for example, judgment writing and the use of computers), cultural and gender awareness, as well as other practical topics. As a result of previous suggestions from former participants, presenters and the steering committee, the majority of sessions for the 2001 programme were delivered in an interactive style, and more sessions were streamed to cater to specialist courts. Feedback from the participants indicated that most of them found the programme valuable and practical.

Responding quickly to legal developments

Sessions updating judicial officers on recent developments in criminal law, civil law, and corporate and commercial law were included in the Annual Conference programme for 2001–2002. Sessions on the proposed changes to procedures in the Local Courts were included in the metropolitan and regional Local Courts seminar series, as were sessions on the *Crimes (Sentencing Procedure) Act 1999*.

Setting educational aims for the Local Court's education programme

For the first time, the Local Courts Education Committee formalised the aims and objectives of the conference and seminar programme for Local Courts. This will help magistrates focus on the goals of their training and measure whether these goals have been achieved.

Improving service delivery

The Commission uses a variety of educational teaching methods to ensure that our education programmes are presented in the most effective format. In 2001–2002 we incorporated interactive learning (such as videos, slide presentations, practice sessions, discussion sessions and workshops) into a number of our educational programmes, including courses on psychological and physical health, decision making and communication, and courtroom issues. Feedback from participants indicated that they found the interactive sessions very useful, in particular, innovative formats such as role plays and problem solving workshops were highly regarded.

Assistance to other jurisdictions

The Commission works in co-operation with many domestic and international agencies and organisations to provide assistance to the judiciaries of developing countries. This year the Commission once again conducted a three-day training course for 14 Indonesian judges that was designed to provide the judges with an understanding of the Australian judicial system. This programme was organised in conjunction with the Federal Court of Australia, Australian Legal Resources International, the Indonesian Legal Development Foundation, IDP Jakarta and the Australian Institute of Judicial Administration.



Judicial officers at the Royal Botanic Gardens Twilight Tour.



The Honourable Justice Wood AO presenting a session at a Judicial Commission seminar.

Programme overview

In 2001–2002 we ran 28 programmes (see Table 1), an increase of 47% over the 19 programmes conducted in the previous year. This is the result of a decision to provide a greater number of interactive sessions and to limit the number of participants at those sessions. Topics included in this year's education programme are detailed at Appendix 4.

Although attendance is voluntary, judges and magistrates attended 1,358 days of judicial education in 2001–2002. As many judicial education sessions are held outside regular court time, either on weekends or in the evenings, the high participation rate (on average, 92% of judicial officers attended the Commission's annual conferences) is an indicator of the effectiveness of the Commission's conference programme.

Table 1 Conference and seminar activity 1999–2002

	1999–2000	2000–2001	2001–2002	target for 2002–2003
Days of education*	1350	915.5	1358	1350
Number of different programmes	18	19	28	20
Annual conferences	7	4†	7	6
Workshops — country & metropolitan magistrates	2	2	4	4
Pre-bench training sessions	6	10	6	6
Week-long orientation programmes	2	2	2	2
Seminars				
Special seminars for all courts	3	3	1	2
Children & Young Persons (Care & Protection) seminars for magistrates	5	3	2	2
Children's Court seminars	—	—	3	3
Indigenous seminars	—	—	7	6
Seminars for new magistrates	0	2	0	2
Days of training for Indonesian judges	2	3	3	3

* Note: A day of education is based on 5–6 instructional hours attended by a judicial officer. It is calculated by multiplying the number of participants by the duration of the conference: eg, 18 participants x 2 days = 36 education days.

† Fewer annual conferences were conducted because of rescheduling due to the Olympic Games.

Programme evaluation

To ensure that the Commission's conference and seminar programme meets the needs of judicial officers, participants are asked to evaluate each conference and seminar according to its usefulness, content and delivery.

The Education Director reviews the evaluation forms and prepares an evaluation report (including recommendations for change and future topics) for consideration by the relevant Education Committee. Particular recommendations arising from the 2001–2002 education programme include: allow sufficient time for questions and discussion; provide papers for all presentations; use more small group sessions to allow greater cross-fertilisation of ideas; and continue to provide interactive sessions.

Our target is an 85% satisfaction rate on each programme. In 2001–2002, the overall satisfaction rating with judicial education was 88% (see Table 2 for a summary of participant evaluation for the 2001–2002 programme).

Table 2 Participant evaluation of 2001–2002 education programmes

Programme	Usefulness/ relevance (%)	Content (%)	Design & style (%)	Average (%)
Aboriginal Cultural Awareness Programme:				
— Aboriginal English	73	70	75	73
— Botanic Gardens Tour	73	83	93	83
— Circle Sentencing	91	n/a	86	89
— Diversionary Schemes and Crime Prevention Programmes in Indigenous Communities	78	77	64	73
— Tsuu T'ina First Nation's Peacemaker Court (Canada)	100	n/a	95	98
— Indigenous Women and the Criminal Justice System	88	88	87	88
— Shoalhaven Visit	84	n/a	84	84
Children's Court Seminars:				
— Diversionary Schemes for Young Persons in the Criminal Jurisdiction of the Children's Court	87	92	87	89
— The Children and Young Person's (Care and Protection) Act I	98	97	98	98
— The Children and Young Person's (Care and Protection) Act II	90	95	90	92
— The Criminal Jurisdiction of the Children's Court	92	92	90	91
Compensation Court Annual Conference	83	89	92	88
District Court Annual Conference	95	94	91	93
Industrial Relations Commission Annual Conference	91	91	93	92
Land and Environment Court Annual Conference 2001	96	86	85	89
Land and Environment Court Annual Conference 2002	94	91	97	94
Local Courts Annual Conference	77	78	80	78
Local Courts Magistrates' Orientation Programme	87	82	87	85
Local Courts Metropolitan Seminar Series 1	94	93	91	93
Local Courts Metropolitan Seminar Series 2	84	83	76	81
Local Courts Northern Regional Conference	92	89	89	90
Local Courts Southern Regional Conference	93	94	92	93
National Judicial Orientation Programme (conducted jointly with AIJA)	87	87	83	86
Special Seminar: The New South African Equality Act	80	76	84	80
Supreme Court Annual Conference	93	93	95	94
Average satisfaction rating (%)	88	87	87	88

Note: The formula used to calculate the results is as follows — Participants' ratings are converted from grades (A, B, C, D & E) to the numeric values 5, 4, 3, 2 & 1 respectively. The numeric values are then totalled, averaged and expressed as a percentage.



Computer training has been an important aspect of the Commission's work for 12 years.

COMPUTER TRAINING

The computer training offered by the Commission ensures that judicial officers can use their computers as an effective education, research and information management tool. As well as incorporating sessions on information technology into its regular programme of conferences and seminars, the Commission provides computer training sessions tailored to the needs of individual judicial officers.

Highlights of computer training in 2001–2002 include:

- using a networked training facility at sessions to simulate a real environment
- introducing a judgments template for use in Local Courts matters
- providing training in the use of the new Magistrate's Discussion Forum on JIRS (see page 18).

The Commission also provides a help desk telephone service for judicial officers for problem solving, training follow up and system support services from 7.30 am to 9.00 pm, Monday to Friday, and from 9.00 am to 5.30 pm on Saturday.



Ms Joy Blunt, Senior Systems Officer (Training), providing assistance to magistrates at a computer training session.

Figure 2 Computer training sessions and help desk enquiries 1999–2002

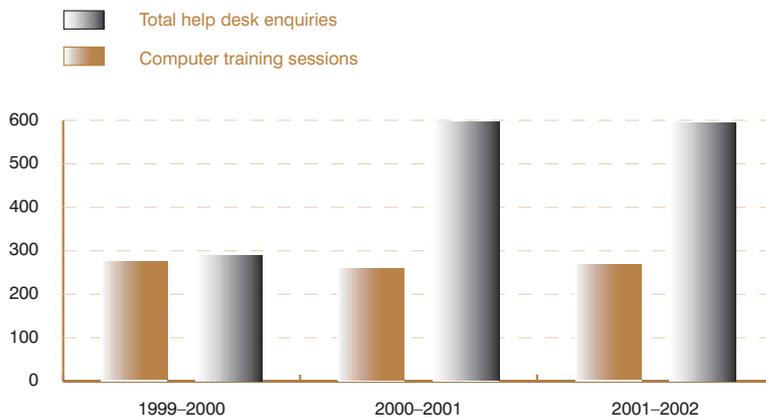
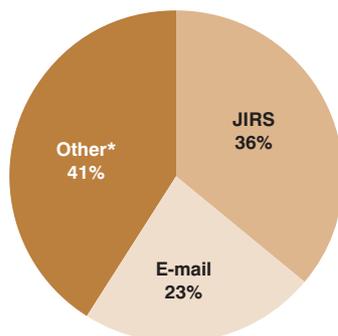


Figure 3 Help desk enquiries by subject



* "Other" includes enquiries regarding word processing, transcript analyser, internet, ISYS, PowerPoint, training requests, hardware faults.

PUBLICATIONS

The Commission's publications programme provides judicial officers with professional reference information to assist them in the performance of their judicial functions. Published material covers criminal law, sentencing, judicial administration, practice and procedure, and social context issues.

Publications are generally provided to all judicial officers in hard copy and online via JIRS. Titles are published or updated throughout the year. Material such as monographs, bulletins and journals are also supplied on a subscription basis to university law libraries, law court libraries, interested individuals and research organisations.

Current education titles

Bench Books

The Commission publishes Bench Books in each jurisdiction that contain a wealth of practical information intended to assist a judge or magistrate. The Bench Books require constant updating, so as to accurately reflect the latest legal developments. The respective Bench Book Committees oversee the updating process. The Commission provides Bench Book updates simultaneously in hard copy and on JIRS.

- The *Criminal Trial Courts Bench Book* was extensively revised in 2001–2002 to bring material up to date. This gave the Commission the opportunity to reorganise the material in a more streamlined and useful way. More than half of Volume 1 of the Bench Book has been reissued and work continues on updating the balance. Volume 2 of the Bench Book was replaced by the *Sentencing Manual: Law, Principles and Practice in New South Wales* (see page 18).

Special bulletins are issued to inform judicial officers of important changes to the law, often arising from judgments. In 2001–2002 the Commission decided to issue special bulletins via email to ensure that judicial officers receive the information promptly. This has the advantage of ensuring that judicial officers who are on circuit or out of chambers receive the information in a timely manner. We also distribute the bulletins in hard copy for judicial officers to keep with their Bench Books. Four updates and four special bulletins were published in 2001–2002.

The Commission plans to make the *Criminal Trial Courts Bench Book* available to the public by placing it online on its website in November 2002.

- The *Local Courts Bench Book* was also significantly revised in 2001–2002 and four updates were published. The sentencing chapter was removed from Volume 2 and replaced by the *Sentencing Manual: Law, Principles and Practice in New South Wales* (see page 18). *A Guide to Best Practice Standards in Court and Case Management in the Local Court*, a booklet published by the Office of the Chief Magistrate, has been included in Volume 2 of the Bench Book. A large effort was made during 2001–2002 to update the Children’s Court material. This work will be finalised in the second half of 2002. In addition, we intend to revise the Specific Penalties and Orders chapter three times a year to ensure it provides timely and useful information for magistrates.

Bulletins and journals

- The *Judicial Officers’ Bulletin* features topical articles of relevance to judicial officers and aims to keep its readers up-to-date on important legal developments, including significant decisions and legislative changes: see Appendix 5 for a list of articles published in the bulletin this year. The Commission met its target of publishing 11 issues of the bulletin in 2001–2002 both in hard copy and on JIRS.
- *The Judicial Review* contains papers that complement themes canvassed in the conference and seminar programme, including cross cultural awareness and Aboriginal issues: see Appendix 5 for a list of articles published in *The Judicial Review* this year. Although the journal is issued twice a year, three issues were published this year to compensate for scheduling problems in previous years.
- The *Children’s Court Information Bulletin* has been replaced by *Case Law News*, a publication produced by the Children’s Court that is available online on JIRS.

Other publications

- *Format for Remarks on Sentencing* — the Commission published this brochure for the District Court of New South Wales. Copies of the brochure were distributed to judges at the District Court Annual Conference held in April 2002.



The Commission’s publishing programme provides judicial officers with a wide variety of publications.



Mr Stephen Cumines, Manager, Research and Sentencing, preparing information for JIRS.



Mr Ian Mackinnell, Senior Analyst, analysing statistics for JIRS received from the Bureau of Crime Statistics and Research.

Judicial Commission of New South Wales
Judicial Information Research System (JIRS)

JIRS is a web-based system providing access to a wide range of information for the legal profession and relevant government agencies. It contains case law, legislation, principles of sentencing, sentencing statistics and other information. Since its introduction in 1990 (as the Sentencing Information System and then as JIRS in 1996), it has become an essential tool for courts and legal practitioners. The value and relevance of JIRS is reflected by the fact that material on JIRS is increasingly being cited in Court of Criminal Appeal decisions (see Figure 4). There has also been an 11% increase in usage from an average of 25,000 page hits per month in 2000–2001 to 27,688 hits per month in 2001–2002.

JIRS Capabilities

- Sentencing guidelines
- Legislation
- Case law
- Sentencing principles & practice
- Sentencing statistics
- Reference books
- Multiple search engines
- Legislation
- Publications

Research and sentencing

The Commission's research programme assists the courts to achieve consistency of approach in sentencing. We aim to help:

- reduce unjustified disparities in sentences imposed by the courts
- improve sentencing efficiency generally
- reduce the number of appeals against sentences.

We do this through three main strategies:

- providing the online Judicial Information Research System (JIRS)
- undertaking original research and statistical analysis on aspects of sentencing and related topics
- developing a Lawcodes database.

JIRS

JIRS is an online source of primary, secondary and statistical reference material for the use of judicial officers, the legal profession and relevant government agencies. Developed by the Commission, it contains case law, legislation, principles of sentencing, sentencing statistics and other information. Since its introduction in 1990 (as the Sentencing Information System and then as JIRS in 1996), it has become an essential tool for courts and legal practitioners. The value and relevance of JIRS is reflected by the fact that material on JIRS is increasingly being cited in Court of Criminal Appeal decisions (see Figure 4). There has also been an 11% increase in usage from an average of 25,000 page hits per month in 2000–2001 to 27,688 hits per month in 2001–2002.

