





Judicial Commission of New South Wales

The Commission is an independent statutory corporation based in NSW. We provide ongoing professional education for judicial officers, conduct a research program into sentencing law and practice, and examine complaints about a judicial officers' ability or behaviour.

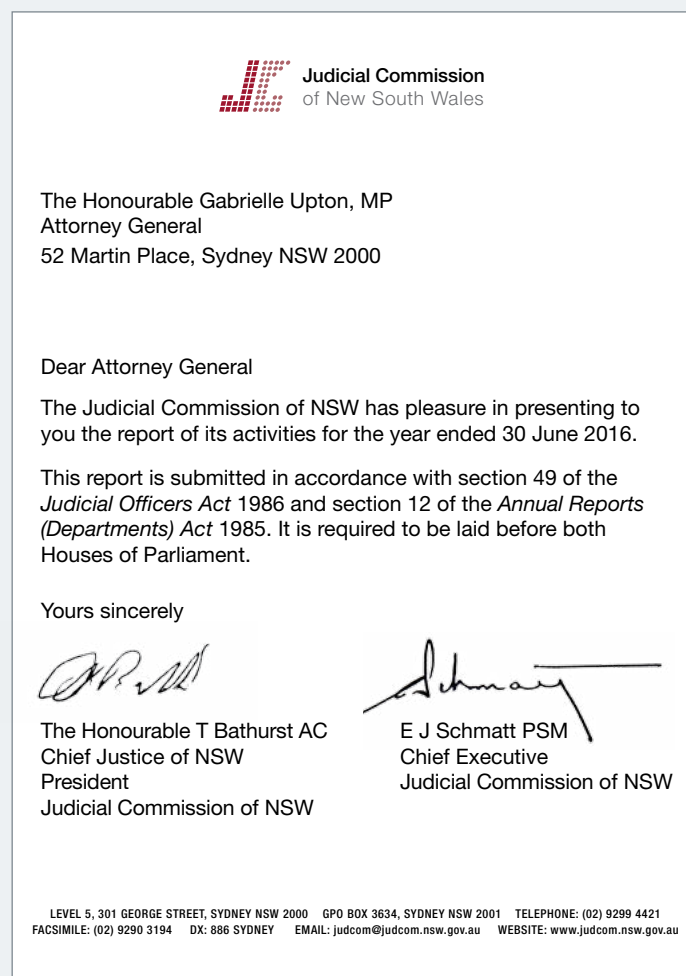
This annual report summarises the Judicial Commission's activities and performance for 2015–16. We also outline our strategic focus for 2016–17.

Our performance is measured against our statutory functions contained in the *Judicial Officers Act 1986*, our Strategic Plan, Operational Plan and targets.

This is our 29th annual report. Last year's annual report received a Gold Award in the 2016 Australasian Reporting Awards.

This annual report and previous reports are available on our website at: www.judcom.nsw.gov.au

Cover photo: Our cover photo is an interior light detail from Bathurst Courthouse. Built between 1877–1880, the Courthouse is a grand example of Victorian classical architecture, symbolising the prosperity of the Bathurst region at the time of construction and the significance of the colonial justice system. Design details throughout the annual report extrapolate from the cover photo.



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2015–16 highlights

At the Commission we are committed to supporting our mission, fostering our values and realising our vision. This year we:

Achieved 93% judicial satisfaction with the education program. Page 32 has more information.

Published a highly regarded study on sentencing for domestic violence offences in NSW. Page 50 has more information.

Began a pilot Integrated Criminal Case System Database for PNG. Page 71 has more information.

The Commission had a robust approach to governance: 10 Commission meetings and 4 Audit and Risk Management Committee meetings held. Pages 87 and 90 have more information.

Released a new app: the Judicial Commission Interactive Learning Resource (JCILR). Page 49 has more information.

Hosted a well received Community Awareness of the Judiciary Program in 2015. Page 69 has more information.

Achieved 96% staff satisfaction. Page 77 has more information.

Generated revenue of \$726,000 through contractual arrangements for the provision of goods and services. Page 99 has more information.

Part 1

Overview of the Commission

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The year in brief for 2015–16

The Commission fosters excellence in judicial performance through our program areas.

Financial result

NSW Treasury introduced cash management reforms in 2015–16 that reduced the Judicial Commission's cash reserves for this year. As a result, our financial result was a deficit of \$1.38 million. In future reporting periods, the Commission will continue to receive the usual government appropriations.

The Commission received an unqualified report for our financial statements from the Auditor-General of NSW.

See pp 101–103 for more information.

Part 2: Program 1 — Judicial education

Key results were:

- judicial skills, knowledge and attitudes were enhanced with 43 education sessions offered (last year: 39)
- 93% judicial satisfaction with our education program (last year: 92%)
- judicial officers were informed about changes to the law, community values, court practice and procedure with 34 publications produced (last year: 34).

A key challenge was:

- enhancing our support of newly-appointed judicial officers by designing and developing a revised pre-bench program, despite limited resources.

See pp 27–38 for more information.

Part 2: Program 2 — Research and sentencing

Key results were:

- judicial officers had access to current law to assist in their day-to-day decision-making with 1.64 million total page hits to the Judicial Information Research System, a 7% growth (last year: 1.53 million hits)
- judicial officers were informed about changes to criminal law and criminal practice and procedure
- judicial officers were promptly notified of changes in sentencing principles and practice.

A key challenge was:

- keeping up to date with a large volume of case law and new legislation.

See pp 39–50 for more information.

Part 2: Program 3 — Complaints

A key result was:

- timely acknowledgment and completion of preliminary examination of complaints with 78% of complaints examined within 3 months and 100% of complaints examined within 9 months.

A key challenge was:

- explaining to a disappointed complainant why their complaint was dismissed.

See pp 51–62 for more information.

Part 3 — Engaging with our partners

Key results were:

- the public was informed about our work and role in the justice system and our contribution to judicial performance
- government agencies had access to our statistical and legal information and we shared our knowledge
- we provided advice and shared information with the Hong Kong, Indonesian, PNG, Chinese, Japanese, and Tanzanian jurisdictions
- the Commission shared knowledge and experience with other judicial education providers.

A key challenge was:

- balancing our core work with requests for assistance from government agencies and other jurisdictions.

See pp 63–72 for more information.

Part 4 — Our people

Key results were:

- 96% staff satisfaction as measured in our annual internal staff survey
- staff turnover rate remained acceptable at 14%, reducing the risk of losing highly-skilled professionals
- a safe workplace with no workers' compensation claims or work health and safety breaches.

A key challenge was:

- encouraging busy staff to take up training opportunities.

See pp 73–82 for more information.

Part 5 — Our governance, policies and processes

Key results were:

- the Commission had robust governance: 10 Commission meetings and 4 Audit and Risk management committee meetings were held, and 2 internal audit reviews conducted
- the Audit and Risk Management Committee monitored the Internal Audit Plan 2015–16
- organisational responses to internal audit recommendations were well advanced
- the Commission had effective policies that ensured safety, security, confidentiality, access, availability, equity, risk management, integrity, compliance and assurance
- 8.6% reduction in our energy use.

A key challenge was:

- preparing for the office relocation in late 2016.

See pp 83–96 for more information.

See pp 97–122 for audited financial statements.

The year ahead for 2016–17

The Judicial Commission plans ahead to achieve our strategic outcomes.

As set out in the *Judicial Officers Act* 1986, the Judicial Commission's strategic and operational planning functions are to:

Provide a continuing judicial education and training program.

Assist the courts to achieve a consistent approach to sentencing in criminal cases.

Examine complaints against judicial officers.

Give advice to the Attorney General on matters the Commission thinks are appropriate.

Engage with our partners in connection with any of these functions.

Enter into contractual arrangements connected with our expertise in education and information technology.

Strategic planning process

The Chief Executive and executive team (the membership is described on p 21) continuously plan and monitor the performance of the Commission's operations:

- ensuring that we carry out our functions efficiently and effectively and that we are accountable for our actions
- reviewing the results and services that we have planned to achieve at the end of each month
- ensuring that risk management and auditing processes are properly understood and managed
- setting and reporting on strategic goals
- monitoring contractual arrangements we have entered into.

The Chief Executive meets with the Commission (the membership is described on p 18) monthly to report on the progress of operations, outcomes and targets.

Outcomes we expect to achieve within these key statutory focus areas for 2016–17 are outlined below

Providing judicial education

We plan to:

- publish educational reference material to keep judicial officers informed about case law and legislative developments and changes to practice, procedure and community values
- expand our online education capability by introducing webinars and online programs to engage with judicial officers in remote areas in between face-to-face education opportunities
- develop content, for the Judicial Council on Cultural Diversity, for a cultural diversity program to be rolled out nationally as an interactive online judicial education package
- hold a series of skills-based programs to support and educate our judicial officers in key areas such as judgment writing, communication and well-being
- introduce a new digital publishing platform to enhance access to our growing number of publications.