Figure 4 Number of CCA cases mentioning Judicial Commission sentencing statistics

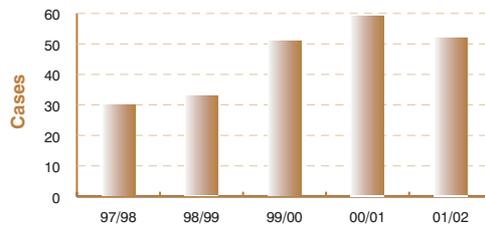


Figure 5 Number of JIRS pages accessed by users each year

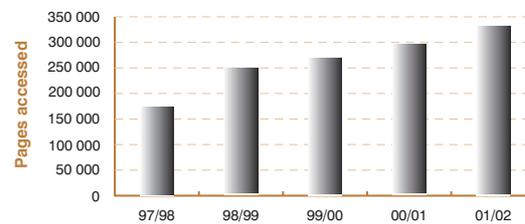


Figure 6 Number of JIRS pages accessed by users each month



Commission staff are frequently asked to provide demonstrations of JIRS and to discuss how the Commission uses technology to disseminate information to the judiciary.

JIRS ensures that the courts are kept up to date with the latest developments in law and practice. The primary legal reference material contained on JIRS includes the full text of judgments from the NSW Court of Criminal Appeal, Supreme Court, Court of Appeal, Land and Environment Court, and Industrial Relations Commission, as well as selected High Court cases. It also includes the full text of New South Wales and Commonwealth Acts and Regulations.

The Commission prepares most of the secondary legal reference material found in JIRS. This includes case summaries, commentary on the principles and practice of sentencing, sentencing statistics and online publications, such as the *Judicial Officers' Bulletin*. In 2001–2002, for example, the decision in *Wong v The Queen* [2001] HCA 64, in which the High Court commented upon the status and validity of guideline judgments, required Commission staff to put considerable effort and resources into analysing the implications of that decision, updating the JIRS commentary, and monitoring and commenting upon the legislative responses that followed the decision.

Sentencing statistics

The sentencing statistics component is a key feature of JIRS. It promotes consistency of approach to sentencing by providing judicial officers with information on the statistical range of sentences previously imposed for particular offences. The Bureau of Crime Statistics and Research (BOCSAR) provides the Commission with sentencing data derived from the courts. In 2001–2002, we did not receive the required data within our targeted time frame of three months because of problems associated with its collection. To address this problem we have been working with BOCSAR and the courts to improve the statistics collection systems. As a result of submissions made by the Commission, we were given special funding in 2001–2002 to build a computerised statistics collection system to improve the timeliness, accuracy and completeness of the data we require from the District Court. The statistics collection system is an interim solution until the Attorney General's Department implements its own case management system. Although the project was scheduled to start in December 2001, it did not commence until March 2002 due to a delay in recruiting additional staff. During the current year two new staff members were recruited to help develop this system. The project is expected to be finalised by the end of August 2002.

Although the Commission aims to ensure that the sentencing statistics are audited, processed and loaded on JIRS within one month of receipt, this target was not met for two reasons. First, the data we receive is often insufficiently accurate or complete for our purposes and requires extensive auditing. Second, changes made to the substance and format of the data collected required major reprogramming. The successful implementation of the statistics collection system should alleviate the first problem and as the rewriting of the processing programmes has been completed, we anticipate that our target will be achieved in 2002–2003.

JIRS access

JIRS currently operates as an intranet and is available only via the Attorney General's Department's wide area network or by dial up modem. While these modes are able to meet the needs of judicial officers and some government departments, they are inconvenient for users from regional areas, legal practitioners and the general public. The Commission is investigating ways to make JIRS more widely accessible in 2003 by making it available over the internet.

As part of our programme of improving JIRS, in 2001–2002 the Commission's information technology section developed a prototype of the sentencing component of JIRS on the internet. The new system uses a different operating system and search engine, is more secure and provides better response times than the existing system. The search facility has been enhanced in the prototype to include the ability to navigate quickly within a document, and to jump to other documents in the result list. The user interface programmes were rewritten to facilitate future enhancement and maintenance of the system and to standardise the interface across all sections of JIRS. It is planned to transfer these enhancements to JIRS in late 2002 after a suitable testing period.



Ms Andrea Hadaway, Trainee Research Assistant, provides research support to the Commission's research officers.

Enhancements

A number of improvements have been made to JIRS since its inception, often in response to feedback from its users. In 2001–2002 we continued to provide further enhancements of JIRS to make it more useful, including:

- adding the Children’s Court Practice Directions and Notes to the Bench Books section
- adding *Case Law News* to the Children’s Court References available on JIRS
- increasing the size of the database of Court of Criminal Appeal judgments in JIRS by adding over 9,000 photo-scanned judgments from the 1940s to the 1990s; this material was supplied by the Office of the Director of Public Prosecutions
- revising the statistics component of JIRS so that the currency of information is clearly displayed on the screen and on the print outs of statistical graphs
- revising the sentencing statistics to reflect changes to sentencing options introduced by the new *Crimes (Sentencing Procedure) Act 1999*
- revising the Local Court statistics component to accept new sentencing data from the Local Court in the Lawcodes format (see page 19)
- hosting the Magistrates’ Discussion Forum, an online area for peer debate.

Review of JIRS

As foreshadowed in last year’s annual report, the Commission is undertaking a review of the design, functionality and effectiveness of JIRS. We are particularly interested in finding out the extent to which JIRS is used by judicial officers and whether it contributes to promoting consistency of approach in sentencing. Judicial officers and other users have been surveyed, and work continues on this report which should be finalised by May 2003.

Research enquiries

In 2001–2002 the Commission dealt with 140 research enquiries from judicial officers, practitioners, subscribers and other government organisations on a range of topics, including sentencing, directions and legal issues.

SPECIFIC RESEARCH PROJECTS

Research publications provide critical evaluation of different aspects of sentencing. Although the Commission had planned on publishing two monographs and three *Sentencing Trends* in 2001–2002, difficulties with obtaining relevant data and other competing priorities meant that the Commission was unable to meet its targets. In particular, the priority given to ensuring JIRS is as up to date as possible, combined with the volume of cases to be summarised for JIRS, reduced the Commission’s capacity to complete its scheduled research programme during 2001–2002. The creation of three new positions in the Research and Sentencing Section in late 2001, however, has improved the Commission’s ability to undertake its research programmes. As a result, the section will be better able to maintain JIRS while increasing its output of original research studies in 2002–2003. In addition, the acquisition of a statistical software package called SPSS and training in its use has greatly improved our expertise to handle and analyse statistical information.

Key achievements

The Sentencing Manual

The Chief Justice, the Honourable J J Spigelman AC, launched the *Sentencing Manual: Law, Principles and Practice in NSW* in October 2001. The result of ten years of research by the Judicial Commission, the book aims to encourage consistency of approach in sentencing by highlighting the sentencing principles that have been enunciated by the appellate courts and by describing, as well as defining, the limitations of the sentencing options available to the courts. Copies of the book were supplied to all judicial officers in New South Wales and feedback indicates that it has been well received and is used on a regular basis by judicial officers.

Essentially the *Sentencing Manual* is a hard copy version of the Principles and Practice component of JIRS. The new book complements JIRS which will prove useful to judicial officers when they wish to find cases that have been handed down since the manual’s publication. The Commission plans to publish revised editions on a regular basis to ensure that the book is kept up to date.

Sentencing Trends

The Commission's *Sentencing Trends* are short empirical studies of sentencing and related topics. Issue 22 of *Sentencing Trends*, "Conviction and Sentencing Appeals in the NSW Court of Criminal Appeal 1996–2000", was published in February 2002. Work has commenced on a number of other *Sentencing Trends* in the following areas: bail; sentencing offenders who are mentally disordered; and two-tiered sentencing. It is anticipated that these will be published in the latter part of 2002.

Research monographs

The Commission's research monographs are detailed studies of sentencing and related issues. Monograph 21, *Sentencing Dangerous Drivers in NSW: Impact of the Jurisic Guidelines on Sentencing Practice* has been completed and is awaiting publication. In 1998, the NSW Court of Criminal Appeal handed down a guideline judgment for the offences of dangerous and aggravated dangerous driving. In *Sentencing Dangerous Drivers in NSW*, the authors discuss the 1994 changes to section 52A of the *Crimes Act*, and analyse sentencing trends both before and after the introduction of the guideline judgment. The study found that sentences handed down in these cases were both more consistent and more severe after the guideline judgment was promulgated.

Research has commenced on several other monographs including:

- **Sentencing in the NSW Children's Court 1998–2001** This study was initially intended to replicate an earlier study examining the effect of ethnicity on sentencing practice. However, upon examination, the data available for this study was deficient, and it was decided to instead undertake a study examining generally the pattern of sentences imposed in the Children's Courts of New South Wales.
- **Homicide Sentencing in NSW 1994–2001** Work has commenced on this major study which complements the Commission's 1990–1993 homicide study. It is anticipated the study will be completed in 2003.

LAWCODES: Special Joint Agency Project

The Lawcodes project, part of a wider project called Joint Agency Data Exchange, aims to facilitate the electronic interchange of information between justice system agencies by establishing common codes to describe offences. This helps to ensure that information remains consistent as it moves through different agencies.

Development of the current phase of the Lawcodes system is now complete. In 2001–2002, the Commission continued to update the information contained in the database and maintain the system. Lawcodes data are used by the courts, the New South Wales Police Service, the Bureau of Crime Statistics and Research, the Office of the Director of Public Prosecutions, the Roads and Traffic Authority, and the Department of Juvenile Justice.

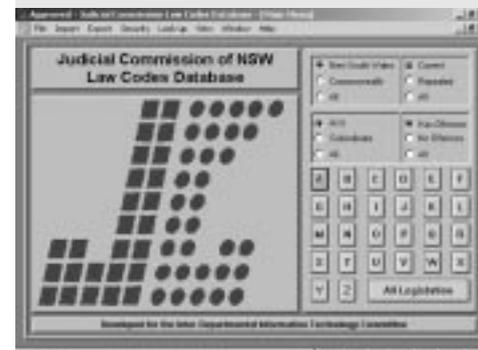
A growing challenge is to maintain the database in a timely manner. The increasing amount of new legislation to be coded has meant that the workload continues to expand. Particular challenges this year included the coding of the new *Corporations Act 2001* (Cth) and the Occupational Health and Safety Regulations. In addition, substantial changes were made in 2001–2002 to the format of the Lawcodes database in response to user feedback.

The usefulness of Lawcodes is reflected in the continuing requests by government agencies to have access to the database. New users in 2001–2002 include the District Court, NSW Agriculture, the Australian Federal Police and the Commonwealth Director of Public Prosecutions. The Commission also provided data and assistance to the Department of Corrective Services to help them prepare for implementing Lawcodes.

The Commission is investigating the feasibility of putting the database on the internet to increase accessibility of the information.



Each issue of *Sentencing Trends* analyses a particular aspect of sentencing in NSW.



Users of the Lawcodes database have access to standardised and reliable information on offences.

Complaints against judicial officers

The *Judicial Officers Act 1986* established a comprehensive system for examining complaints that concern the ability or behaviour of judicial officers. The goal of the complaints function is to promote judicial accountability through effective complaint handling. The process provides a level of judicial accountability in addition to traditional forms: such as proceedings being conducted in public, the requirement to give reasons for judicial decisions and decisions being subject to appellate review. See Figure 8 opposite and Appendix 1 for an overview of the complaints process.

COMPLAINTS RECEIVED AND EXAMINED

In the period 1 July 2001 to 30 June 2002, 76 individual complainants made a total of 94 complaints about 79 judicial officers. One complainant made seven complaints; one complainant made six complaints; two complainants made three complaints each; and three complainants submitted two complaints each. The balance of complaints were submitted individually.

As can be seen from Figure 7, during this period there was an increase in the number of complaints received and examined.

Figure 7 Number of complaints received and examined by the Commission 1997/98–2001/02

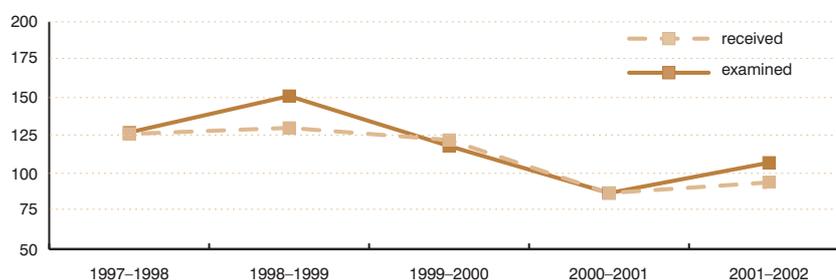
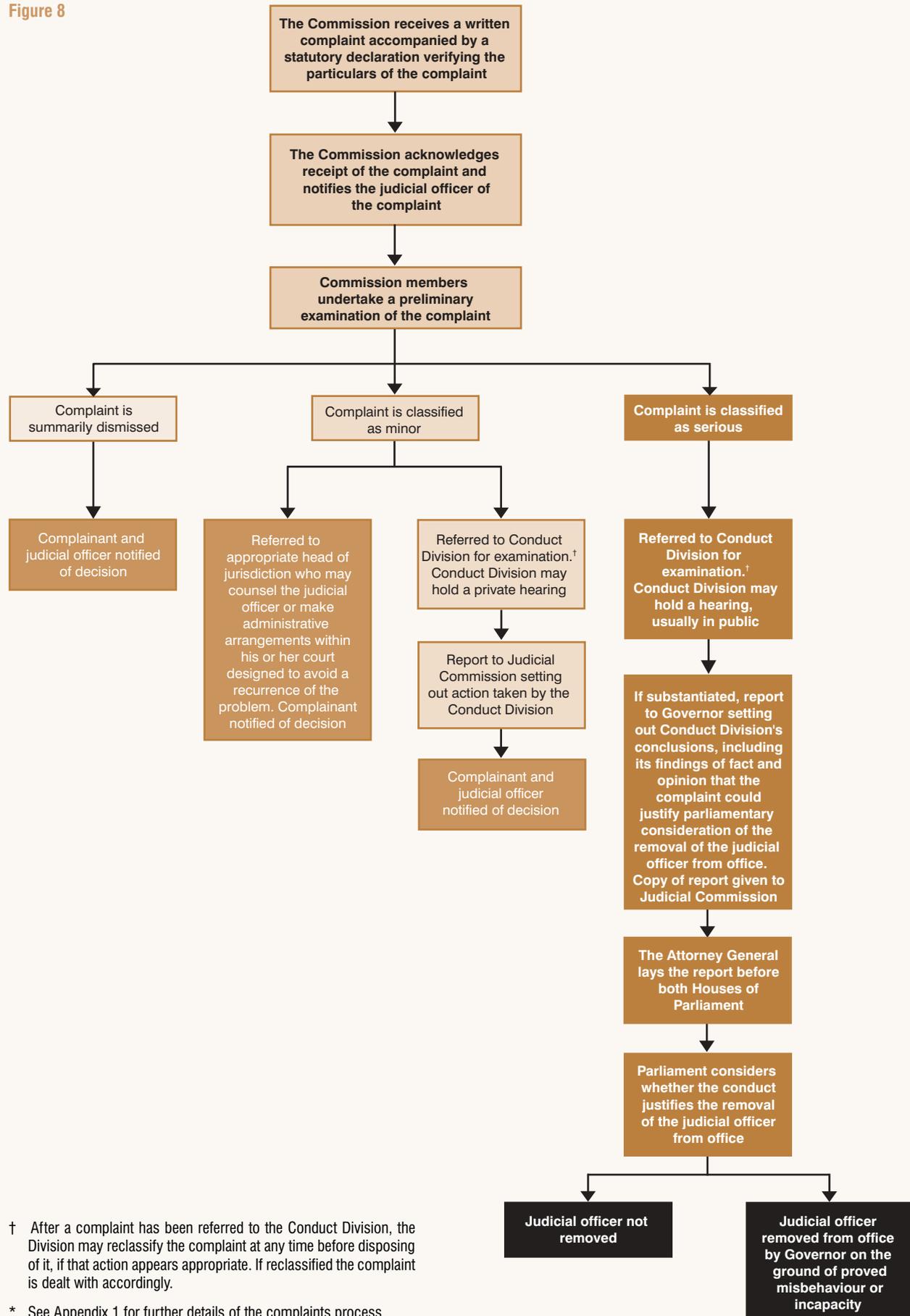