Providing research and sentencing information

We plan to:

- maintain the currency, accuracy and relevance of JIRS to inform judicial officers and legal practitioners of legal developments in criminal law, practice and procedure
- develop interactive learning modules on sentencing to be available as a component of JIRS and a stand-alone app
- publish 2 *Sentencing Trends & Issues* papers and regular updates to the *Criminal Trial Courts Bench Book* and the *Sentencing Bench Book* so that judicial officers have access to the latest sentencing principles, practice and procedure, and jury directions
- publish a research study on how sentencing courts should use comparable cases and statistics.

Examining complaints

We plan to:

- finalise the majority of complaints that do not require further examination within 90 days and the preliminary examination of all complaints within 12 months
- monitor trends in complaints to develop education sessions covering procedural fairness, avoiding bias, judicial communication, court craft, domestic violence and sexual assault hearings, and cultural diversity training.

Assisting other government agencies

We plan to:

- respond to requests for research and sentencing information from NSW law and justice agencies.

Engaging with our partners

We plan to:

- conduct a fifth Community Awareness of the Judiciary Program to raise awareness of the work of judicial officers and the courts in NSW
- work with international partners including the Association for Continuing Legal Education, the International Organization for Judicial Training, the Commonwealth Judicial Education Institute and the Commonwealth Secretariat
- work with the Judicial Commission of Indonesia further to the memorandum of understanding signed in the last financial year.

Entering into contractual arrangements

We plan to:

- finalise the pilot Integrated Criminal Case System Database for the law and justice sector of Papua New Guinea
- continue to host and maintain the Queensland Sentencing Information Service, the Commonwealth Sentencing Database, the ACT Sentencing Database, the PNG Sentencing Database, and the NSW Drug Court and Forum Administration Systems.

Performance results for 2014–16

Result	Measure	2014–15 result
Program 1: Providing judicial education		
Judicial officers informed about changes to the law, community values, court practice and procedure	Maintain/increase number of publications	34 publications
	Maintain/increase number of specialised education sessions offered	39 education sessions
	Education sessions assisted judicial officers to reach the national standard* of 5 judicial education days each year	4.3 days offered 3.7 days undertaken
Judicial skills, attitudes and knowledge enhanced	Maintain/increase ratings that our services provide judicially relevant and stimulating education and information	80% of participants satisfied that sessions relevant and applicable and 71% satisfied that sessions enhanced knowledge and capability
Judicial officers satisfied with their education	Maintain/improve satisfaction rates from last year	92% overall satisfaction
Judicial officers satisfied with skills based workshops	Maintain/improve satisfaction rates from last year	93.5% overall satisfaction
Program 2: Providing research and sentencing information		
Judicial officers had access to current law to assist in decision making	Maintain/increase use of Judicial Information Research System (JIRS)	127,302 average page hits each month
Judicial officers promptly informed about changes to criminal law and criminal practice and procedure	Maintain accuracy of legislation by weekly updates; update judgments on a daily basis; maintain bench books to reflect significant changes to the law; maintain email alert service	<ul style="list-style-type: none">218 recent law items posted on JIRS163 summaries of select appeal decisions published on JIRS3 updates to <i>Criminal Trial Courts Bench Book</i>
Judicial officers promptly notified of changes in sentencing law and practice	Maintain legal accuracy of sentencing principles and practices component of JIRS	3 updates to <i>Sentencing Bench Book</i>
		Sentencing principles in <i>Sentencing Bench Book</i> linked to new cases and legislation
Accurate sentencing information available to judicial officers	Maintain sentencing statistics on JIRS on the range and frequency of penalties imposed in similar cases	Sentencing data received, audited and loaded on JIRS within 4 months of receipt
	Maintain information about sentences that other judicial officers have given in similar circumstances	Published 55 summaries of significant appeal decisions in the <i>Judicial Officers' Bulletin</i>
Information about sentencing communicated	Maintain/increase publication of sentencing trends, research papers and monographs	2 <i>Sentencing Trends & Issues</i> papers and 1 research monograph published
	Provide information in response to requests for specific sentencing issues	15 research requests from judicial officers and 25 non-judicial enquiries responded to
Judicial officers informed about sentencing options and rehabilitation facilities for offenders	Maintain current information about service providers in services directory on JIRS	Done
JIRS improved to meet judicial officers' needs	Maintain/increase number of improvements to JIRS	6
Program 3: Examining complaints		
Finalised majority of complaints received during the year	Maintain percentage of complaints examined and finalised during the year	Examined 95% of complaints received during the year
Timely acknowledgment and completion of preliminary examination of complaints	Maintain/decrease time taken to conduct preliminary examination of complaints	Examined 82% of complaints within 3 months and 100% of complaints within 6 months
	Maintain time taken to formally acknowledge complaints received	100% of complaints received acknowledged within 5 working days
High standard of judicial performance	Compare number of complaints to number of court matters finalised during the year	350 judicial officers in NSW heard around 700,000 court matters in 2014–15. 59 complaints made about 50 judicial officers
	Compare number of complaints dismissed under section 20 of the <i>Judicial Officers Act</i> 1986 with complaints that require further action	89% of complaints (49 of 55) were summarily dismissed under section 20 of the <i>Judicial Officers Act</i> 1986 Only 6 complaints required further action
	Maintain accessible information about complaints process	Information about the complaints process and how to make a complaint was provided in the annual report, on our website, and in brochure form
		Responded to 523 requests for information.
Independence of judicial officers maintained	Complaints process demonstrates integrity of complaints function	Commission examined all complaints according to statutory criteria and established protocols
Information gathered from the complaints process used to develop education sessions for judicial officers	Monitor and analyse trends in complaints to feed into education sessions	42% of complaints arose from allegations of failure to give a fair hearing. 29% of complaints arose from allegations of bias

* See Appendix 3 for explanation of national standard.

2015–16 target	2015–16 result	2016–17 target	Status
34 publications	34 publications	34 publications	✓
35 education sessions	43 education sessions	34 education sessions	↑
5 days offered 5 days undertaken	5.8 days offered 5 days undertaken	5 days offered 5 days undertaken	↑
			✓
80% of participants satisfied that sessions relevant and applicable and 70% satisfied that sessions enhanced knowledge and capability	81% of participants satisfied that sessions relevant and applicable and 80% satisfied that sessions enhanced knowledge and capability	80% of participants satisfied that sessions relevant and applicable and 70% satisfied that sessions enhanced knowledge and capability	↑
85% overall satisfaction	93% overall satisfaction	85% overall satisfaction	↑
85% overall satisfaction	100% overall satisfaction	85% overall satisfaction	↑
110,000 average page hits each month	136,324 average page hits each month	112,500 average page hits each month	↑
n/a	<ul style="list-style-type: none">209 recent law items posted on JIRS205 summaries of select appeal decisions published on JIRS5 updates to <i>Criminal Trial Courts Bench Book</i>	n/a	↓
		n/a	↑
		<ul style="list-style-type: none">3 updates to <i>Criminal Trial Courts Bench Book</i>	↑
3 updates to <i>Sentencing Bench Book</i>	3 updates to <i>Sentencing Bench Book</i>	3 updates to <i>Sentencing Bench Book</i>	✓
Sentencing principles in <i>Sentencing Bench Book</i> linked to new cases and legislation	Sentencing principles in <i>Sentencing Bench Book</i> linked to new cases and legislation	Sentencing principles in <i>Sentencing Bench Book</i> linked to new cases and legislation	n/a
1–4 months	Sentencing data received, audited and loaded on JIRS within 4 months of receipt	1–4 months	✓
	Published 55 summaries of significant appeal decisions in the <i>Judicial Officers' Bulletin</i>		✓
3 studies	2 <i>Sentencing Trends & Issues</i> papers published	3 studies	↓
n/a	10 research requests from judicial officers and 21 non-judicial enquiries responded to	n/a	n/a
n/a	Done	n/a	✓
6	14	5	↑
	Examined 93% of complaints received during the year		↓
Examine 90% of complaints within 6 months; 100% within 12 months	Examined 78% of complaints within 3 months and 100% of complaints within 9 months	Examine 90% within 6 months; 100% within 12 months	↓
100% of complaints received acknowledged within 5 working days	100% of complaints received acknowledged within 5 working days	100% of complaints received acknowledged within 5 working days	✓
n/a	350 judicial officers in NSW heard around 700,000 court matters in 2015–16. 44 complaints about 38 judicial officers made	n/a	n/a
n/a	98% of complaints were summarily dismissed under section 20 of the <i>Judicial Officers Act</i> 1986 No complaints required further action	n/a	n/a
	Information about the complaints process and how to make a complaint was provided in the annual report, on our website, and in brochure form		✓
n/a	Responded to 441 requests for information	n/a	n/a
n/a	Commission examined all complaints according to statutory criteria and established protocols	n/a	n/a
n/a	45% of complaints arose from allegations of failure to give a fair hearing 25% of complaints arose from allegations of bias	n/a	n/a

Legend
✓ target achieved ↓ target not achieved ↑ target/output increased

Our profile

Who we are

The Judicial Commission of NSW is an independent statutory corporation established under the *Judicial Officers Act 1986*. We report to the Parliament of NSW.

What we do

Judicial officers make decisions each day which can have a profound impact on a person and on business. A judicial decision can send a person to gaol or otherwise affect a person's liberty, reputation and family relationships, or prevent or create financial hardships.

To ensure that judicial decision making is based on current law and that judicial knowledge and skills are of the highest calibre, we provide an education program for the judicial officers of NSW, and publish information about the criminal law and sentencing to assist the courts to achieve consistency in imposing sentences. We examine complaints about a judicial officer's ability or behaviour. We also share our knowledge and experience with the global network of judiciaries and judicial education providers.

Our governance

An independent Commission of 10 members provides governance and examines all complaints. The Chief Executive, supported by a Deputy Chief Executive and 2 directors, is responsible for our daily operations. See pp 18–22 for their profiles and achievements.

Our vision

The people of NSW will have confidence in the exceptional ability and performance of judicial officers.

Our mission

To promote the highest standards of judicial behaviour, performance and decision making.

Our values

Connecting — to work constructively and cooperatively with our partners.

Professionalism — to be recognised for our integrity, independence, and the high quality services we deliver.

Enhancement — to continually evaluate and improve the way we deliver our programs.

Sustainability — to be aware of the way our operations and programs impact on people, the environment and the economy.

Our partners

We provide services to the judicial officers and people of NSW, the courts, the legal profession, other justice sector agencies, law libraries and law students. We share our experience with other Australasian and overseas judicial education providers.

Our structure

The Commission has 3 operational areas — judicial education, research and sentencing, and complaints. See our organisation chart on p 11.

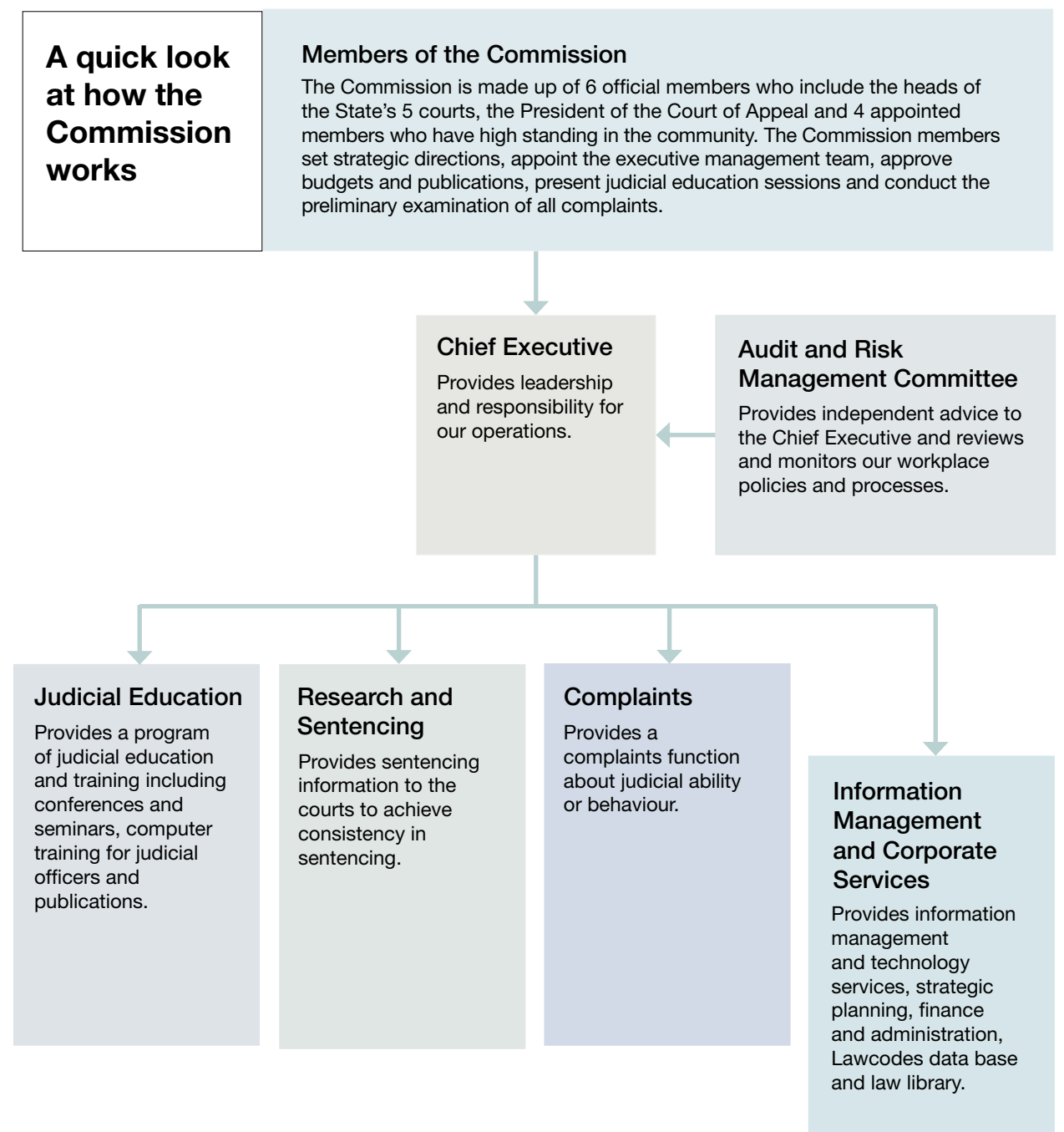
Our resources

32.6 full-time equivalent staff at the Judicial Commission at 30 June 2016.

\$3.75 million (last year: \$5.247 million) revenue from the NSW government. This year the NSW Treasury cash management reforms reduced the recurrent budget allocation for the year by over \$1.1 million leading to a reduction in the Commission's cash reserves.

\$738,000 from other revenue including \$726,000 in self-generated revenue — see p 24.

Our organisational structure



Our history



The Judicial Commission began operating in October 1987 in the historic Chief Secretary's Building on the corner of Bridge and Macquarie Streets, Sydney.

1985

- Controversies involving judicial officers in Australia are widely reported in the media.

1986

- Professor Vinson's report on sentencing published. The report raised claims that a District Court judge was unjustifiably lenient in sentencing offenders and there was systematic disparity in sentences imposed for drug offenders.
- The NSW Government announced plans to establish a Judicial Commission in response to a perceived crisis in public confidence in the judiciary. The *Judicial Officers Act* 1986 commenced in December 1986. The Commission combines a complaints function with educational and sentencing functions.

1987

- The *Judicial Officers Act* is amended to establish the Commission as an independent statutory authority. Operations commence in October when the first staff members are appointed.
- The Commission plans for its professional development programs which will be provided to 220 judicial officers in NSW; 95% are men; 5% are women.

1988

- Conference and seminar program commenced and first issue of the monthly *Judicial Officers' Bulletin* published.
- Commenced development of Sentencing Information System (SIS), a database to help judicial officers improve consistency in approach to sentencing.

1990

- Chief Justice Gleeson, the Commission's President, launched SIS.

1996

- SIS re-engineered and expanded to include information relevant for all courts. SIS renamed the Judicial Information Research System (JIRS).

1998

- For the first time, a judge addressed Parliament after a Conduct Division reported to the Governor recommending Parliamentary consideration of his removal from office. Parliament voted not to remove the judge.
- Judicial Officers Act* amended to increase lay membership of Commission from 2 to 4.
- The Commission provided professional development to 251 judicial officers; 85% are men; 15% are women.

2001

- Lord Justice Robin Auld, senior presiding judge for England and Wales, in a report to the United Kingdom Parliament, described JIRS as a "world leader in this field".

2006

- Sentencing Bench Book* and *Equality Before the Law Bench Book* published.

2007

- Judicial Officers Act* amended to provide for lay representation on a Conduct Division. Parliament to nominate 2 lay members to sit on Conduct Divisions when established by Commission.
- Civil Trials Bench Book* published.
- Commission programs provided professional development to 278 judicial officers; 73% are men; 27% are women.

2010

- All Commission bench books are now publicly accessible on our website.

2011

- Two separate Conduct Divisions reported to the Governor that they had formed the opinion that Parliamentary consideration be given to removal of 2 magistrates from office. Each magistrate separately addressed Parliament. Parliament voted against removal.

2012

- NSW Government issued all magistrates with iPads™. Commission developed the JIRS app for Apple® iPad™ users.
- First Community Awareness of the Judiciary Program run as a public education strategy.
- The Commission provided professional development to 350 judicial officers; 74% are men; 26% are women.

2013

- Bench books and other publications now exclusively available online for magistrates.

2014

- The Commission provided services to 346 judicial officers; 68.5% are men; 31.5% are women.