Table 3 Complaint particulars

Complaints pending at 30 June 2001	32
Complaints made during the year	94
Total number of complaints	126
Complaints examined and dismissed under sections 18 and 20 of the Act	96
Minor complaints disposed of during the year	9
Serious complaints disposed of during the year	1
Complaints withdrawn	1
Total number of matters finalised	107
Complaints pending at 30 June 2002	19

The Complaints Process*

Figure 8



RESOLUTION OF COMPLAINTS

The Commission aims to finalise 90% of complaints within six months of receipt and 100% of complaints within 12 months of receipt. In 2001–2002, the Commission finalised:

- 79% of complaints within three months of receipt
- 91% of complaints within four months of receipt
- 97% of complaints within six months of receipt.

The longest time taken to complete the examination of a complaint was eight months. Delay in finalisation was caused by difficulty in obtaining the necessary transcripts and sound recordings of the hearings the subject of complaint.

Complaints examined and dismissed

The Commission dismissed 96 complaints during the year based on criteria outlined in section 20 of the *Judicial Officers Act 1986*. Details are set out below.

Table 4 Criteria adopted for dismissing complaints

Criteria	Section	Number of complaints
The complaint was frivolous, vexatious and not in good faith	20(1)(b)	1
The complaint was frivolous, vexatious and not in good faith, and the complaint related to the exercise of a judicial or other function that was subject to adequate appeal or review	20(1)(b) & (f)	1
The complaint was frivolous, vexatious and not in good faith, the complaint related to the exercise of a judicial or other function that was subject to adequate appeal or review, and further consideration of the complaint by the Commission was unnecessary or unjustifiable	20(1)(b), (f) & (h)	4
The complaint related to the exercise of a judicial or other function that was subject to adequate appeal or review and further consideration of the complaint by the Commission was unnecessary or unjustifiable	20(1)(f) & (h)	27
Further consideration of the complaint by the Commission was unnecessary or unjustifiable	20(1)(h)	63

Conduct Division: work and activity

In 2001–2002, following preliminary examination conducted under section 18 of the *Judicial Officers Act 1986*, the Commission classified and referred two complaints to the Conduct Division for examination. One complaint was classified by the Commission as “minor” and the other as “serious”. (The criterion for classifying a complaint as serious is that the grounds of complaint, if substantiated, could justify parliamentary consideration of the removal of the judicial officer complained about from office. Any other undismissed complaint is defined by the Act as minor.)

Following its investigation of the minor complaint, the Conduct Division found that the complaint should be dismissed on the ground that, in all the circumstances of the case, further consideration was unjustifiable. A report was made to the Commission setting out the findings of the Conduct Division and a copy provided to the judicial officer concerned.

The complaint classified as serious was referred to the Conduct Division for its examination pursuant to section 21(1) of the *Judicial Officers Act* on 15 May 2002. The examination by the Conduct Division was not completed during the reporting period.

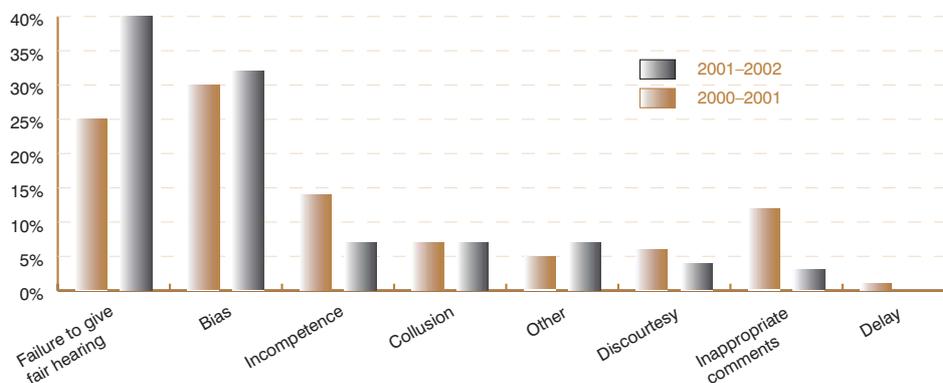
PATTERNS IN THE NATURE AND SCOPE OF COMPLAINTS

In any consideration of the statistics of the complaints dealt with by the Commission it must be remembered that there are approximately 280 judicial officers in New South Wales who in the relevant period dealt with in excess of 400,000 matters.

Common causes of complaint

There has been little variation in the patterns in the nature and scope of complaints received in recent years. The most common grounds of complaint to the Commission continue to be allegations of failure to give a fair hearing and apprehension of bias. In 2001–2002, these two categories accounted for 72% of complaints made to the Commission, compared to 55% in the previous year. Many complaints of this type were made by unsuccessful parties to legal proceedings and by persons who conducted their own litigation before the courts. Complaints of bias are frequently accompanied by allegations of particular conduct by the judicial officer concerned which is said to evidence bias.

Figure 9 Common causes of complaint: Basis of allegations



Allegations of collusion

Seven complaints dealt with during the year involved allegations of collusion between a judicial officer and another person or persons, usually a legal practitioner or court personnel. Following investigation all such complaints were found to be baseless.

Other allegations

This year no complaint relating to delay in the delivery of a reserved judgment was received by the Commission. Seven complaints alleged discourtesy or inappropriate comments made by a judicial officer. In total these complaints accounted for approximately 7% of all complaints received this year compared with 18% in this category last year.

Substitute for appeals

As reported in previous years, many complaints, in essence, allege that a judicial officer made a wrong decision. These complaints are often made in apparent substitution of appeals to a higher court. They are usually made in circumstances where a party to litigation is aggrieved by an unfavourable decision but, for one reason or another, does not wish to appeal. Instead, a personal complaint against the judicial decision-maker is made to the Commission, usually alleging bias or incompetence. The Commission's role, however, is not that of an appellate tribunal with a function of correcting allegedly erroneous decisions and these complaints are dismissed accordingly.

Complaints arising from AVO proceedings

For a number of years the Commission has noted the high proportion of complaints received which arise from proceedings involving applications for Apprehended Violence Orders (AVOs). This year the trend has continued with 26% of complaints arising from AVO proceedings.

Summary

From a positive point of view, the small number of complaints (relative to the number of judicial officers in the State and the huge volume of litigation with which they deal) is an encouraging indication of the general community's willingness to accept even adverse decisions if they are made in accordance with due process of law.



Ms Nora Arcilla, Administrative Assistant, provides administrative support to the Commission's staff.



Ms Katrin Riethmueller and Ms Simone Lapointe, visiting law students from Germany, completed three-month traineeships at the Commission.

Corporate operations

OUR STAFF

The Commission provides a safe, harmonious and productive working environment that offers interesting and fulfilling work, motivates staff to excel in the performance of their duties, and allows them to develop both professionally and personally.

In this way, the Commission has developed and retained staff, with 44% of staff having over six years service and 26% of staff having nine years or more service.

Table 5 Comparison of average number of employees by category

	1997–98	1998–99	1999–00	2000–01	2001–02
Senior executive	4	3	3	3	3
Sentencing/judicial education	20	17	19	22	27
Administration/management support	4	5	5	5	5
Total staff	28	25	27	30	35

Employment conditions

The Commission is an employer under the *Judicial Officers Act 1986*, with conditions of employment being generally equivalent to those of the New South Wales Public Service. Members of the Public Service who accept a position at the Commission retain various rights and benefits, such as superannuation and extended leave.

Industrial Relations

The Public Service Association provides industrial coverage for staff members. No time was lost during the year because of industrial action, nor has any time been lost in the past five years.

Code of Conduct

The Commission's Code of Conduct guides staff in the performance of their duties, especially where ethical considerations may be involved. There was no change to the Commission's Code of Conduct during the reporting period.

Staff development and training

The Commission recognises that our staff are our most important asset and we attempt to develop their full potential. During 2001–2002 we spent \$21,000 on training, that is, 1.75% of our total expenses. Staff attended a number of courses that were chosen for the purposes of developing personal attributes, obtaining further professional skills or enhancing existing skills in established areas of expertise. In 2001–2002, the Commission also supported one staff member undertaking tertiary study by providing study leave.

Performance appraisal

The Commission's performance management system concentrates on the establishment of agreed objectives and performance targets. It provides for regular reviews between supervisors and staff as well as formal appraisals on an annual basis. Each officer undertook a performance review in accordance with this requirement.

Safe working environment — Occupational Health and Safety

There were no accidents or incidents reported during 2001–2002, nor has the Commission had any accidents or incidents reported in the past five years. To maintain this safe working environment, the Commission concentrates its occupational health and safety efforts on preventing workplace accidents.

An interim Occupational Health and Safety Committee was appointed in March 2002 to address OH&S matters. The committee undertook a site inspection of the workplace to identify potential hazards and developed a plan of action to fix any problems identified.

Commission staff participate in regular fire drills, guided by staff who are trained Fire Wardens. Ongoing staff training is provided by an accredited company that specialises in fire safety training and procedures. The smoke detection system is linked to the local fire station to facilitate fast response in the event of fire.

The Commission's premises are protected by an integrated security system that operates at all times.

ACCESS AND EQUITY

Equal Employment Opportunity

The Commission supports and implements the principles of equal employment opportunity. In practice, this involves an ongoing commitment to providing a productive work environment that is free from discrimination and harassment. It also includes fostering the professional development of staff in a manner that attracts and retains employees.

An appointed Equal Employment Opportunity Co-ordinator keeps a watching brief on workplace issues to ensure optimum compliance with the spirit and intention of EEO policies. Employment vacancies are advertised in major newspapers and the Public Service Notices, and, at times, at universities and other educational institutions. Selection committees formed for recruitment purposes comprise two Commission staff and one independent member drawn from a public or private sector organisation, to ensure effective recruitment practice. Recruitment panels recommend the best candidate(s) after consideration of written applications, performance at interview and consultation with referees. Temporary appointments, and the opportunity of acting in higher positions, are offered to facilitate the professional and personal development of staff members.

Tables 6 and 7 show the gender and EEO target groups of staff by salary level and employment basis.

Table 6 Gender and EEO target groups — percent of total staff by level

Level	Total	Subgroup as percent of total staff at each level		Subgroup as estimated percent of total staff at each level				
		Men (%)	Women (%)	ATSI [†] (%)	Minority groups [†] (%)	1st language not English [§] (%)	Disability ^{§§} (%)	Workplace adjustment [#] (%)
< \$27,606	1	100	—	—	—	—	—	—
\$27,606–\$36,258	1	—	100	—	—	—	—	—
\$36,259–\$40,535	4	25	75	—	75	75	—	—
\$40,536–\$51,293	5	60	40	—	20	20	—	—
\$51,294–\$66,332	15	20	80	7	13	13	—	—
\$66,333–\$82,914	5	100	—	—	80	80	—	—
> \$82,914 (non-SES)	1	100	—	—	100	100	—	—
> \$82,914 (SES)	3	67	33	—	—	—	—	—
Total	35	46	54	3	34	34	—	—

Notes to this table appear after Table 7

Table 7 Gender and EEO target groups — percent of total staff by employment basis*

Level	Total	Subgroup as percent of total staff in each employment category		Subgroup as estimated percent of total staff in each category				
		Men (%)	Women (%)	ATSI [†] (%)	Minority groups [‡] (%)	1st language not English [§] (%)	Disability ^{§§} (%)	Workplace adjustment [#] (%)
Permanent full-time	25	44	56	—	36	36	—	—
Permanent part-time	1	—	100	—	—	—	—	—
Temporary full-time	5	60	40	—	40	40	—	—
Temporary part-time	1	—	100	100	—	—	—	—
Contract – SES**	3	67	33	—	33	33	—	—
Contract – non-SES**	—	—	—	—	—	—	—	—
Total	35	46	54	3	34	34	—	—

Notes to Tables 6 and 7

- * “Percent of total staff by employment basis” does not include casual staff.
- † ATSI — Australian Aboriginal and Torres Strait Islander peoples.
- ‡ Minority groups — People from racial, ethnic, ethno-religious minority groups.
- § 1st language not English — People whose language first spoken as a child was not English.
- §§ Disability — People with a disability.
- # Workplace adjustment — People whose disability requires adjustment to the workplace.
- ** SES — Contract executive officers with conditions similar to the Senior Executive Service.

Action plan for women

Due to competing priorities and resource limitations the Commission has not yet finalised its Action Plan for Women. We have, however, addressed the relevant objectives of the NSW Government’s Action Plan for Women by:

- promoting a safe and equitable workplace, responsive to all aspects of women’s lives, through implementing harassment prevention policies, creating opportunities for part time employment and making family responsibility leave available
- maximising the interests of women in micro-economic reform by providing job sharing, traineeships, work from home opportunities and professional development opportunities
- promoting the position of women in society by conducting education sessions for the judiciary on gender awareness issues and domestic violence.

Spokeswomen’s programme

In 2001–2002, the Commission’s Spokeswoman attended the Women’s Information Day and the Sydney Network Meeting, and the Women’s Liaison Officer attended a Women’s Liaison Officer Training Session. These events provided valuable opportunities to network with other women and collect information to disseminate to Commission employees. Printed material is housed in a designated section of the Commission’s library and updated regularly.