2015–16

- The Commission develops a Sentencing Database for the Papua New Guinea Law and Justice sector.
- Launched the Interactive Learning Resource (JCILR) app to promote interactive learning.

President's foreword

I am pleased to provide the foreword to the Judicial Commission's 29th Annual Report.



The Honourable Tom Bathurst AC
Chief Justice of NSW and President, Judicial Commission of NSW
(Photo © Alan Pryke)

The Judicial Commission has proven itself to be an invaluable institution for the maintenance of public confidence in the NSW judiciary. It enhances the capacity of the judiciary to administer the law in an accountable and informed way through examining complaints against judicial officers, organising and supervising judicial education and training programs and providing up-to-date research and sentencing information. I have personally benefitted from both the education and training opportunities provided by the Commission this year, as well as the research it has conducted, including that available on the Judicial Information Research site (JIRS), bench books and papers on sentencing trends and issues. As always, this Annual Report provides a helpful summary of the

Judicial Commission's activities and performance this year as well as its strategic focus for next year.

The Commission has continued to excel in the field of judicial education, exceeding its targets set for the number of judicial education sessions conducted and the satisfaction of participants in these sessions. The Commission ran 43 education sessions this year, including conferences, seminars and computer training. The sessions were a great success, with 81% of participants satisfied that the sessions were relevant, 80% satisfied that the sessions enhanced their knowledge and capability, 93% of judicial officers satisfied with their education and 100% satisfied with the Commission's skills-based workshops.

The Commission has also continued to provide comprehensive, reliable and accessible research to judicial officers and practitioners through the JIRS website. The use of the site continued to grow this year, with 136,324 average page hits each month. The Commission has also maintained its commitment to improve the site to meet the needs of judicial officers. This year, the Commission launched an interactive learning module for judicial officers, featuring evidence scenarios. The Commission has also re-developed its website, which launched on 4 July 2016, in order to ensure easy access to a diverse range of publications and sentencing information.

This year, complaints against judicial officers have fallen to 44, with 98% of complaints summarily dismissed. This statistic attests to the high standard of judicial performance in NSW, as well as to the hard work of the Commission in handling complaints in a consistent and timely manner.

Community engagement continues to be an important focus for the Commission. Of particular note, the Ngara Yura program takes a multi-faceted approach in order to raise judicial awareness of Aboriginal culture and interactions with the criminal justice system. During the year, the program offered judicial officers community visits, seminars and publications designed to promote cross-cultural understanding. In September 2015, the fourth Community Awareness of the Judiciary Program was run, providing community representatives with the opportunity to learn more about the work of judges and magistrates and to highlight the complexities of the judicial task. This year, the Commission also engaged with the Rule of Law Institute to provide educational resources for high school students.

A cultural diversity online training program for judicial officers, developed in partnership with the Judicial College of Victoria, the National Judicial College, the Australasian Institute for Judicial Administration and the Family Court of Australia, is nearing completion and is expected to be launched in 2017. The focus of the program is on ensuring that there is an effective and consistent administration of justice across Australia's multicultural society. The program demonstrates the judiciary's commitment to diversity and to catering to Australia's multicultural population.

The Commission has continued to build on and develop relationships with its partners both domestically and internationally. Working with its partners in Australia, New Zealand, Papua New Guinea, the Asia-Pacific region and some African countries has continued to be an important part of the Commission's mission and forward focus. The Commission has shown commitment to promoting mutual cooperation and sharing expertise and experience with its national and international partners. In 2015, the Commission signed a memorandum

of understanding with the Judicial Commission of Indonesia. The Commission has also commenced the development of a pilot Integrated Criminal Case System Database for the Supreme and National Courts of Papua New Guinea. The Database will be able to track and monitor cases from the time that an offender is charged by police to the time that a penalty is given.

Consistent with its track record of combining innovative technology with judicial education, the Commission is also working towards integrating technology with learning opportunities, including by developing online learning through webinars, developing interactive learning modules as both a stand-alone app and as a component of JIRS and re-launching the Commission's website to promote accessibility.

I wish to extend my personal thanks to the Commission's executive team, Ernest Schmitt, the Chief Executive; Murali Sagi, the Deputy Chief Executive; Hugh Donnelly, the Director of Research and Sentencing; and I welcome Una Doyle, who was appointed Education Director in December 2015. I would also like to express my thanks to Ruth Windeler, who left the Commission in November 2015. I thank Ruth for all the hard work that she has done as Education Director over 19 years. I extend my thanks to all of the judicial officers who contributed their time and energies to the Commission's work. That the Commission achieves the exceptional quality and quantity of outcomes that it does is entirely attributable to their hard work and dedication. I congratulate the Commission on another year of success.

The Honourable TF Bathurst AC
Chief Justice of NSW
President

Chief Executive's message

I am pleased to present my report on the Judicial Commission's results for 2015–16, identify challenges we have faced in our operating environment, and flag directions for next year.



Ernest Schmatt PSM
Chief Executive, Judicial Commission of NSW

Focus for this year

While our mission has not changed since our inception in 1986 — promoting the highest standards of judicial behaviour, performance and decision-making — how we realise our mission in a technologically fast-changing environment has dramatically altered. One of the Commission's core functions is to provide legal and sentencing information. Identifying and refining the most efficient ways to analyse and deliver this information is a key focus. During the year we released an Interactive Learning Resource App designed to educate judicial officers and legal professionals about the different types of evidence used in sexual assault trials, a complex area of the law. This educational tool allows users to practise making decisions in simulated scenarios. The user can compare their answers with the scenario author's responses and other users.

Key challenge

Due to the redevelopment of Wynyard Station Precinct, Sydney, the Commission has had to plan for an office relocation in late 2016. Considerable effort has gone into identifying a new location, office design and logistical planning for the move.

Providing judicial education

Attendance at education sessions this year achieved the benchmark with judicial officers individually taking up 5 days of education during the year. Judicial satisfaction with our judicial education programs remains very high at 93%.

Our Education Director of 19 years, Ruth Windeler, retired in April 2016. I thank Ruth for her almost two decades of service to the Commission and the judicial officers of NSW. I also welcome our new Education Director, Una Doyle, who comes to the Commission with over 20 years' experience working in legal professional development and education.

Providing research and sentencing information

Over the past decade there has been an increased awareness of the causes, characteristics and impact of domestic violence. This has led to a number of State and Commonwealth legislative and policy initiatives. During the year we published a major research study that comprehensively reviews the sentencing principles that apply in cases of domestic violence, examines the most common offences committed in a domestic violence context and discusses recent legislative initiatives.

The Judicial Information Research System (JIRS) continues to be a world leader in the field of legal databases. JIRS provides online modules of reference material for judicial officers presiding over trials or sentencing hearings. Being innovative in how we deliver the information contained in JIRS ensures that the database is current, timely and easy to access for its users. During the year, we developed 14 enhancements to JIRS. An improved version of the JIRS Resources App was released on the App Store and Google Play. The statistics and summaries components of JIRS have been modified to show more detailed information on offences in response to a 2015 decision of the High Court of Australia. Development is underway for a new component of JIRS to make available a database of Court of Criminal Appeal decisions which can be filtered based on offence and offender characteristics.

Examining complaints

Complaints received this year were at a 5-year low. Most complaints were summarily dismissed following the preliminary examination. This demonstrates the high standard of judicial ability and conduct in NSW and people's willingness to accept decisions if they are made in accordance with the due process of the law.

Engaging with our partners

In December 2015, we signed a memorandum of understanding with the Judicial Commission of Indonesia in Jakarta to share expertise and experience in judicial education, information technology and complaint handling processes. This will also enable exchange visits between the 2 organisations. I represented the Commission at the 7th International Conference on the Training of the Judiciary in Rio de Janeiro, Brazil in November 2015 as an elected member of the Board of Governors and member of the Board of Executives of the International Organization for Judicial Training. International conferences such as this allows the Judicial Commission to benchmark against like organisations and bring home world's best practice. The Commission is developing an Integrated Criminal Case System Database (ICCSDB) for the Papua New Guinea Law and Justice Sector. This follows our successful development of a sentencing database for PNG which is now fully operational.

Our people

Based on our annual staff survey, staff satisfaction has increased to 96%. During the year, the Commission joined an external employee assistance program for staff to access on a needs-basis.

Our governance, policies and processes

Mr Nihal Gupta's 3-year term as a member of the Commission finished in August 2015. I thank Mr Gupta for his contribution to the Commission. I welcome and look forward to working with Mr Yair Miller, the new Commission member, who has over 15 years' experience at board and senior management level in the corporate, not-for-profit and government sectors.

The financial result

The NSW Treasury cash management reforms reduced the Commission's cash reserves resulting in a deficit of \$1.347 million this year. While there was a 26.7% decrease in revenue mainly due to reduced appropriation, we contained our expenses with a 5.4% decrease. Operating in an environment of tight budgetary restraint means we are continually looking to implement efficiency improvements and savings.