During the year, a Spokeswomen’s section was developed for inclusion on the Commission’s intranet. This contains a brief summary of the programme, upcoming events, topics of interest and contact details for the Spokeswoman.

Cultural diversity

The Commission’s Ethnic Affairs Priorities Statement outlines how the Commission incorporates the principles of cultural diversity into its programmes. In 2001–2002 we incorporated sessions on cultural diversity into our education programme. This has enabled judicial officers to recognise and appreciate the cultural differences that exist in our community (see pages 10 and 11 for more information on the Commission’s education programme).

ENVIRONMENTAL ISSUES

Waste reduction and recycling policy

In accordance with the Commission's requirement to implement the Government's Waste Reduction and Purchasing Policy, in 2001–2002 the Commission made the following progress:

- **Reducing the generation of waste** The Commission encourages its staff to use intra-office email to reduce the need for paper copies of certain office documents.
- **Increasing resource recovery** The Commission returns all used toner cartridges for recycling and paper waste is collected by the building managers for recycling. In 2001–2002, the Commission recycled 26 toner cartridges and 2.34 tonnes of waste paper.
- **Increasing the use of recycled material** All stationery products purchased by the Commission contain a recycled component of 70% or more. The Commission does not use recycled toner cartridges because their quality is not of an acceptable standard.

Energy management

The Commission, in line with the Government's objective of achieving and sustaining reduced greenhouse gas emissions and energy cost savings, has implemented a policy of effective energy management.

We continue to report to the Minister of Energy and Utilities on our electricity and fuel consumption under the Government's Energy Management Policy. This reporting period showed that our petrol consumption and our electricity consumption increased slightly over the previous year. The Commission attributes the increased electricity usage to an increase in staff numbers.

Table 8 Electricity and fuel consumption

	2000–01	2001–02
Electricity		
kWh used _____	106,475	107,846
cost _____	\$10,701	\$10,234
Petrol		
litres used _____	2205	2378
cost _____	\$1935	\$1949

INFORMATION TECHNOLOGY

The Commission's information technology services assist Commission staff, judicial officers and the courts to carry out their duties efficiently and effectively. Developments in technology, changing circumstances and new requirements present a series of challenges to the Commission and its information technology services.

In 2001–2002 the Commission upgraded its local area network and installed new servers that are both faster and more reliable. The Commission's desktop computers were also upgraded to enhance the level of productivity of the Commission's staff.

Development of case management systems

The Commission completed its development of the Youth Drug Court Case Management System in December 2001. The system is able to generate most of the documents previously produced manually by court staff, such as bail undertakings and remand warrants. During the year we continued to maintain the completed system and provided management reports and documents to the Attorney General's Department on a needs basis.

The Commission is also developing a case management system for the Adult Drug Court. The project is substantially advanced and the majority of the development work is completed. We anticipate that the project will be completed by December 2002.

Electronic service delivery

In line with the NSW Government's commitment to Electronic Service Delivery via the internet, the Commission has been working to make its services more available online. In 2001–2002 we upgraded our internet communications link to permit growth in online access requests and to ensure a more secure environment.



In 2001–2002, the Commission upgraded its local area network and installed new servers.

Disaster recovery

As the Commission relies extensively on information technology to carry out its functions, it has implemented effective and reliable disaster recovery plans. File and print servers are backed up to tape daily, and application servers are backed up weekly. A monthly back up of all servers is held in an off-site vault for a period of two years. In the event of a disaster, the purchase of off-the-shelf replacement PC file servers, together with the stored back up tapes, will ensure complete recovery of data and restoration of applications in a short period of time.

Important paper records, such as complaint files, are stored in secure, fire proof cabinets to ensure their safety.

LIBRARY OPERATIONS

The Commission's library is used both by our staff and by judicial officers. It is a specialist library holding valuable collections in the areas of criminology, sentencing and judicial education in the form of serial publications, academic texts, looseleaf services, audio visual cassettes, CD ROMs and online databases. In 2001–2002 a further 225 items were added to the library's catalogue.

The library is a member of the Australia-wide Court Libraries network and maintains reciprocating relationships with those libraries and with the Australian Law Librarians Group.

The online connection to Butterworths Direct, established just over 12 months ago, has proved a valuable reference tool and is used by staff on a daily basis. To this resource was added, in March 2002, access to Informit Online, the RMIT University's database. The latter service is being used extensively by our staff as they work to fulfil the Commission's research programme for 2002–2003.

The increase in staffing and the Commission's new initiatives have seen a corresponding rise in library usage, reflected in the following statistics:

- reference enquiries have risen by 23.5%
- interlibrary loans have increased by 48%
- approximately 33% of interlibrary loans are to support extensive research undertaken by the Criminal Trial Courts Bench Book Committee.



Ms Maree D'Arcy, Librarian. The Commission's library is an essential resource for Commission staff and judicial officers.

OPERATING ENVIRONMENT

Changes to legislation

The Commission operates under the *Judicial Officers Act 1986* and the *Judicial Officers Regulation 2000*. No amendments were made in 2001–2002 to either piece of legislation.

Privacy management plan

The Commission has drafted a Privacy Code of Practice and a Privacy Management Plan. During 2001–2002 Commission staff held discussions with the NSW Privacy Commissioner to finalise these documents. The Commission did not conduct any reviews under the *Privacy and Personal Information Protection Act 1998*.

Risk management and insurance

Managing risk is an integral part of the planning and management process, whereby analysis of the likelihood and consequences of operational risks are continuously evaluated. An appropriate form and level of insurance exists in relation to all identifiable risk exposures. The Commission is a member of the Treasury Managed Fund, which provides comprehensive cover for physical assets, which include plant and equipment, motor vehicles, and miscellaneous matters. The managed fund provides coverage for staff through workers' compensation and for the public through public liability cover. The fund is a form of self-insurance. A review of the level and method of insurance has been conducted and the appropriate risk level established. The Commission, because of its size, has little influence on the performance of the overall fund and the level of insurance adopted for 2001–2002 was principally determined on the basis of all members of the fund during the previous financial year.

FINANCIAL PERFORMANCE

Payment of accounts

The Commission aims to pay all accounts within the agreed terms or within 30 days of receipt of invoice if terms are not specified. Suppliers are notified of this policy in writing when orders for goods and services are placed.

As shown below, during the reporting period the Commission paid all accounts on time and was not required to pay penalty interest on any account.

Table 9 Aged analysis at the end of each quarter

Quarter	Within due date	Less than 30 days overdue	Between 30 & 60 days overdue	Between 60 & 90 days overdue	More than 90 days overdue
	\$	\$	\$	\$	\$
September	91,107	0	0	0	0
December	47,881	0	0	0	0
March	49,248	0	0	0	0
June	45,581	0	0	0	0

Table 10 Accounts paid on time within each quarter

Quarter	Total accounts paid on time		Total amount paid
	Target %	Actual %	\$
September	100	100	91,107
December	100	100	47,881
March	100	100	49,248
June	100	100	45,851

Consultants

The Commission, with its small number of staff, does not have all the expertise necessary to carry out some of its highly specialised tasks. Rather than increase staff numbers, the Commission makes effective use of consultants to carry out identified tasks of a specialist nature. During the past year, a total of \$209,000 was spent on specialist services.

Table 11 Consultancies in 2001–2002

Consultancies equal to or more than \$30,000		
Consultant	Amount	Nature of work
The Honourable K J Carruthers QC	\$57,675	updating the <i>Criminal Trial Courts Bench Book</i>
Mr T S Davidson QC	\$55,930	updating the <i>Criminal Trial Courts Bench Book</i>
Mr I H Pike AM	\$60,750	examination of complaints
Consultancies less than \$30,000		
During the year two other consultants were engaged in the following area:		
Legal	\$8,985	
	\$29,250	

Credit card certification

The Chief Executive certifies that credit card usage in the Commission has met best practice guidelines in accordance with Premier's Memoranda and Treasury Directions.

Financial summary

Revenue

The main source of revenue was from the Consolidated Fund of Treasury (\$3.72 million). The Commission raised \$137,000 in other revenue, mainly from using our IT expertise to develop two case management systems for the Youth and Adult Drug Courts. Income was also derived from subscriptions to use JIRS.

Expenditure

Commission expenses totalled \$3.692 million, an increase from \$3.242 million in the previous year. Employee related expenses accounted for \$2.311 million (63.7%), an increase of \$202,000 (9.6%) on the previous year. The increase is due to the expansion of the Research and Sentencing Section.

Assets

The increase in assets of slightly over 12% is attributed to the increase in cash balances and the acquisition of items of plant and equipment.

Liabilities

The increase of 21% in the Commission’s liabilities is due to a combination of an increase in amounts owing to sundry creditors and the increase in accrual of employee entitlements. The major cause of increase in employee entitlements arises from increased staff numbers during the year.

Figure 10 Expenditure

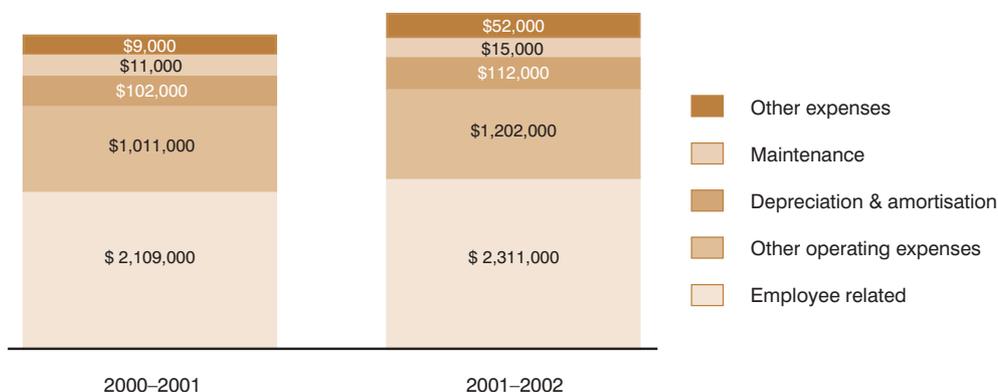
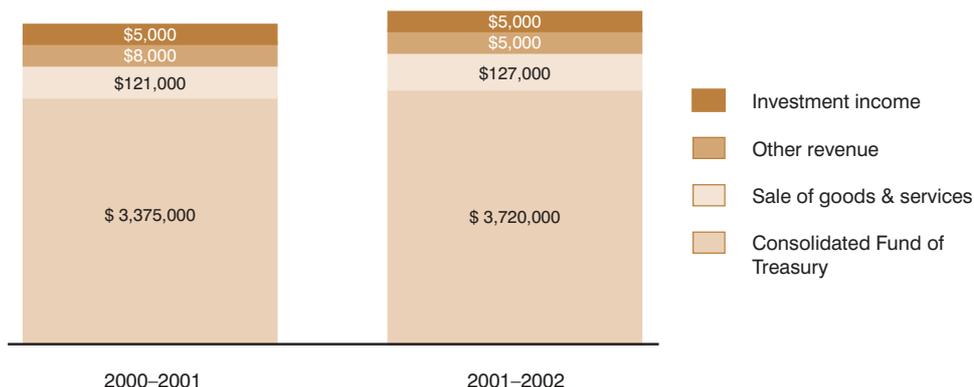


Figure 11 Income



Financial statements 2001–2002

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Notes to and forming part of the Financial Report for the Year Ended 30 June 2001

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OFFICE OF
JUDICIAL AUDIT

INDEPENDENT AUDIT REPORT

JUDICIAL COMMISSION OF NEW SOUTH WALES

To Members of the New South Wales Parliament

Scope

I have audited the accounts of the Judicial Commission of New South Wales for the year ended 30 June 2002. The Chief Executive is responsible for the financial report consisting of the accompanying statement of financial position, statement of financial performance and statement of cash flows, together with the notes thereto, and the information contained therein. My responsibility is to express an opinion on the financial report to Members of the New South Wales Parliament, based on my audit as required by the *Public Finance and Audit Act 1983* (the Act).

My audit has been conducted in accordance with the provisions of the Act and Australian Auditing Standards to provide reasonable assurance whether the financial report is free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of accounting policies and significant accounting estimates.

These procedures have been undertaken to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with the requirements of the Act, Accounting Standards and other mandatory professional reporting requirements, in Australia, so as to present a view which is consistent with my understanding of the Commission's financial position, the results of its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

In my opinion, the financial report of the Judicial Commission of New South Wales complies with section 45E of the Act and presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements the financial position of the Commission as at 30 June 2002, the results of its operations and its cash flows for the year then ended.

A handwritten signature in black ink, appearing to read 'I Khair Bhai', followed by a horizontal line.

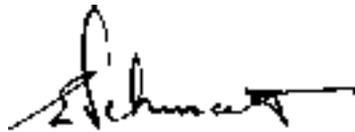
I Khair Bhai, FCPA
Director of Audit

SYDNEY
10 October 2002

Certification of Financial Statements

Pursuant to section 45F of the Public Finance and Audit Act 1983, I state that:

- (a) the Judicial Commission's Financial Statements are a general purpose financial report which has been prepared in accordance with applicable Australian Accounting Standards and other mandatory professional reporting requirements, the requirements of the Public Finance and Audit Act, 1983, the requirements of the finance reporting directives published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies, the Public Finance and Audit Regulation, 2000 and the Treasurer's Directions;
- (b) the financial statements exhibit a true and fair view of the financial position and transactions of the Judicial Commission of New South Wales for the year ended 30 June 2002; and
- (c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



E.J. SCHMATT
Chief Executive
8 October, 2002.