The year ahead

The Commission will relocate our office at the end of 2016. Our judicial education focus will be on expanding online education capability by introducing webinars as an effective way to engage with judicial officers in remote areas. As part of our Ngara Yura Program, we will plan a community visit to rural NSW. The research and sentencing focus will be to publish a study on the use of appeal cases and statistics in sentencing. We will develop smarter methods for accessing legal and statistical information from JIRS. We will also interact with the Judicial Commission of Indonesia in accordance with the Memorandum of Understanding.

My thanks

The Commission's success each year could not be achieved without the invaluable leadership of the Commission members and the many judicial officers who serve on education committees and assist in the design, delivery and evaluation of our education sessions and research publications. I sincerely thank them for their efforts. I also thank the Commission's diligent and loyal staff, the majority of whom have had more than 10 years' service.

Ernest Schmatt PSM
Chief Executive
Judicial Commission of NSW

Judicial Commission members

The Commission members provide the leadership necessary to achieve our strategic directions and goals. The Commission has 6 official members and 4 appointed members.

Official members

The heads of the State's 5 courts as well as the President of the Court of Appeal of NSW are the official members. The Chief Justice of NSW is the Judicial Commission's President.

Appointed members

The Governor of NSW appoints 3 people who, in the Attorney General's opinion, have high standing in the community. The fourth is a legal practitioner appointed following consultations between the Attorney General and the Presidents of the Law Society of NSW and Bar Association of NSW. The responsibilities of the Judicial Commission's members are outlined on p 86.

Figure 1 on p 22 illustrates the link between the Commission members and the executive team.

Our president



The Honourable Tom Bathurst AC

Chief Justice of NSW — commenced 1 June 2011

Chief Justice Tom Bathurst was admitted as a solicitor in NSW in 1972 and admitted to the NSW Bar in 1977. He was appointed Queen's Counsel in 1987 and Chief Justice of NSW in 2011.

He was President of the Australian Bar Association (2008–09) and President of the NSW Bar Association (2010–11). The Chief Justice was also a Member of the Commonwealth Takeovers Panel (2008–11).

In 2014, the Chief Justice became a Companion of the Order of Australia. As President, the Chief Justice is responsible for presiding at meetings and has a deliberative vote.

Official members



The Honourable Justice Margaret Beazley AO

President of the Court of Appeal of NSW — commenced 1 March 2013

Justice Beazley was admitted to the NSW Bar in 1975 and appointed Senior Counsel in NSW in 1989. She was a judicial member of the Equal Opportunity Tribunal 1984–88; an acting District Court of NSW Judge 1990–91; and Assistant Commissioner of the Independent Commission Against Corruption 1991–92.

Justice Beazley was appointed a judge of the Federal Court of Australia 1993–96, an additional Judge of the Supreme Court of the Australian Capital Territory 1994–97, and a judge of the Industrial Relations Court of Australia 1994–1996. In 1996, she was appointed a Judge of Appeal of the Court of Appeal of NSW. In 2008 her Honour was awarded Doctor of Laws honoris causa (Hon LLD) by the University of Sydney. On 1 March 2013 she was appointed President of the Court of Appeal of NSW. In 2012, her Honour was one of the inaugural winners of *The Australian Financial Review* and Westpac "100 Women of Influence" Awards.

Her Honour became an Officer of the Order of Australia in 2006.



The Honourable Justice Michael Walton

President of the Industrial Relations Commission of NSW — commenced 3 February 2014

Justice Walton is the President of the Industrial Court of NSW and the Industrial Relations Commission of NSW. He was appointed to that position in early 2014 after 15 previous years serving as the Vice-President of the Court. His Honour has served as a Governing Council member of the Judicial Conference of Australia since 2003 and as an executive member of the same since 2006. Justice Walton is called upon regularly to speak on general law issues as well as industrial and employment law. He has published widely in legal and other publications. He is presently a member of the Editorial Committee of the *Australian Journal of Labour Law*.



The Honourable Justice Brian Preston

Chief Judge of the Land and Environment Court of NSW — commenced 14 November 2005

Justice Preston was admitted to the Bar in 1987, appointed Senior Counsel in 1999 and Chief Judge of the Land and Environment Court of NSW in 2005. He holds academic and editorial positions and has authored over 97 publications on environmental, administrative and criminal law. He has also been involved in a number of international environmental law consultancies and capacity-building programs for the judiciaries in Indonesia, Kenya, China, Trinidad and Tobago, Thailand and Sri Lanka. He is a member of numerous legal professional committees and Chair of the Standing Committee on Environmental Law of the Law Association for Asia and the Pacific (LAWASIA).



The Honourable Justice Derek Price AM

Chief Judge of the District Court of NSW — commenced 8 August 2014

Justice Price worked as a solicitor in Sydney and in Dubbo, becoming a partner with Peacocke, Dickens and King in 1974. In 1988, his Honour was appointed a magistrate of the Local Court of NSW. He was appointed an acting judge of the District Court of NSW in 1999 and this appointment became permanent in 2000. In 2002, his Honour was appointed Chief Magistrate of the Local Court of NSW during which time he served as a member of the Judicial Commission. In 2006, his Honour was appointed a judge of the Supreme Court of NSW. His Honour has also been a member of the Governing Council of the Judicial Conference of Australia (1997–2000). His Honour was appointed the Chief Judge of the District Court of NSW on 8 August 2014 and remains a judge of the Supreme Court of NSW.

His Honour became a Member of the Order of Australia in 2010.



His Honour Judge Graeme Henson

Chief Magistrate of the Local Court of NSW — commenced 28 August 2006

Judge Henson was admitted to the Bar in 1980 and served as Deputy Solicitor for Public Prosecutions in the Office of the Director of Public Prosecutions (NSW). He was appointed a magistrate in 1988, Deputy Chief Magistrate in 1994, Chief Magistrate of the Local Court of NSW in 2006, and a judge of the District Court of NSW in 2010.

Judge Henson is a member of the Executive Committee of the Judicial Conference of Australia; the Advisory Committee, Faculty of Law, Australian Catholic University; and the Advisory Board of the Faculty of Law at the University of Wollongong.

Our appointed members



Dr Judith Cashmore AO BA (Hons) Dip Ed, M Ed, PhD

Appointed 1 December 2004; reappointed for 3 years from 19 August 2009; reappointed 7 November 2012 for 3 years; reappointed 9 December 2015 for 3 years

Dr Judith Cashmore is currently Professor of Socio-legal Research and Policy, Faculty of Law, University of Sydney and Adjunct Professor at Southern Cross University (Division of Arts). Dr Cashmore has chaired or served on numerous non-government and State and Commonwealth government committees concerning child sexual assault, child protection, child deaths, children's rights and family law. As a research academic, she has a keen interest in the application of research to policy and practice, particularly in relation to legal and administrative decision-making and children's involvement in legal proceedings. In 2010, Dr Cashmore became an Officer of the Order of Australia.



Professor Brian McCaughan AM MB BS

Appointed 16 May 2010 for 3 years; reappointed 30 October 2013 for 3 years

Professor McCaughan is a cardiothoracic surgeon based at the Royal Prince Alfred Medical Centre, Sydney, and Clinical Associate Professor in the Faculty of Medicine at the University of Sydney. Professor McCaughan has served as Chair of the NSW State Royal Australian College of Surgeons Committee, President of the NSW Medical Board and Chair of the Sustainable Access Health Priority Taskforce. He has served as a Director of Surgical Services at the Royal Prince Alfred Hospital, Sydney, and Area Director of Cardiovascular Services, Central Sydney Area Health Service. He is Chair of Boards of the Clinical Excellence Commission and the Agency for Clinical Innovation. In 2009, Professor McCaughan became a Member of the Order of Australia.



Mr David Giddy BA LLB

Appointed 7 November 2012 for 3 years; reappointed 9 December 2015 for 3 years

Mr David Giddy was admitted to the Supreme Court of NSW in 1978 and practised as a solicitor in general practice until 1990. Since 1990 he has practised exclusively in criminal law and is an accredited specialist in criminal law. In 1996, he became a member of the Criminal Law Committee of the Law Society of NSW. He has represented the Law Society on many panels, committees and commissions. In July 2009, he was awarded the Inaugural Law Society President's Medal in recognition of his significant personal and professional contributions to the betterment of law and justice as a solicitor in NSW.



Mr Yair Miller BA

Appointed 28 October 2015 for 3 years

Mr Yair Miller has worked at board and senior management level for over 15 years in the corporate, not-for-profit and government sectors. He has served as a Community Member of the NSW State Parole Authority and President of the NSW Jewish Board of Deputies. He also sits on the Board of Governors for numerous international organisations including the Memorial Foundation for Jewish Culture and the International School of Jewish Leadership. Mr Miller has a BA in Social Sciences and International Studies, with a Major in Middle Eastern Politics, from the University of Technology Sydney and an Advanced Diploma in Public Safety (Emergency Management) from the Australian Emergency Management Institute, a division of the Australian Federal Attorney-General's Department.



Mr Nihal Gupta

Appointed 19 August 2012 for 3 years; appointment expired 8 August 2015

Mr Nihal Gupta is on the Advisory Board of the Asia Society of Australia and Deputy Chairman of the Indigenous Performing Dance and Arts Group Naisda Foundation Limited. Mr Gupta has been variously called upon to represent and strengthen Australia's global position particularly in Asia and has more than 30 years' experience in the consumer electronics sector. He is a Director of Digital Electronics Corporation Australia, consultant to Palsonic Corporation P/L and former Chairman of the Special Broadcasting Service (SBS). He is Chairman of NSW Multicultural Business Advisory Panel and a Trustee of the Sydney Cricket Ground Trust.

Our executive team

The executive team is responsible for our operations and ensuring we achieve our statutory goals.



Mr Ernest Schmatt PSM Dip Law (BAB) — Chief Executive

Mr Ernest 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 was admitted to the Bar in 1979 and is a solicitor of the Supreme Court of NSW 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 NSW. Mr Schmatt was elected to the Board of Governors of the International Organisation for Judicial Training (IOJT) in 2009 and to the Executive Committee (now Board of Executives) of the IOJT in 2011. He was re-elected to this position in 2013 and 2015. Since 1994, he has been a member of the Advisory Board of the Commonwealth Judicial Education Institute and serves on the management committee of the Asia Pacific Judicial Reform Forum. Mr Schmatt is also an Honorary Associate in the Graduate School of Government, the University of Sydney. He has been involved in judicial capacity-building programs in China, Indonesia, Cambodia, Sri Lanka, Malaysia, the Philippines, Turkey and Papua New Guinea.



Mr Murali Sagi PSM BEng GradCertPSM MBA FACS MIEAust Dip Law (LPAB) — Deputy Chief Executive

Mr Murali Sagi is responsible for information management, corporate services and Lawcodes and deputises for the Chief Executive in his absence. Mr Sagi commenced employment with the Commission in 1992 and has over 25 years of experience in managing complex programs and policy challenges in both the government and private sectors. He has provided technical assistance to many organisations including AusAID, United Nations, Asian Development Bank and the Commonwealth Secretariat, London, for capacity building projects in the legal sectors of Indonesia, West Bank and Gaza, Cambodia, India, Sri Lanka and Papua New Guinea.

Mr Sagi is a qualified engineer, computer specialist, management professional and a lawyer. Mr Sagi was awarded the Public Service Medal in the 2007 Queen's Birthday Honours List for outstanding service to the Judicial Commission, particularly in the provision of information technology. He was also named as the "Chief Information Officer – Government" of the year at the National IT&T awards, 2003, and is a Fellow of the Australian Computer Society.

Mr Sagi is responsible for our information management, corporate services and Lawcodes program.



Mr Hugh Donnelly BA, LLB, LLM — Director, Research and Sentencing

Mr Hugh Donnelly is responsible for the Commission's research program and the Judicial Information Research System (JIRS). He was appointed Director, Research and Sentencing in July 2007. He was admitted as a legal practitioner in 1992 and his prior experience includes 5 years as Principal Research Lawyer and 3 years as High Court lawyer at the Office of Director of Public Prosecutions (NSW), and 3 years as Manager of the Commission's Research and Sentencing Division. Mr Donnelly is the author of several publications on evidence and sentencing law, including the *Sentencing Bench Book*.

Mr Donnelly is responsible for our research and sentencing program and for the Judicial Information Research System (JIRS).

Our executive team *continued*



Ms Una Doyle BCL (University College Cork and National University of Ireland), LL.M (Syd)
– **Education Director** (appointed 9 December 2015)

Ms Una Doyle is responsible for the Commission's judicial education program. 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 program. Ms Doyle has held the position of Education Director since December 2015. She has worked for over 20 years in legal education. Prior to joining the Judicial Commission, Ms Doyle was the Head of Professional Development, Membership and Communications, at the Law Society of NSW and the Director of Continuing Professional Education at the College of Law. She is President of ACLEA, the International Association for Continuing Legal Education and co-chaired ACLEA's International Committee from 2007–2009. She was President of the Continuing Legal Education Association of Australasia from 2005–2007, and has served as a member of its Executive for 5 terms.

Ms Doyle is responsible for our judicial education program.

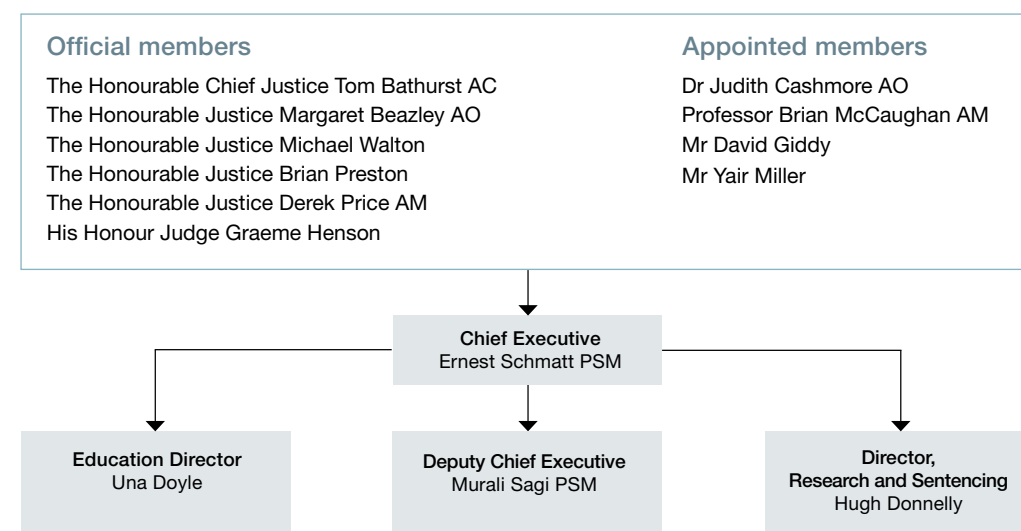


Ms Ruth Windeler BSc – **Education Director** from May 1996 to November 2015

Ms Windeler commenced as Education Director on 15 May 1996. She has over 40 years' experience in professional education having started her career in Canada in 1975. She has held positions in a number of Commonwealth countries: she served as 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.

She has been a consultant to a number of professional education institutions throughout the world and has a keen interest in induction and orientation training, court craft, and assisting judicial officers to improve their communication skills. Ms Windeler has led significant training in this area throughout Australasia, Canada, the United States of America, the West Indies, Papua New Guinea and Japan.

Figure 1. Commission members and executive team as at 30 June 2016



Part 2

Our performance

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Measuring our performance

Since 1987, the Judicial Commission has provided judicial education in NSW. The Commission is regarded as a world leader in computerised legal information management. Our unique role in combining judicial education and sentencing information with a complaints function means that we have a key role in:

- ensuring that judicial officers have the necessary skills and knowledge to make decisions and promote public confidence in the judiciary
- responding to community values and expectations of the judiciary by ensuring that information received through the complaints process informs the judicial education program
- connecting and collaborating with the global network of judicial education providers and benchmarking our performance against partner organisations
- advising and assisting other jurisdictions through sharing information and capacity-building projects in the Asia-Pacific.

As well as reporting to the NSW Parliament in our annual report, our performance is monitored through:

- monthly executive reports and briefings to the members of the Commission to assist with governance and decision making
- regular internal audits as part of our risk management and accountability processes
- annual external auditing of financial statements.

Financial performance

Our financial result this year was a deficit of \$1.347 million compared to the budgeted surplus of \$533,000.

In 2015–16, NSW Treasury introduced cash management reforms which reduced the recurrent budget allocation leading to a reduction in the Commission’s cash reserves.

In future reporting periods the Judicial Commission will continue to receive government appropriations. There has been a 16.4% decline in revenue from information technology services as projects have moved from the development to maintenance phase.

We received an unqualified report for our financial statements from the Auditor General of NSW. As shown in Table 1, income was \$4.493 million (last year: \$6.13 million) comprising \$3.755 million in Government contributions (last year: \$5.247 million) and \$738,000 from other revenue sources.

We spent a total of \$5.84 million (last year: \$6.173 million). There was a 26.7% decrease in revenue and a 5.4% decrease in expenditure. Revenue from our information technology services at \$726,000 was lower than last year’s \$745,000. Investment and other revenue totalling \$12,000 was lower than last year’s revenue of \$138,000.

See pp 97–122 for our full financial report including the Independent Auditor’s report and the Chief Executive’s certification of the financial statements.