Statement of Financial Performance for the year ended 30 June 2002

	Notes	Actual 2002 \$'000	Budget 2002 \$'000	Actual 2001 \$'000
Expenses				
Operating expenses				
Employee related	2(a)	2,311	1,974	2,109
Other operating expenses	2(b)	1,202	1,120	1,011
Maintenance		15	15	11
Depreciation	2(c)	112	157	102
Other expenses	2(d)	52	–	9
Total Expenses		3,692	3,266	3,242
Less:				
Retained Revenue				
Sales of goods and services	3(a)	127	22	121
Investment income	3(b)	5	2	5
Other revenue	3(c)	5	5	8
Total Retained Revenue		137	29	134
Net Cost of Services	17	3,555	3,237	3,108
Government Contributions				
Recurrent appropriation	4	3,183	2,884	2,849
Capital appropriation	4	319	289	50
Acceptance by the Crown Entity of employee entitlements and other liabilities	1(d)(ii) & 5	218	202	256
Total Government Contributions		3,720	3,375	3,155
SURPLUS FOR THE YEAR FROM ORDINARY ACTIVITIES		165	138	47
SURPLUS FOR THE YEAR		165	138	47
TOTAL REVENUES, EXPENSES AND VALUATION ADJUSTMENTS RECOGNISED DIRECTLY IN EQUITY		–	–	–
TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH OWNERS AS OWNERS		165	138	47
	13			

The accompanying notes form part of these financial statements

Statement of Financial Position as at 30 June 2002

	Notes	Actual 2002 \$'000	Budget 2002 \$'000	Actual 2001 \$'000
ASSETS				
Current Assets				
Cash	7	13	3	2
Receivables	8	63	46	53
Other	9	53	62	65
Total Current Assets		129	111	120
Non-Current Assets				
Plant and equipment	10	439	364	232
Total Non-Current Assets		439	364	232
Total Assets		568	475	352
LIABILITIES				
Current Liabilities				
Payables	11	36	14	14
Employee entitlements and other provisions	12	281	237	252
Total Current Liabilities		317	251	266
Total Liabilities		317	251	266
Net Assets		251	224	86
EQUITY				
Accumulated funds		251	224	86
Total Equity	13	251	224	86

The accompanying notes form part of these financial statements

Statement of Cash Flows for the year ended 30 June 2002

	Notes	Actual 2002 \$'000	Budget 2002 \$'000	Actual 2001 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(2,142)	(1,872)	(1,933)
Other		(1,410)	(1,243)	(1,197)
Total Payments		(3,552)	(3,115)	(3,130)
Receipts				
Sale of goods and services		131	22	125
Interest received		5	2	5
Other		164	123	82
Total Receipts		300	147	212
Cash Flows from Government				
Recurrent appropriation		3,183	2,884	2,849
Capital appropriation		319	289	50
Cash reimbursements from the Crown Entity		80	85	81
Net Cash Flows from Government		3,582	3,258	2,980
NET CASH FLOWS FROM OPERATING ACTIVITIES	17	330	290	62
CASH FLOWS FROM INVESTING ACTIVITIES				
Purchases of plant and equipment		(319)	(289)	(68)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(319)	(289)	(68)
NET INCREASE/(DECREASE) IN CASH				
Opening Cash and Cash Equivalents		11	1	(6)
		2	2	8
CLOSING CASH AND CASH EQUIVALENTS	7 & 18	13	3	2

The accompanying notes form part of these financial statements

Summary of Compliance with Financial Directives for the year ended 30 June 2002

	2002				2001			
	Recurrent Appropriation	Expenditure/ Net Claims on Consolidated Fund	Capital Appropriation	Expenditure/ Net Claims on Consolidated Fund	Recurrent Appropriation	Expenditure	Capital Appropriation	Expenditure
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
ORIGINAL BUDGET APPROPRIATION/ EXPENDITURE								
Appropriation Act								
Additional Appropriations								
S 21A PF&AA-special appropriation	2,884	2,884	289	274	2,952	50	2,849	50
S 24A PF&AA-transfers of functions between departments								
S 26 PF&AA-Commonwealth specific purpose payments								
OTHER APPROPRIATIONS/ EXPENDITURE								
Treasurer's Advance	414	299	77	45				
Section 22-expenditure for certain works and services								
Transfers from another agency (Section 26 of the Appropriation Act)								
	414	299	77	45				
Total Appropriation/ Expenditure/Net Claim on Consolidated Fund (includes transfer payments)	3,298	3,183	366	319	2,952	50	2,849	50
Amount drawn down against Appropriation		3,183		319			2,849	50
Liability to Consolidated Fund								

The Summary of Compliance is based on the assumptions that Consolidated Fund moneys are spent first (except where otherwise identified or prescribed).

The variance between the Recurrent Treasurer's Advance and expenditure — Conduct Division \$115,000

The variance between the Capital Treasurer's Advance and expenditure — Sentencing & Research \$32,000 and Savings on PABX \$15,000

Notes to and forming part of the Financial Statements for the year ended 30 June 2002

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting Entity

The Judicial Commission, as a reporting entity, comprises all of the operating activities under its control.

The reporting entity is consolidated as part of the NSW Total State Sector and as part of the NSW Public Accounts.

(b) Basis of Accounting

The Commission's financial statements are a general purpose financial report which has been prepared on an accruals basis and in accordance with applicable Australian Accounting Standards; other authoritative pronouncements of the Australian Accounting Standards Board (AASB); Urgent Issues Group (UIG) Consensus Views; the requirements of the Public Finance and Audit Act and Regulations; and the Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies or issued by the Treasurer under section 9(2)(n) of the Act.

Where there are inconsistencies between the above requirements, the legislative provisions have prevailed.

In the absence of a specific Accounting Standard, other authoritative pronouncement of the AASB or UIG Group Consensus View, the hierarchy of other pronouncements as outlined in AAS 6 "Accounting Policies" is considered.

The financial statements are prepared in accordance with the historical cost convention. All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency. The accounting policies adopted are consistent with those of the previous year.

(c) Revenue Recognition

Revenue is recognised when the Commission has control of the good or right to receive, it is probable that the economic benefits will flow to the Commission and the amount of the revenue can be measured reliably. Additional comments regarding the accounting policies for the recognition of revenue are discussed below.

(i) Parliamentary Appropriations and Contributions from Other Bodies.

Parliamentary appropriations and contributions from other bodies are generally recognised as revenues when the Commission obtains control over the assets comprising the appropriations/contributions. Control over appropriations and contributions are normally obtained upon the receipt of cash.

An exception to the above is when appropriations are unspent at year end. In this case, the authority to spend the money lapses and generally the unspent amount must be repaid to the Consolidated Fund in the following financial year. As a result, unspent appropriations are now accounted for as liabilities rather than revenue.

For the year ended 30 June 2002, there were no unspent appropriations.

(ii) Sale of Goods and Services

Revenue from the sale of goods and services comprises revenue from the provision of products or services that is user charges. User charges are recognised as revenue when the Commission obtains control of the assets that result from them.

(iii) Investment income

Interest revenue is recognised as it accrues

(d) Employee Entitlements

(i) Wages and Salaries, Annual Leave, Sick Leave and On-Costs

Liabilities for wages and salaries and annual leave are recognised and measured as the amount unpaid at the reporting date at current pay rates in respect of employees' services up to that date.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the entitlements accrued in the future.

The outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment, are recognised as liabilities and expenses where the employee entitlements to which they relate have been recognised.

(ii) Long Service Leave and Superannuation

The Commission's liabilities for long service leave and superannuation are assumed by the Crown Entity. The Commission accounts for the liability as having been extinguished resulting in the amount assumed being shown as part of the non-monetary revenue item described as "Acceptance by the Crown Entity of Employee Entitlements and other Liabilities".

Long service leave is measured on a nominal basis. The nominal method is based on the remuneration rates at year end for all employees with five or more years of service. It is considered that this measurement technique produces results not materially different from the estimate determined by using the present value basis of measurement.

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (namely Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (namely State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

Notes to and forming part of the Financial Statements for the year ended 30 June 2002

(e) Insurance

The Commission's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for Government agencies. The expense (premium) is determined by the Fund Manager based on past experience.

(f) Accounting for the Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except:

- the amount of GST incurred by the Commission as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense.
- receivables and payables are stated with the amount of GST included.

(g) Acquisition of Assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by the Commission. Cost is determined as the fair value of the assets given as consideration plus the costs incidental to the acquisition.

Assets acquired at no costs, or for nominal consideration, are initially recognised as assets and revenues at their fair value at the date of acquisition.

Fair value means the amount for which asset could be exchanged between a knowledgeable, willing buyer and a knowledgeable, willing seller in an arm's length transaction.

(h) Plant and Equipment

Physical assets, with the exception of computers and ancillary equipment, are capitalised when their cost exceeds \$2,000. All computer and ancillary equipment is capitalised at cost.

(i) Depreciation of Non-Current Physical Assets

Depreciation is provided for on a straight-line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life of the entity. The Commission has 3 classes of depreciable assets; Computer Equipment, Office Furniture, and Office Equipment. The depreciable rates applicable to these depreciable assets are 33.3%, 7.5% and 10% respectively.

(j) Financial Instruments

Financial instruments give rise to both a financial asset of one entity and a financial liability or equity instrument of another entity. For the Commission, financial instruments range from cash at bank, accounts receivable, and accounts payable.

In accordance with AAS33 "Presentation and Disclosure of Financial Instruments", information is disclosed in Note 18 in respect of the credit risk and interest rate risk of financial instruments. All such amounts are carried in the accounts at net fair value unless otherwise stated.

(k) Maintenance and repairs

The costs of maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated.

(l) Leased Assets

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of the leased assets, and operating leases under which the lessor effectively retains all such risk and benefits.

Operating lease payments are charged to the Statement of Financial Performance in the periods in which they are incurred.

(m) Receivables

Receivables are recognised and carried at the original invoice amount less a provision for any uncollectable debts. An estimate for doubtful debts is made when collection of the full amount is no longer probable. Bad debts are written off as incurred.

(n) Payables

These amounts represent liabilities for goods and services provided to the Commission and other amount, including interest. Interest is accrued over the period it becomes due.

(o) Budgeted amounts

The budgeted amounts are drawn from the budgets as formulated at the beginning of the financial year and with any adjustments for the effects of additional appropriations, s 21A, s 24 and/or s 26 of the Public Finance and Audit Act 1983.

The budgeted amounts in the Statement of Financial Performance and the Statement of Cash Flows are generally based on the amounts disclosed in the NSW Budget Papers (as adjusted above). However, in the Statement of Financial Position, the amounts vary from the Budget Papers, as the opening balances of the budgeted amounts are based on carried forward actual amounts that is per the audited financial statements (rather than carried forward estimates).

Notes to and forming part of the Financial Statements for the year ended 30 June 2002

	2002 \$'000	2001 \$'000		2002 \$'000	2001 \$'000
2. EXPENSES					
(a) Employee related expenses comprise the following specific items:			(b) Investments income		
Salaries and wages (including recreation leave)	1,955	1,731	Interest	5	5
Superannuation	145	143		5	5
Long service leave	64	104			
Workers' compensation insurance	10	9	(c) Other revenue		
Payroll tax and fringe benefit tax	137	122	Other revenue	5	8
	2,311	2,109		5	8
(b) Other operating expenses			4. APPROPRIATIONS		
Operating lease rental expense — minimum lease payments	395	339	Recurrent appropriations		
Fees for services	193	166	Total recurrent drawdowns from Treasury (per Summary of Compliance and Statement of Financial Performance)	3,183	2,849
Printing	67	67			
Stores and equipment	27	26	Capital appropriations		
Members fees	102	87	Total capital drawdowns from Treasury (per Summary of Compliance and Statement of Financial Performance)	319	50
Books and periodicals	36	31			
Postal and telephone	47	40	5. ACCEPTANCE BY THE CROWN ENTITY OF EMPLOYEE ENTITLEMENTS AND OTHER LIABILITIES		
Consultancy fees	209	177	The following liabilities and/or expenses have been assumed by the Crown Entity or other government agencies:		
Training	22	10	Superannuation	145	143
Travel expenses	23	8	Long Service Leave	64	104
Data Communications	12	12	Superannuation — Payroll Tax	9	9
Electricity	10	11		218	256
Insurance	10	8			
Auditor's remuneration	16	16	6. PROGRAMMES/ACTIVITIES OF THE JUDICIAL COMMISSION		
Recruitment	12	1	The Judicial Commission of New South Wales comprises only one programme which is Programme Number 24 Judicial Commission of New South Wales.		
Other	21	12	Objectives: To monitor sentencing consistency, provide judicial education and training, and examine complaints against judicial officers.		
	1,202	1,011	7. CURRENT ASSETS — CASH		
(c) Depreciation			Cash at bank and on hand	13	2
Computer equipment	90	59		13	2
Office furniture	10	34			
Office equipment	12	9			
	112	102			
(d) Other expenses					
Conduct Division	52	9			
	52	9			
3. REVENUES					
(a) Sale of goods and services					
Sale of goods	12	11			
Rendering of services	115	110			
	127	121			
			For the purpose of the Statement of Cash Flows, cash includes cash on hand, cash at bank.		
			Cash assets recognised in the Statement of Financial Position are reconciled to cash at the end of the financial year as shown in the Statement of Cash Flows as follows:		
			Cash (per Statement of Financial Position)	13	2
			Closing Cash and Cash Equivalents (per Statement of Cash Flows)	13	2

Notes and forming part of the Financial Statements for the year ended 30 June 2002

	2002 \$'000	2001 \$'000
8. CURRENT ASSETS — RECEIVABLES		
Fringe Benefits Tax receivable	—	2
Sale of Goods and services	14	18
Other receivable including GST	47	31
Interest receivable	2	2
	<u>63</u>	<u>53</u>
9. CURRENT ASSETS — OTHER		
Prepayments		
Rent	—	30
SWRE Licence Renewal	34	—
Miscellaneous	19	35
	<u>53</u>	<u>65</u>

Trade debtors are required to settle within 30 days. Accounts receivable generally settled within 30 days are carried at amounts due. A provision is made for any doubtful debts based on a review of all outstanding amounts over 12 months. Bad debts are written off in the period they are identified. The Commission considers that the carrying amounts of trade debtors approximate their net fair values.

	2002 \$'000	2001 \$'000
10. NON CURRENT ASSETS — PLANT AND EQUIPMENT		
At Cost	1,364	1,045
	<u>1,364</u>	<u>1,045</u>
Accumulated Depreciation at Cost	925	813
	<u>925</u>	<u>813</u>
Written down value as at 30 June	<u>439</u>	<u>232</u>

Management considers the written down value to approximate market value as at 30 June 2002. The Commission continues to derive service potential and economic benefits from the following fully depreciated assets: Computer Equipment — 38 items, Office Equipment — 33 items, and Furniture & Fittings — 44 items.

Reconciliation

Reconciliation of the carrying amounts of plant and equipment at the beginning and end of the current and previous financial year are set below.

	2002 \$'000
At cost	
Balance 1 July 2001	1,045
Additions	319
Disposals	—
	<u>1,364</u>

	2002 \$'000	2001 \$'000
Accumulated depreciation		
Balance 1 July 2001	813	
Depreciation	112	
Disposals	—	
	<u>925</u>	
Balance 30/6/2002	<u>439</u>	
11. CURRENT LIABILITIES — PAYABLES		
Sundry Creditors	36	14
	<u>36</u>	<u>14</u>

	2002 \$'000	2001 \$'000
12. CURRENT LIABILITIES — EMPLOYEE ENTITLEMENTS AND OTHER PROVISIONS		
Recreation leave	184	145
Accrued salaries and wages	97	107
	<u>281</u>	<u>252</u>

	2002 \$'000	2001 \$'000
13. CHANGES IN EQUITY		
Accumulated Funds		
Balance as the beginning of the financial year	86	39
Surplus for the year	165	47
	<u>251</u>	<u>86</u>

	2002 \$'000	2001 \$'000
14. COMMITMENTS FOR EXPENDITURE		
Commitments in relation to non-cancellable operating leases are payable as follows:		
Not later than one year	426	414
Later than one year and not later than 5 years	979	1,327
Later than 5 years	—	—
	<u>1,405</u>	<u>1,741</u>

These operating lease commitments are not recognised in the financial statements as liabilities. Operating lease commitments relate to rent of the Commission's office and motor vehicles. A contingent asset of \$127,000 is contained within the aggregated lease commitments being the recoverable GST on these leases.

	2002 \$'000
15. CONTINGENT LIABILITIES	
The Commission has no contingent liabilities as at 30 June 2002.	

Notes to and forming part of the Financial Statements for the year ended 30 June 2002

16. BUDGET REVIEW

Net Cost of Services

The actual net cost of services exceeded budget by \$318,000. Revenue collections were \$108,000 higher than expected, because of special consultancies to the Youth and Adult Drug Courts. Additional revenue was also received to support the JADE project together with subscription charges for access to the Judicial Information Research System (JIRS) by private legal practitioners.

The higher than forecast expenditure was mainly attributable to salary and related expenses associated with the expansion of the Research and Sentencing Division. Treasury provided supplementation of \$264,000 to meet these costs. A further supplementation of \$150,000 was approved by Treasury to cover the costs of a Conduct Division investigation. The investigation had not concluded by year end and only \$52,000 was utilised.

Assets and Liabilities

Increase in net assets is a consequence of a combination of factors as reported in Notes 7 to 12 of the notes to the financial statements.

Cash Flows

Cash flows were moderately higher than anticipated in this reporting period because of those factors explained in Net Cost of Services.

17. RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET COST OF SERVICES

	2002 \$'000	2001 \$'000
Net Cash Flows from operating activities	330	62
Cash flows from Government	(3,582)	(2,980)
Acceptance by the Crown Entity of employee entitlements and other liabilities	(138)	(175)
Depreciation	(112)	(102)
Decrease/(increase) in provisions	(29)	1
Increase/(decrease) in prepayments and other assets	(2)	81
Decrease/(increase) in creditors	(22)	5
Net cost of services	(3,555)	(3,108)

18. FINANCIAL INSTRUMENTS

(i) Interest Rate Risk

Interest rate risk is the risk that the value of the financial instrument will fluctuate due to changes in market interest rates. The Commission's exposure to interest rate risks and the effective interest rates of financial assets and liabilities at 30 June 2002 are as follows:

	2002				2001			
	Floating interest rate \$'000	Non-interest bearing \$'000	Total carrying amount as per statement of financial position \$'000	Weighted average effective interest rate %*	Floating interest rate \$'000	Non-interest bearing \$'000	Total carrying amount as per balance sheet \$'000	Weighted average effective interest rate %*
(i) Financial Assets								
Cash	13	–	13	3.52	2	–	2	4.25
Receivables	2	114	116	N/A	2	116	118	N/A
Total financial assets	15	114	129	3.52	4	116	120	4.25
(ii) Financial Liabilities								
Accounts payable	N/A	36	36	N/A	N/A	14	14	N/A
Total financial liabilities	–	36	36	–	–	14	14	–

* The weighted average effective interest rate was calculated by averaging the monthly interest rates utilised by Treasury to calculate the interest payable on the positive balance of the Commission's operating account at the ANZ Bank.

(ii) Credit Risk

Credit risk is the risk of financial loss arising from another party to a contract/or financial position failing to discharge a financial obligation thereunder. The Commission's maximum exposure to credit risk is represented by the carrying amounts of the financial assets.

The Commission does not have any significant exposure to any individual debtor or creditor.

Notes and forming part of the Financial Statements for the year ended 30 June 2002

19. JOINT PROGRAMMES WITH AIJA

During the reporting period, the Commission in conjunction with the Australian Institute of Judicial Administration continued to operate joint bank accounts within the governments' financial framework. Treasury authorised this arrangement and a summary of the financial activities of this joint account is detailed below.

	2002 \$'000	2001 \$'000
Account 1		
Opening Balance 1 July	86	93
Income		
Seminar fees	65	44
GST on sales	5	5
Interest Received	4	5
Total Income	74	54
Expenses		
Salaries and Overtime	13	–
Fees for services	–	23
Accommodation expenses	49	31
GST to Commonwealth	2	5
Miscellaneous expenses	5	2
Total Expenses	69	61
Closing Balance 30 June	91	86
Account 2		
Opening Balance 1 July	72	73
Income		
Interest received	2	4
Total Income	2	4
Expenses		
Employee Related	4	–
Travel	2	–
Fees — Conference	4	–
Fees for Services	–	5
Training	1	–
Total Expenses	11	5
Closing Balance 30 June	63	72

The balance of funds in these accounts will be applied principally towards the ongoing presentation of a National Judicial Orientation Programme (A/c 1) and an Aboriginal Cultural Awareness Programme (A/c 2).

End of Audited Statements

Appendix 1 — Complaint handling process

The Commission examines complaints made against judicial officers. The Commission has no power to examine complaints against federal judicial officers or a person who is no longer a judicial officer.

Making a complaint

A complaint may be made to the Commission by any person or may be referred to the Commission by the Attorney General. The *Judicial Officers Act* requires that a complaint is in writing and that it identifies the complainant and the judicial officer concerned. The *Judicial Officers Regulation 2000* requires that the particulars of a complaint be verified by statutory declaration and that the complaint be lodged with the Chief Executive of the Commission.

If a person cannot write, he or she may visit the Commission and help will be provided to put the complaint in writing. If translation assistance from another language to English is required, the Commission will make arrangements for translation through the Translating and Interpreting Service.

The Commission publishes an information guide to assist members of the public to understand the Commission's complaint function. The Commission also has a standard form for lodging complaints.

Investigating a complaint

On receiving a complaint, the Commission is obliged to conduct a preliminary investigation into the matter. In every case, the judicial officer is advised of the fact that a complaint is made to the Commission and provided with a copy of the documentation.

The preliminary examination of all complaints must be undertaken by Commission Members at a properly constituted meeting of the Commission. The quorum for a meeting is seven Members, of whom at least one must be an Appointed Member. The Commission cannot delegate the preliminary examination of a complaint except to a committee, which must consist entirely of Members and include at least one Appointed Member.

The Commission conducts a thorough investigation of every complaint received, which often involves an examination of transcripts, sound recordings, judgments and other relevant material. If necessary, a response to the complaint is sought from the judicial officer.

Following its preliminary examination, the Commission must —

- summarily dismiss the complaint,
- classify the complaint as minor, or
- classify the complaint as serious.

Summary dismissal

A complaint may be dismissed summarily on one or more of a number of grounds under the Act. These grounds include where the Commission is of the opinion that there was available a satisfactory means of redress for dealing with the complaint, for example, where there is a right of appeal. The Commission is also required to summarily dismiss a complaint if the person complained about is no longer a judicial officer or where the matter is trivial, frivolous, vexatious or not in good faith. There are also other grounds for summary dismissal of complaints.

Classification: minor or serious

If a complaint is not dismissed by the Commission following the preliminary examination, it must be classified as either minor or serious.

The criterion for classifying a complaint as serious is that the grounds of complaint, if substantiated, could justify parliamentary consideration of the removal of the judicial officer complained about from office. Any other undismissed complaint is defined by the Act as minor.

In this way, the *Judicial Officers Act* draws a fundamental distinction between complaints about matters which could justify parliamentary consideration of the removal from office of a judicial officer, and other complaints. This statutory classification can sometimes give rise to misunderstandings, because complainants often regard matters as serious even if the complaint could not, viewed objectively, be considered as justifying parliamentary consideration of the removal of a judicial officer.

Where the complaint is classified as minor it may be referred either to the appropriate head of jurisdiction or to the Conduct Division. If the complaint is classified as serious it must be referred to the Conduct Division.

Outcome of a complaint

If a complaint is summarily dismissed by the Commission following its preliminary examination, both the complainant and judicial officer are advised in writing of this decision.

If the complaint is classified and referred to a Conduct Division for investigation, the Conduct Division is statutorily obliged to prepare a report of its findings. In relation to minor complaints, a Conduct Division reports on the matter to the Judicial Commission. Where the complaint is classified as serious, the report, setting out the Division's conclusions, is made to the Governor. In instances where a serious complaint has been wholly or partly substantiated and a Conduct Division is of the view that the matter may justify parliamentary consideration of the removal of the judge or magistrate from office, the Attorney General is required to lay the report before both Houses of Parliament.

The end result of a successful serious complaint against a judicial officer would be removal from office by the Governor on an address of both Houses of Parliament. In New South Wales, the holder of a judicial office can only be removed by the Governor on an address of both Houses of Parliament on the ground of proved misbehaviour or incapacity.

In relation to a successful minor complaint, the head of jurisdiction may counsel the judicial officer or make administrative arrangements within his or her court that are designed to avoid a recurrence of a problem.

The Commission's Role

The Commission's function, including the function of the Conduct Division, is to investigate a complaint, not to discipline a judicial officer. There is no power in the Commission or the Conduct Division, or the head of jurisdiction, to impose any form of punishment on a judicial officer. The Commission is not a disciplinary body and has not been invested with such powers. It cannot punish a judicial officer by imposing fines, demotions or similar penalties.

The Conduct Division's Role

The function of a Conduct Division of the Commission is to examine and deal with a particular complaint that has been referred to it by the Commission. The Conduct Division, when established, comprises a panel of three judicial officers, or two judicial officers and a retired judicial officer, who have the authority to undertake an investigation into a complaint against a judicial officer and who may convene a hearing in connection with such an investigation. The hearing of minor complaints is conducted privately whilst those relating to serious complaints are convened in public, although there is a discretionary power to conduct proceedings in relation to a serious complaint in private.

The ultimate power of a Conduct Division in relation to a complaint is to make a report to the Governor, setting out its findings as to whether the complaint that has been investigated is wholly or partly substantiated, and whether it could justify parliamentary consideration of the removal of the judicial officer from office.

Appendix 2 — Committees

EDUCATION COMMITTEES

Education Committees have been established in each court and meet on a regular basis to discuss:

- content and design of judicial education programmes
- evaluation results of judicial education programmes
- recommendations for change.

The Standing Advisory Committee on Judicial Education consists of representatives from each of the courts' Education Committees. It advises the Commission on matters of continuing judicial education, implements Commission policy and strategy, and, where appropriate, co-ordinates the activities of the Education Committees.

The Education Director, Ms Ruth Windeler, convenes Education Committee meetings and provides professional input to the committees.

Standing Advisory Committee

- The Honourable Justice Handley AO (Chair)
- The Honourable Justice Schmidt
- The Honourable Mr Justice Lloyd
- His Honour Judge Cooper
- His Honour Judge O'Meally AM RFD
- Deputy Chief Magistrate M S Jerram (until November 2001)
- Deputy Chief Magistrate H L Syme (from November 2001)
- Ms R Windeler

Supreme Court Education Committee

- The Honourable Justice Handley AO (Chair)
- The Honourable Justice Giles
- The Honourable Mr Justice Studdert
- The Honourable Justice Santow OAM
- The Honourable Justice Kirby (from December 2001)
- The Honourable Justice Sperling (until December 2001)
- The Honourable Justice Austin
- Master J K McLaughlin
- Ms N Johnston, Chief Executive Officer, Supreme Court
- Ms R Windeler

Industrial Relations Commission Education Committee

- The Honourable Justice Wright
- The Honourable Justice Walton
- The Honourable Justice Schmidt (Chair)
- Commissioner P J Connor
- Commissioner J McLeay
- Ms R Windeler

Land and Environment Court Education Committee

- The Honourable Mr Justice Lloyd (Chair)
- Commissioner T Bly
- Ms M Greenwood, Registrar, Land and Environment Court
- Ms R Windeler

District Court Education Committee

- His Honour Judge Cooper (Chair)
- His Honour Judge Shillington QC (until March 2002)
- His Honour Judge Knight
- His Honour Judge Taylor AM RFD (until June 2002)
- Her Honour Judge Karpin
- His Honour Judge Christie QC
- His Honour Judge Delaney
- His Honour Judge Goldring
- Mr J Feneley, Principal Courts Administrator, District Court
- Ms R Windeler

Compensation Court Education Committee

- His Honour Judge O'Meally AM RFD (Chair)
- His Honour Judge Geraghty
- His Honour Judge Neilson
- Her Honour Judge Ashford
- The Honourable Judge Walker
- Commissioner M A Wright
- Mr S D Davidson, Principal Courts Administrator, Compensation Court
- Ms R Windeler

Local Courts Education Committee

- Deputy Chief Magistrate M S Jerram (until November 2001) (Chair)
- Deputy Chief Magistrate H L Syme (from November 2001) (Chair)
- Senior Children's Magistrate and Deputy Chief Magistrate R Dive (until December 2001)
- Magistrate P Cloran (until December 2001)
- Magistrate I Barnett (until December 2001)
- Magistrate M MacPherson
- Magistrate J Linden (until March 2002)
- Magistrate H Dillon (until December 2001)
- Magistrate D Sweeney (from February 2002)
- Magistrate P Russell (from February 2002)
- Magistrate A George (from February 2002)
- Magistrate W Hunt (from February 2002)
- Magistrate R Day (from February 2002)
- Magistrate G Zdenkowski (from February 2002)
- Ms R Windeler

Cross-Cultural Training Committee

- The Honourable Mr Justice Studdert
- The Honourable Justice Schmidt
- His Honour Judge Goldring
- Magistrate D Kok (Chair)
- Mr S Kerkyasharian AM (Ethnic Affairs Commission)
- Ms R Windeler

Children's Court Education Committee

- Senior Children's Magistrate and Deputy Chief Magistrate R Dive (Chair)
- Magistrate J Crawford
- Magistrate C McRobert
- Magistrate S Mitchell
- Magistrate B Schurr
- Magistrate P Mulroney
- Dr G Schreiber (Director, Children's Court Clinic)
- Ms T Sheedy (Children's Court Registrar)
- Mr D Croke (Children's Court Registrar)
- Ms R Windeler (Education Director, Judicial Commission)

Joint Steering Committee with the AIJA — Aboriginal Cultural Awareness Programme

- The Honourable Justice Bell
- His Honour Judge Norrish QC
- Senior Children's Magistrate and Deputy Chief Magistrate R Dive
- Federal Magistrate S Scarlett RFD
- Magistrate D Dick
- Mr E Schmatt PSM
- Ms R Windeler
- Ms J Selfe
- Mr S Jarrett
- Mr B Thomas

Joint Steering Committee with the AIJA — National Judicial Orientation Programme

- The Honourable Justice Stein AM
- The Honourable Mr Justice Lloyd (Chair)
- The Honourable Justice Byrne RFD
- The Honourable Justice Dessau
- His Honour Judge Cooper
- His Honour Judge Wodak
- Mr E Schmatt PSM
- Professor G Reinhardt
- Ms R Windeler

BENCH BOOK COMMITTEES

Bench Book Committees, comprising judicial officers and Judicial Commission staff, are responsible for the content of bench books.