Table 1. Financial summary 2013–16

	2013–14	2014–15	2015–16	Change	Budget 2015–16
	\$'000	\$'000	\$'000	%	\$'000
Revenue					
Government contributions	4,976	5,247	3,755	-28.4 ↓	6,166
Revenue from other sources	1,037	883	738	-16.4 ↓	856
Total revenue	6,013	6,130	4,493	-26.7 ↓	7,022
Expenditure					
Employee-related expenses	4,364	4,295	4,376	-1.9 ↓	4,569
Other operating expenses	1,302	1,338	1,354	1.2 ↑	1,322
Depreciation and amortisation	97	85	99	16.5 ↓	192
Grants and subsidies	–	6	–	-100.0 ↓	6
Conduct Division	200	449	11	-97.6 ↓	400
Total expenditure	5,963	6,173	5,840	-5.4 ↓	6,489
Net result	50	(43)	(1,347)	-3,032.0 ↓	533

Our services delivery

The role of a judicial officer in New South Wales	To know, interpret and apply the current law to adjudicating disputes, awarding remedies, deciding criminal prosecutions, and sentencing people and corporations convicted of an offence.	To make decisions about evidence and the credibility of witnesses.	To be skilled in court control, case management and the use of information technology.
	To be aware of gender, diversity and cultural issues and other potential barriers to accessing justice.	To be aware of the social and cultural context in which decisions are made.	To explain the reasons for judicial decisions in accessible language.
	To deliver equal justice according to the law and procedural fairness.	To manage people who do not have legal representation.	To have the required attitudes to perform the judicial role including authority, respect for people appearing in the courtroom, ability to control the courtroom and court processes.

To assist judicial officers to perform their role, we provide the following services:

Judicial education	Induction and orientation sessions for new judicial officers to assist in their transition from legal professional to impartial adjudicator.	Annual conferences for all NSW courts to provide up-to-date information on specific topics and promote collegiality.	Skills-based workshops, seminars, field trips and distance education to enhance judicial skills, attitudes and knowledge.
	Aboriginal cultural awareness sessions and community visits so judicial officers are informed about Aboriginal society, customs and traditions.	Digital and multi-media resources, online and print publications for information and research.	Computer training and support.

Our services delivery *continued*

Research and sentencing	The Judicial Information Research System (JIRS), an online database to assist day-to-day judicial decision making. The components of JIRS are described on p 46.	Bench books which set out in logical order the major legislation and precedents which apply when conducting a criminal trial, procedural guidelines, suggested jury directions, and sample orders.	Research studies including monographs and <i>Sentencing Trends & Issues</i> papers.
	“Recent Law” summaries of important legal developments posted on JIRS.	Email alerts to notify judicial officers of significant changes to the law or about sentencing methods.	Comprehensive information about treatment options and rehabilitation facilities for offenders.
Examining complaints	The examination of complaints efficiently, independently, objectively and effectively.	Advising the complainant and the judicial officer involved of the outcome of the complaints.	Information, publications and talks about our role and function.
	Monitoring patterns in complaints and addressing recurring issues in our judicial education program.		



Program 1
Providing judicial education

Providing judicial education

Results in brief for 2015–16

Judicial officers' attendance met the national benchmark at 5 judicial education days: see p 31.

Judicial officers gave a 93% satisfaction rate to the Ngara Yura community visits: see p 33.

Judicial officers gave a 95% overall satisfaction rate with regional and metropolitan Local Courts program: see p 35.

Judicial officers gave a 93% satisfaction rate to the education program: see p 33.

Judicial skills, knowledge and attitudes were enhanced as a result of 6 field trips, site and community visits offered: see case studies on pp 34 and 38.

The Commission researched and produced 34 new publications to inform judicial officers about changes to the law, practice and procedure: see p 37

Photo previous page: Judicial officers generously give their time and expertise to present peer-to-peer education sessions. Magistrates Jenny Atkinson (l) and Lisa Stapleton presented on civil proceedings at the Metropolitan Series seminars in February 2016.

Challenges for 2015–16

Enhancing our support of newly-appointed judicial officers by designing and developing a new pre-bench education program, despite limited resources.

Encouraging judicial officers to continue attending seminars and field trips as their workloads increase.

The year ahead for 2016–17

We will expand our online education capability by introducing webinars and online training as an effective way to engage with our remote judicial officers in between face-to-face opportunities.

With national and interstate partners, we will build on our work in developing content for a cultural diversity program. An interactive online education package for use by judicial officers will be rolled out nationally. Broken down into individual modules, the content is designed to improve understanding of Australian multiculturalism as seen through the prism of the courtroom experience.

Throughout the year, we will hold a series of skills-based education programs to support and educate our judicial officers in key areas such as judgment writing, communication and well-being.

As well as continuing to keep judicial officers informed about case law, legislative developments and changes to practice, procedure and community values through our educational reference material, we will also introduce a new digital publishing platform to enhance access to our growing number of publications.

A strong focus will be to promote a greater understanding of the work of the judicial officers amongst the community and young people in particular. Partnering with the Rule of Law Institute and other bodies, and with the delivery of a fifth Community Awareness of the Judiciary Program, we will aim to engage with members of the community to expand their knowledge of the judicial system.

We will plan a community visit to rural NSW for Ngara Yura our Aboriginal cultural awareness program.

Listening to judicial officers

We evaluate each education session offered so we know what judicial officers think of our programs. Here is some of the feedback we received during the year.

“Challenging, thought provoking and accessibly informative.”
Land and Environment Court of NSW Seminar: Novel Ecosystems as Future Heritage: Policy and Practice in Managing Landscapes, July 2015

“I congratulate you on arranging such an outstanding conference — the best (in my experience) so far.”
Supreme Court of NSW Annual Conference, September 2015

“One of the best, most interesting and useful presentations put on by the Judicial Commission.”
Ngara Yura Program Seminar: Communicating with Aboriginal People in Court, September 2015

“I loved this visit. I am going to read more about the history that was touched on.”
Ngara Yura Program Community Visit: Bathurst, October 2015

“Fantastic seminar. Practical and useful to our work in a very difficult task.”
Cross-jurisdictional Seminar: The Rise of the Digital Natives: Communicating with Juries, October 2015

“Overall a very impressive seminar series. A really enjoyable and helpful way to approach continuing education. More like this please.”
Local Court of NSW Metropolitan Seminar Series II, November 2015

“Outstanding presentation. Best seminar I have attended. Thanks.”
Cross-jurisdictional Seminar: Giving Juries Written Directions, November 2015

“I am certain that I will improve my performance as a result of this course. I have more tools available to me to make those improvements.”
Local Court of NSW Magistrates’ Orientation Program, November 2015

“One of the best presentations. Succinct, informative and extremely useful.”
District Court of NSW Seminar: Witness Intermediaries, February and March 2016

“Excellent seminar. I especially liked the shortness of each paper too. Too often long papers, like sermons, lose the audience after a short period. One of the best seminars I have been to.”
District Court of NSW Seminar: Expert Evidence, February 2016

“These sessions have been the most directly helpful and applicable to my work of all previous judicial education sessions. Well done on the programme.”
Local Court of NSW Metropolitan Seminar Series I, February 2016

“I would have to say that this was one of the most relevant and enjoyable metros I have attended. Thank you to all involved.”
Local Court of NSW Metropolitan Seminar Series I, February 2016

“This was a great conference. Hard to improve for next year. A special thank you to the presenters. All the work and effort is much appreciated.”
Local Court of NSW Southern/Northern Regional Conferences, March and April 2016

“Best conference I have attended. Theme was strong and relevant and speakers excellent. Thank you!”
Land and Environment Court of NSW Annual Conference, May 2016

“Very enjoyable – thought provoking – especially re Aboriginal ideas about spirituality.”
Ngara Yura Program Community Visit: Ngara Yura Program: Site Visit to Kamay Botany Bay National Park, May 2016

“Rather than provoke significant change to practice, it provided reinforcement or speculation for some of the practices I could continue or modify.”
Industrial Relations Commission of NSW and Queensland Industrial Relations Commission Joint Conference, September 2015

“Presentations which do not overload with information but focus on what content can assist us in the discharge of our duties and where we can go to increase our knowledge if needed.”
Local Court Annual Conference, June 2016

Why we deliver judicial education

The NSW public expects judicial officers to be impartial, independent, to know the law and perform to the highest professional standard. Judicial officers come to their role as highly-skilled professionals, so our program is designed to assist new judicial officers in their transition to the role as an impartial adjudicator. From there, we aim to continuously renew judicial skills and provide information about changes to the law, court practice and procedure, and community values.

Our judicial education program is not compulsory. The level of voluntary attendance is a good measure of how well judicial officers accept the need for professional development and how relevant they find the education sessions to their judicial role. Table 2 below shows that the Commission offered 5.8 days of education for each judicial officer (last year 4.3 days). The overall average attendance rate of 5 judicial education days a year met the national standard. This benchmarking standard, designed for all Australasian courts, can also be met through attending other judicial education providers’ programs. The Council of Chief Justices of Australia and national and State judicial education bodies have adopted the standard. (See Appendix 3 for further details about this.)

The education program provides a range of services and resources to cater for varied learning styles and the availability of judicial officers to attend and participate in education sessions.