Criminal Trial Courts Bench Book Committee

- The Honourable Justice Sully (Chair)
- The Honourable Justice Greg James
- The Honourable Justice Howie
- The Honourable Acting Justice Carruthers
- The Honourable Acting Justice Smart
- His Honour Acting Judge Davidson QC

Local Courts Bench Book Committee

- Deputy Chief Magistrate M S Jerram (until November 2001)
- Deputy Chief Magistrate H L Syme (from November 2001)
- Magistrate I Barnett

Appendix 3 — Working with other organisations

Commission staff play an active role on committees of other organisations to assist the Commission achieve its corporate goals. Details of their involvements are:

Mr Ernest Schmitt PSM, Chief Executive,

is a member of the —

- Advisory Committee to the Commonwealth Judicial Education Institute, Halifax, Canada
- Standing Committee of Criminal Justice System Chief Executive Officers
- Sexual Assault Review Committee, Office of the Director of Public Prosecutions
- National Judicial Orientation Programme Joint Steering Committee
- Aboriginal Cultural Awareness Programme Joint Steering Committee
- Public Sector Chief Executive Officers' Executive Committee
- Smaller Agency Chief Executive Officers' Executive Committee

Mr Ivan Potas, Director Research and Sentencing,

is a member of the —

- Inter-departmental Information Technology Committee
- Senior Officers Committee to the Standing Committee of Criminal Justice System Chief Executive Officers
- Homosexual Advance Defence Monitoring Committee
- Circle Sentencing Working Party (Aboriginal Justice Advisory Council)
- Sexual Assault Review Committee, Office of the Director of Public Prosecutions
- Home Detention Research Steering Committee
- Non-association Place Restriction Legislation Committee
- Bail for Repeat Offenders Interagency Committee
- Repeat Offenders Senior Officers Group Committee
- Justice System Information Sharing Committee
- Justice Agency Data Exchange Committee

Ms Ruth Windeler, Education Director,

is a member of the —

- Executive Committee of the Continuing Legal Education Association of Australasia
- Organisation of Pacific Judicial Education Institutions
- National Judicial Orientation Programme Joint Steering Committee
- Aboriginal Cultural Awareness Programme Joint Steering Committee

Mr Stephen Cumines, Principal Research Officer,

is a member of the —

- Apprehended Violence Legal Issues Co-ordinating Committee
- Interagency Advisory Committee NSW Domestic Violence Pilot Perpetrator Programme
- NSW Alcohol Interlock Programme Interagency Steering Committee

Mr Theo Groenestein, Senior Project Officer (Lawcodes),

is a member of the —

- Inter-Departmental Information Technology Committee

Appendix 4 — Education topics 2001–2002

- Aboriginal English
- Aboriginal heritage in the Botanic Gardens
- Access to court and commission records
- Access to court records
- Access to justice
- Alternative dispute resolution
- An appellate review of recurrent issues for trial judges
- Appeal court review
- Aspects of judicial independence
- Assessing the credibility of witnesses
- Best practice
- Challenges of new forms of work
- Circle sentencing
- Civil law update
- Civil litigation and small claims
- Classification of prisoners
- Common pitfalls in decision making
- Commonwealth matters including sentencing
- Commonwealth offences
- Complaints against judicial officers
- Conflict between mining, wine growing and tourism in the Hunter Valley
- Consideration of recommendations of the working party into development appeals including application of expert witness practice direction
- Constitutional crisis in Fiji
- Court architecture and psychology – How architecture affects the outcomes
- Court craft
- Courtroom issues – judicial conduct
- Crimes (Sentencing Procedure) Act 1999
- Criminal law update
- “Cry from the Heart” film
- Dealing with disabilities (including housing for the aged and disabled)
- Decision making and judgment writing
- Disabilities in the courtroom
- Diversionary schemes and crime prevention programmes in indigenous communities
- Ethical considerations
- Family court matters
- Forensic document examination
- Gender awareness
- Healing justice – the Canadian experience
- Hurt on duty claims
- Independence and accountability
- Indigenous women, sexual assault and the politics of feminism
- Information technology
- Information technology update
- International Criminal Tribunal for the former Yugoslavia: a blueprint for successful interpreting practices in national courts
- Islamic culture
- Judgment writing
- Judicial administration
- Judicial skills: court craft
- Judicial skills: court craft in practice
- Judicial skills: decision making and communication
- Judicial skills: the role of attitudes and values
- Land & Environment Court review update
- Lifestyle Part I: Time management
- Lifestyle Part II: Psychological and physical health
- Maoris and the New Zealand legal system
- Meditation as a relaxing technique
- Mental health and alternatives to imprisonment
- New technology: An evaluation of Dragon Dictate voice activated software, electronic filing and electronic callovers and a JIRS update
- Performance management and the status of associates
- Problems in evidence
- Recent developments in corporate and commercial law
- Recent developments in criminal law
- Recurring themes (Court of Appeal)
- Sentencing
- Sentencing panel
- Sentencing workshops and report
- Social awareness issues: Migrants, interpreters, ethnicity and gender
- South Australian Industrial Relations Commission update
- Technology turn-on
- The Children and Young Persons (Care and Protection) Act 1998
- The Children’s Court
- The criminal jurisdiction of the Children’s Court
- The Evidence Act
- The MERIT Programme
- The new Local Courts Procedure Act
- The new South African Equality Act
- Time management
- Update in case management
- Urban design
- Using computers as a research and management tool
- What is a question of law?
- Workload Issues I — s 106 conferences
- Workload Issues II — Commissioners’ regionalisation
- Workshops on civil, criminal trials and family matters
- Youth insearch

Appendix 5 — Articles published by the Commission 2001–2002

- Her Honour Judge Balla, “Motor accidents scheme” (2001) 5(3) TJR 241
- Ms Jennifer Buckingham, “A changing Australia? An overview of the society in which courts operate” (2001) 13(10) JOB 74
- The Honourable Justice Chaskalson, “Human rights: The South African experience in the post-apartheid era” (2001) 5(2) TJR 155
- Mr Stephen Colbran, “Judicial performance, evaluation, promotion and salary packaging” (2002) 5(4) TJR 335
- Dr Sarah Edelman, “Managing stress: A cognitive behaviour therapy approach” (2002) 14(2) JOB 11
- The Honourable Justice Einstein, “Understanding the *Evidence Act 1995*” (2001) 5(2) TJR 81
- The Honourable Chief Justice Gleeson AC, “Valuing courts” (2001) 13(7) JOB 49
- Mr Andrew Haesler, “Sentencing review: The *Crimes (Sentencing Procedure) Act 1999*, 12 months on” (2001) 5(2) TJR 169
- The Honourable Justice Handley, “The Constitutional Crisis in Fiji” (2002) 5(4) TJR 287
- The Honourable Justice Heydon, “Commentary on Justice Einstein’s Paper” (2001) 5(2) TJR 123
- Mr David Hunt, “Child protection through offender registration” (2001) 13(9) JOB 65
- The Honourable David Hunt, “The position of the judge in the trial of international terrorism charges” (2002) 14(4) JOB 25
- Ms Rowena Johns and Dr Gareth Griffin, “Aggravated sexual assault in company: A brief overview of the new legislation” (2002) 14(2) JOB 9
- Mr Ian Kerridge, “Can ethics or evidence save medicine from itself?” (2002) 5(4) TJR 319
- Mr Ian Leader-Elliott, “The Commonwealth Criminal Code” (2001) 13(11) JOB 81
- Mr Ian Leader-Elliott, “The Commonwealth Criminal Code: An introduction to the general principles” (2002) 5(4) TJR 297
- Mr Geoffrey Lehmann, “The art of writing judgments” (2001) 5(3) TJR 275
- Ms Chrissa Loukas, “Pre-trial disclosure” (2001) 13(6) JOB 41
- The Honourable Justice Mason, “Unconscious judicial prejudice” (2001) 13(8) JOB 57
- The Honourable Justice Nicholson, “Litigants in Person” (2001) 5(2) TJR 181
- His Honour Judge Norrish QC, “Sections 60 and 136 of the *Evidence Act 1995 (NSW)*” (2001) 5(3) TJR 209
- Dr Peter Shea, “The lighting of fires in a bushland setting” (2002) 14(1) JOB 1
- The Honourable Mr Justice Sheller, “Aspects of judicial independence” (2001) 5(2) TJR 139
- The Honourable Mr Justice Sheller, “Statement of Judicial Conference of Australia regarding the Honourable Justice Michael Kirby AC CMG” (2002) 14(3) JOB 17
- The Honourable Chief Justice Spigelman AC, “Negligence: The last outpost of the welfare state” (2002) 14(5) JOB 33
- Dr Ludmila Stern, “At the junction of cultures — Interpreting at the International Criminal Tribunal for the former Yugoslavia in the light of other international practices” (2001) 5(3) TJR 255
- Ms Dinh Tran, “Vietnamese Community” (2002) 5(4) TJR 359

TJR — *The Judicial Review*

JOB — *Judicial Officers’ Bulletin*

Appendix 6 — Publications list

Research monographs

- 1 The use of custodial sentences and alternatives to custody by New South Wales magistrates, 1990 (available only as a photocopy)
- 2 Community service orders: Views of organisers in New South Wales, 1991
- 3 Community service orders and periodic detention as sentencing options: A survey of judicial officers in New South Wales, 1991
- 4 Sentencing juvenile offenders and the Sentencing Act 1989 (NSW): The impact of legislative and administrative changes in the Children's Court 1982–1990, 1991
- 5 A critical review of periodic detention in New South Wales, 1992
- 6 Sentencing drug offenders: Analysis of sentences imposed in the higher courts of New South Wales, 25 September 1989–31 December 1991, 1992
- 7 "Special Circumstances" under the *Sentencing Act* 1989 (NSW), 1993
- 8 Alcohol as a sentencing factor: A survey of attitudes of judicial officers, 1994
- 9 Sentence Indication Hearings Pilot Scheme, 1994
- 10 Sentenced homicides in New South Wales 1990–1993, 1995
- 11 The evidence of children, 1995
- 12 Judicial views about pre-sentence reports, 1995
- 13 The *Sentencing Act* 1989 and its effect on the size of the prison population, 1996
- 14 Magistrates' attitudes to drink-driving, drug-driving and speeding, 1997
- 15 Child sexual assault, 1997
- 16 Sentencing disparity and the gender of juvenile offenders, 1997
- 17 Sentencing disparity and the ethnicity of juvenile offenders, 1998
- 18 Periodic detention revisited, 1998
- 19 Sentencing drug offenders: Analysis of sentences imposed in the higher courts of New South Wales, 1 January 1992–31 December 1997, 1999
- 20 Apprehended Violence Orders: A survey of magistrates, 1999
- 21 Sentencing dangerous drivers in New South Wales: Impact of the Jurisic guidelines on sentencing practice, 2002
- 8 From murder to manslaughter: Partial defences in New South Wales, 1900 to 1993, December 1994
- 9 Common offences in the Children's Court, May 1995
- 10 Sentencing drink driver offenders, June 1995
- 11 "Sentenced to the rising of the court", January 1996
- 12 The use of recognizances, May 1996
- 13 Sentencing deception offenders Part 1, the local courts, June 1996
- 14 Sentencing deception offenders Part 2, the higher courts, October 1996
- 15 Driving causing death: Section 52A of the *Crimes Act* 1900, May 1997
- 16 An overview of sentence and conviction appeals in the New South Wales Court of Criminal Appeal, March 1998
- 17 Kidnapping — Section 90A *Crimes Act* 1900 (NSW), July 1998
- 18 Common offences in the higher courts 1990–1997, August 1998
- 19 Sentencing offenders in the local courts — effects of the *Criminal Procedure (Indictable Offenders) Act* 1995, February 2000
- 20 Sentencing female offenders in New South Wales, May 2000
- 21 Protective custody and hardship in prison, February 2001
- 22 Conviction and Sentencing Appeals in the NSW Court of Criminal Appeal 1996–2000, February 2002

Education Titles

- Children's Court Information Bulletin
- Fragile Bastion: Judicial independence in the nineties and beyond
- Judicial Officers' Bulletin (Vol 1–14)
- The Judicial Review (Vol 1–5)

Bench Books

- Civil Trials — Judicial essays and working papers
- Compensation Court Bench Book
- Criminal Trial Courts Bench Book
- Industrial Relations Commission Bench Book
- Land and Environment Court Bench Book
- Local Courts Bench Book

Brochures

- Complaints against judicial officers
- Judicial Commission of New South Wales
- Judicial Information Research System
- Judicial Information Research System: An invitation to subscribe
- The Judicial Review
- Presentation Pointers: Getting started and getting through your presentation
- Format for remarks on sentencing

Sentencing Trends

- 1 The Children's Court, March 1991
- 2 The impact of truth in sentencing: Part 1, the higher courts, March 1992
- 3 The impact of truth in sentencing: Part 2, the local courts, June 1992
- 4 Sentencing in the Court of Criminal Appeal, February 1993
- 5 Common offences in the local courts, March 1994
- 6 Common offences in the higher courts, July 1994
- 7 Sentencing homicide: The effect of legislative changes on the penalty for murder, June 1994

Appendix 7 — Visitors to the Commission

In 2001–2002 the Commission received a number of visits from judicial officers and other distinguished visitors from both interstate and overseas seeking to benefit from our experience. Delegations from China, Indonesia, Vietnam and other countries received demonstrations of JIRS, tours of the Commission's facilities and an explanation of the Commission's functions and activities. Many of the visitors to the Commission were particularly interested in discussing our use of technology to disseminate information to the judiciary, and our education programmes. Full details of visitors and delegations to the Commission in 2001–2002 are set out below.

Visitors

- Judge Ralph Zulman, Court of Appeals, South Africa
- Professor Neil Gold, Vice President, University of Windsor, Canada
- Mr Richard Moss, Director, New Zealand Institute of Judicial Studies
- Justice Marianna Sutadi, SH, Deputy Chief Justice, Supreme Court of Indonesia
- Mr A G Schott, Chief Magistrate, Tasmania
- Judge Anna-Kaisa Aaltonen, District Court, Helsinki, Finland
- Ms Ruth Ward, Constitutional Court Library, South Africa
- Mr John Grant, Department of Courts, New Zealand
- The Honourable Margaret Wilson, Attorney General of New Zealand
- Mr John K Numapo, Chief Magistrate, Papua New Guinea
- His Honour Judge Qian Wen Lu, President, Zhuhai Municipal Middle Court of Guangdong Province, People's Republic of China
- His Honour Judge Wu Shu Jian, Guangzhou Intermediate People's Court, People's Republic of China
- Chief Justice Lu Bo-Gao, High People's Court of Guangdong Province, People's Republic of China
- Chief Judge Zhuang Da Jun, The Intermediate Court of Shantou, People's Republic of China
- The Honourable Justice Mark Sevua, Judge of the Supreme and National Courts of Justice, Papua New Guinea
- The Honourable Justice Nicholas Kirriwom, Judge of the Supreme and National Courts of Justice, Papua New Guinea
- Mr Miles Young, Program Legal Counsel, International Development Law Institute
- Ms Cate Sumner, Senior Program Legal Counsel, International Development Law Institute
- His Honour Judge Pongdej Wanichkittikul, Chief Judge, Supreme Court, Thailand
- Her Honour Thin Khaing, District Judge, Yangon Southern District Court, Yangon Division, Myanmar
- Mr Afzal Hossain Ahmed, Secretary, Ministry of Law, Justice and Parliamentary Affairs, People's Republic of Bangladesh
- Mr Hasan Shaheed Ferdous, Director, Judicial Education and Training, Judicial Administration Training Institute, Dhaka, People's Republic of Bangladesh
- Mr Mantu Kumar Biswas, Senior Assistant Chief and Deputy Project Officer, Legal and Judicial Capacity Building Project, Ministry of Law, Justice and Parliamentary Affairs, People's Republic of Bangladesh
- Mr Abdus Salam, Chief Architect, Department of Architecture, People's Republic of Bangladesh
- Mr Nazmul Amin Majumdar, Personal Secretary to the Principal Secretary, Prime Minister's Office, Government of the People's Republic of Bangladesh
- Mr Dewan Shah Alam, Superintending Engineer, PWD and Head of the Core Team, Legal and Judicial Capacity Building Project, Dhaka, People's Republic of Bangladesh
- Mr Ewan Hawthorn, Justice of the Peace, Edinburgh, Scotland
- Ms Rima Das Pradhan, Manager, International Development, Education Australia
- Mr Windu Kisworo, SH, Capacity Building Division, Indonesian Center for Environmental Law, Indonesia
- Mr Chu Trung Dung LLM, Legal Expert, National Project Secretary, The Supreme People's Court, Vietnam
- Mr Marnus Steyn, Senior State Advocate, National Prosecution Services, South Africa
- Mr Pierre Huetter, Executive Officer, Centre for Democratic Institutions, Canberra
- Ms Candida Cosgriff, Judicial Administrator to the Chief Justice of New Zealand

Delegations

- 12 senior officials from the People's Procuratorates, Beijing, People's Republic of China (12 September 2001)
- 17 judges and senior officials from the Indonesia/Australia Specialised Training Project, Environmental Law and Enforcement (15 October 2001)
- 24 judges of the Beijing High Court (1 March 2002)
- 28 judges and lawyers from Indonesia, participating in the Indonesia/Australia Specialised Training Project, Environmental Law and Enforcement (8 May 2002)
- Committee from the Legislative Council of Indonesia examining the establishment of a Judicial Commission for Indonesia (9 May 2002)
- Six senior judges from the Supreme People's Court of Vietnam and the Chief of the Institute for Judicial Science of the Supreme People's Court of Vietnam. Delegation led by Deputy Chief Justice Dr Dang Quang Phuong (31 May 2002)
- 15 senior judges representing Cambodia, Indonesia, Myanmar, Pakistan, Papua New Guinea, Philippines, Sri Lanka, Thailand and Vietnam (19 June 2002)

Appendix 8 — Overseas visits

The Commission's Chief Executive and the Director, Information Systems, were invited to present a paper and demonstrate JIRS at the seventh National Court Technology Conference in Baltimore, USA in August 2001. The conference is the largest court technology conference held in the world and was attended by more than 3,500 delegates from over 40 countries. JIRS was the only Australian-developed technology invited to be demonstrated at this conference.

In February 2002 the Chief Executive was invited by the Judicial Studies Board, London, to present a paper and demonstrate the sentencing component of JIRS for a working group established to implement a sentencing support system for England and Wales. While in London, Mr Schmatt also had discussions with the Judicial Studies Board about its judicial education programmes and bench books.

Appendix 9 — Exchange of information

The Commission actively seeks to exchange information with other government agencies, academic institutions and individuals. Since its establishment, the Commission has built strong links with similar organisations in other countries in order to share knowledge and experience, particularly in the areas of judicial education and criminological research. This has proved to be a most valuable network and, as a result, the Commission now holds a wealth of information concerning these subjects.

In 2001–2002, the Commission had discussions and exchanged information with the following organisations:

Australia

- Aboriginal and Torres Strait Islander Commission
- Aboriginal Justice Advisory Council
- Administrative Decisions Tribunal
- Attorney General's Department (Cth)
- Attorney General's Department (NSW)
- Australian Bureau of Statistics
- Australian Federal Police
- Australian Institute of Criminology
- Australian Institute of Judicial Administration
- Australian Law Reform Commission
- Australian Legal Resources International
- Australian National University
- Bar Association of New South Wales
- Bureau of Crime Statistics and Research
- Centre for Democratic Institutions (ACT)
- Centre for Legal Education
- College of Law
- Commonwealth Director of Public Prosecutions
- Community Relations Commission
- Continuing Legal Education Association of Australasia
- Courts Administration Authority, South Australia
- Criminal Law Review Division, Attorney General's Department
- Department of Aboriginal Affairs
- Department of Agriculture
- Department of Corrective Services
- Department of Fair Trading
- Department of Information Technology and Management
- Department of Juvenile Justice
- Domestic Violence Advocacy Service
- Education Australia, International Division
- Federal Court of Australia
- Health Care Complaints Commission
- High Court of Australia
- Independent Commission Against Corruption
- Institute of Criminology, The University of Sydney
- Lake Macquarie City Council
- Law and Justice Foundation of New South Wales
- Law Institute of Victoria
- Law Society of New South Wales
- Legal Aid Commission
- Leo Cussen Institute (Vic)
- Macquarie University Law School
- Motor Accidents Authority
- New South Wales Health Department
- New South Wales Law Reform Commission
- New South Wales Police Service
- Office of the Director of Public Prosecutions (ACT)
- Office of the Director of Public Prosecutions (NSW)
- Office of the Premier of New South Wales
- Office of the Privacy Commissioner of New South Wales
- Ombudsman's Office of New South Wales
- Parliamentary Counsel's Office
- Premier's Department (NSW)
- Public Defenders Office (NSW)
- Roads and Traffic Authority
- The University of New South Wales Faculty of Law
- The University of Sydney Faculty of Law
- The University of Wollongong Faculty of Law
- Workers Compensation Commission

Overseas

- American Judicature Society
- Attorney General's Department, Papua New Guinea
- Commonwealth Judicial Education Institute, Halifax, Canada
- Commonwealth Magistrates' and Judges' Association, United Kingdom
- Commonwealth Secretariat, London, United Kingdom
- Continuing Legal Education Society of British Columbia, Canada
- Department for Courts, New Zealand
- High Court, Hong Kong
- Institute of Judicial Studies, New Zealand
- International Development Law Institute, Manila, Philippines
- The Judicial Education Reference, Information and Technical Transfer (JERITT) Project, Michigan, USA
- Judicial Studies Board, London
- Michigan Judicial Institute, United States of America
- National Centre for State Courts, Virginia, United States of America
- National Association of State Judicial Educators, Michigan, United States of America
- National Judicial Institute, Canada
- National and Supreme Courts of Papua New Guinea
- The Canadian Association of Provincial Court Judges
- The New Zealand Law Society
- Supreme Court of Indonesia
- Supreme Court of Appeal, South Africa
- The University of Strathclyde, Scotland

Appendix 10 — Papers on the Commission delivered at conferences

Staff at the Commission are also invited to present papers on the work of the Commission at a number of conferences and to visiting delegations. Details of these presentations are set out below:

- "The Sentencing Information System of the Judicial Commission of NSW." Presentation by the Chief Executive and Mr Murali Sagi at the Seventh National Court Technology Conference, Baltimore, USA, 14 and 16 August 2001.
- "The Role and Function of the Judicial Commission of New South Wales." Presentation by the Chief Executive for the Indonesia/Australia Specialised Training Project, Environmental Law and Enforcement, Sydney, 15 October 2001.
- "Using Computers as a Research and Management Tool." Presentation by the Chief Executive, Ms Joy Blunt and Mr Murali Sagi at the National Judicial Orientation Programme, Sydney, 22 October 2001.
- "The Sentencing Information System of the Judicial Commission of NSW." Presentation by the Chief Executive to the Judicial Studies Board, London, 21 February 2002.
- "The Role and Function of the Judicial Commission of New South Wales." Presentation by the Chief Executive to a delegation of judges from the Beijing High Court, People's Republic of China, 1 March 2002.
- "The Role and Function of the Judicial Commission of New South Wales." Presentation by the Chief Executive at the Indonesian Judges' Training Session on the Australian Legal System, Sydney, 11 March 2002.
- "Information Technology of the Judicial Commission of New South Wales." Presentation by the Chief Executive at the Judicial Training Programme for Indonesian Judges on the Australian Legal System, Sydney, 12 March 2002.
- "Continuing judicial education in New South Wales." Presentation by Ms Ruth Windeler to a delegation of Indonesian judges, Sydney, 28 March 2002.
- "The Role and Function of the Judicial Commission of New South Wales." Presentation by the Chief Executive for the Indonesia/Australia Specialised Training Project, Environmental Law and Enforcement, Sydney, 8 May 2002.
- "The Complaints Function of the Judicial Commission." Presentation by the Chief Executive at the Compensation Court Annual Conference, Katoomba, 17 May 2002.
- "The Role and Function of the Judicial Commission of New South Wales." Presentation by the Chief Executive at a seminar for visiting Vietnamese Supreme Court judges, Sydney, 31 May 2002.
- "The Role and Function of the Judicial Commission of New South Wales." Presentation by the Chief Executive at the International Development Law Institute's Judicial Administration and Reform Course, Sydney, 19 June 2002.
- "The Judicial Information Research System." Presentation by the Chief Executive and Mr Murali Sagi at the International Development Law Institute's Judicial Administration and Reform Course, Sydney, 19 June 2002.

Appendix 11 — Freedom of Information

As an “agency” under the *Freedom of Information Act* 1989, the Commission is required to publish particular information and to determine requests for access to, or amendment of, information that it holds.

The Commission published its Summary of Affairs on 28 December 2001 and 28 June 2002.

Categories of documents held by the Commission

Official documents of the Commission are stored in files that are held on the Commission’s premises.

These files fall into the following principal categories:

Administration

These files cover aspects of the Commission’s internal administration, including budget and finance matters, correspondence and accommodation. Education, research and computer related files are also held within the administration group.

Staff matters

These files relate to recruitment, staff training, staff personal files and salaries.

Contracts and tendering

The Judicial Information Research System has given rise to a number of documents, many of which still contain commercially sensitive material.

Commission matters

Minutes, agendas and business papers relating to meetings convened by and held at the Commission.

Complaints

Files and documents relating to complaints against judicial officers.

The Commission’s files are generally not available for inspection and documents in relation to complaints are subject to secrecy provisions and are thereby classed as exempt documents.

Access to documents published by the Commission

The following documents are available for inspection and purchase from the Commission’s Freedom of Information Co-ordinator:

- the Commission’s Summary of Affairs,
- the Commission’s Statements of Affairs, and
- the Commission’s Annual Report.

Access to documents for the purpose of alteration

The Commission holds no personal records of any member of the public. No arrangements exist for the public to change any documents held by the Commission. Staff (including former staff) do not need to use Freedom of Information to access their personal files.

Freedom of Information Report

Name of Agency	Judicial Commission of New South Wales
Period from	1 July 2001–30 June 2002
Agency reference number	1640
Number of FOI applications	Nil
Contact person	Mr Mario Devjak, Administrative Officer
Office location	Level 5, 301 George Street, Sydney 2000
Telephone	(02) 9299 4421
Facsimile	(02) 9290 3194
Email	judcom@judcom.nsw.gov.au
Website	www.judcom.nsw.gov.au
Office hours	8.30 am–5.00 pm

Glossary

- Appointed Member** — A non-judicial member of the Judicial Commission. See also Official Member.
- Bench Books** — Reference books for judicial officers.
- Complaint** — A complaint against a judicial officer about ability or behaviour, either made by a member of the public or referred to the Commission by the Attorney General.
- Conduct Division** — A special panel that examines a particular complaint referred to it by the Commission.
- Education Day** — Calculated on the basis of 5 to 6 instructional hours attended by a judicial officer.
- Help Desk** — A telephone service for judicial officers that provides assistance with all aspects of computer usage.
- JIRS** — see Judicial Information Research System.
- Judicial Commission** — 1. An independent statutory corporation established by the *Judicial Officers Act 1986*
2. The Appointed Members and Official Members, collectively.
- Judicial Information Research System (JIRS)** — An online legal reference tool for judicial officers, relevant government organisations and members of the legal profession.
- Judicial Officer** — As defined in the *Judicial Officers Act 1986*:
- a judge or master of the Supreme Court of NSW
 - a member of the Industrial Relations Commission of NSW
 - a judge of the Land and Environment Court of NSW
 - a judge of the District Court of NSW
 - a judge of the Compensation Court of NSW
 - the President of the Administrative Decisions Tribunal
 - a magistrate.
- The definition of judicial officer does not include retired judicial officers, Federal judicial officers, Chamber Magistrates, arbitrators or legal practitioners.
- Official Member** — A judicial member of the Judicial Commission.
- Pre-bench Training** — An induction programme for newly appointed judicial officers to assist them with their transition to the bench.

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