- Services delivered include:
- induction and orientation sessions for new judicial officers
 - annual conferences for all NSW courts
 - skills-based workshops
 - seminars
 - field trips
 - distance education
 - Aboriginal cultural awareness sessions and community visits
 - digital and multi-media resources
 - online and print publications
 - computer training and support.

Designing the education program
Judicial officers design and deliver the education program in consultation with our Education Director, Ms Una Doyle. The Education Director and her staff work with the Standing Advisory Committee on Judicial Education, the education committees of each court, and the committees of judicial officers that oversee our publications to develop the program. Judicial officers are involved in every stage, from planning courses to their presentation. Figure 2 below shows how this process works and Appendix 4 gives details about our committees. Judicial officers who serve on these committees generously give their time and expertise. Concerns raised by the public in the complaints process also inform the design process.

Figure 2. Judicial education design process

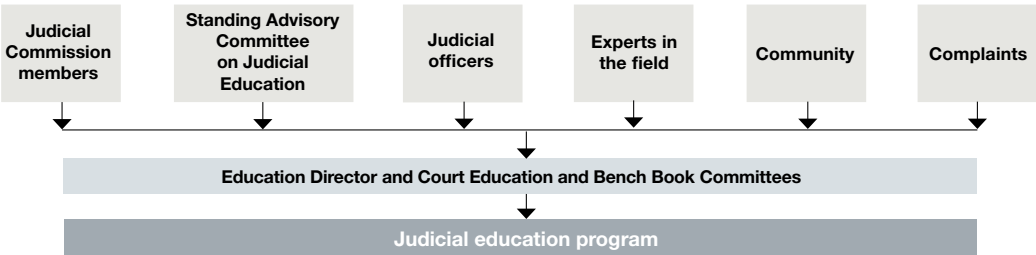


Table 2: Attendance at education sessions 2013–16*

Measures	2013–14 result	2014–15 result	2015–16 target	2015–16 result	2016–17 target
% of judicial officers who attended annual conferences*	87%	85%	90%	87%	90%
% of attendance at magistrates’ induction/orientation programs	100%	100%	100%	100%	100%
% of judicial officers who attended at least 2 days of judicial training*	87%	67%**	90%	78%	90%
Average number of training days offered per judicial officer	4.6	4.3	5	5.8	5
Number of judicial education days each year	1,168	1,075**	1,200	1,452†	800†
Average number of training days (national standard is 5)*	4	3.7†	5	5	5

* These figures do not include acting judicial officers.
** The 2015 District Court Annual Conference was reduced to one day to allow judges to attend the 3-day biennial District and County Court Judges’ Conference in Melbourne.
† Number of education days in 2015–16 is higher than the target due to holding 2 Local Court Annual Conferences in 2015–16. The target for 2016–17 has been reduced to reflect that no Local Court Annual Conference will be held in the financial year.
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 judicial officers in attendance at judicial education programs by the duration of that educational session: eg 18 participants x 2 days = 36 education days.

Evaluating the program’s performance

An assessment of the program’s results shown in Table 3 demonstrates that our judicial education program performed well in 2015–16. The table shows the evidence for each identified result as well as details of each measure we have put in place to achieve our objectives.

Table 3. Results for judicial education

Result	Measures	Performance
Judicial officers were informed about changes to the law, community values, court practice and procedure.	Maintain or increase number of reviewed publications.	Monthly Judicial Commission meetings and/or bench book committees and experts reviewed publications. Publications output increased and included 19 bench book updates, 2 major research papers, 11 bulletins, 2 journal issues.
	Maintain or increase number of specialised education sessions offered.	Increased the number of education sessions offered with 43 education events held (last year: 39).
	Education sessions offered assisted judicial officers to reach the national standard* of 5 judicial education days each year.	We offered 5.8 education days per year for each judicial officer.
Judicial skills, attitudes and knowledge were enhanced.	Maintain or increase ratings that our services provide judicially relevant and stimulating education and information.	Evaluations show 81% of participants (last year: 80%) agreed that education sessions were applicable to their work; and 80% (last year: 76%) agreed they enhanced their knowledge and capability.
	Maintain number of skills-based workshops.	6 workshops (last year: 6) offered throughout the year.
Judicial officers were satisfied with our education program.	Maintain or improve satisfaction rates from last year.	Evaluations of all education sessions show we maintained our performance with 93% satisfaction with our education program (last year: 92%).
	Maintain or increase voluntary attendance rates.*	Attendances rates increased to 5 average training days undertaken by each judicial officer (last year: 3.7 days).
We responded to concerns about judicial performance raised in the complaints process.	Design education sessions based on specific concerns raised in complaints.	Education sessions in orientation programs held in 2015–16 addressed bias; requirements for a fair and courteous hearing; judicial conduct in and out of court.
	Information in the <i>Equality Before the Law Bench Book</i> is current and addresses access and diversity issues.	Update to the <i>Equality Before the Law Bench Book</i> published in July 2016.
Expenditure was within budget.	According to budget plan.	As at 30 June 2016, judicial education expenditure was \$3.34 million, or 57% of overall expenditure.

* The national standard for attendance is 5 days a calendar year. The national standard was developed by the National Judicial College of Australia and endorsed by the Council of Chief Justices of Australia and national and state judicial education bodies: see Appendix 3 for more information.

High satisfaction with induction and orientation sessions

A good indication of whether the orientation programs provided professional and practical benefits to the judicial role was obtained from individual evaluations. All magistrates provided feedback, with 100% finding it was applicable to their work and enhanced their knowledge and capability as a judicial officer: see Figure 3.

Induction and orientation sessions are designed to assist legal practitioners in their transition to the judicial role

Our induction and orientation program for magistrates and the National Judicial Orientation Program (NJOP) for judges address the significant requirements of the judicial role as well as the personal implications of becoming a judicial officer and standards of behaviour required. Two week-long orientation programs were held during the year with both programs meeting their specified learning objectives and participants rating their approval of the programs as excellent or very high. Sessions covered in these programs are listed in Appendix 5. The Commission jointly presented the NJOP with the National Judicial College of Australia, the Australasian Institute of Judicial Administration, and the Judicial College of Victoria.

Judicial skills, attitudes and behaviour were also addressed at a week-long orientation program for newly appointed magistrates from the Local Court of NSW. Magistrates from other States also participated in this program. Participants rated their overall approval of this program at 96% which is a good measure of its relevance to the judicial role: see Figure 4.

During the year we provided 13 judicial orientation packages (last year: 12), access to the Judicial Information Research System (JIRS) (see p 46) and computer support for new judicial officers. In partnership with the Local Court, we provided 2 pre-bench education sessions for new magistrates (last year: 7).

High satisfaction maintained with Ngara Yura Program

High approval of the Ngara Yura Program was maintained with participants who provided feedback 93% satisfied with the program (last year: 93%) as shown in Figure 5.

The Ngara Yura Program is offered to raise judicial awareness about Aboriginal culture and raise consciousness about Aboriginal interactions with the criminal justice system.

Our Aboriginal Project Officer, Ms Joanne Selfe, works with a committee to develop education activities. Committee membership is found on our website and in Appendix 4. The program adopts a multi-faceted approach, with community visits, seminars and publications designed to promote intercultural communication and understanding. During the year, we surveyed judicial officers to determine their needs regarding Aboriginal cultural awareness programs. Following the survey, we have identified a number of new areas where we can increase engagement between the judiciary and the community. We now plan to implement these.

Of the judicial officers who attended the 4 Ngara Yura community visits and events held throughout the year, 80% found that the visit enhanced their knowledge and capability as shown in Figure 6.

Figure 3. Rating of professional and practical benefits of 2015–16 Magistrates’ Orientation Program

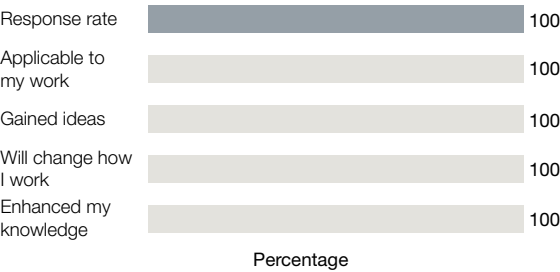


Figure 4. Satisfaction with Magistrates’ Orientation Program 2011–16

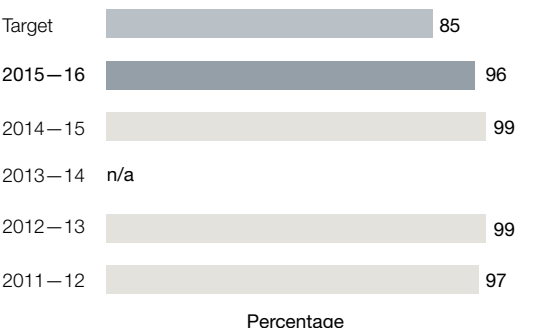


Figure 5. Satisfaction with Ngara Yura Program 2011–16

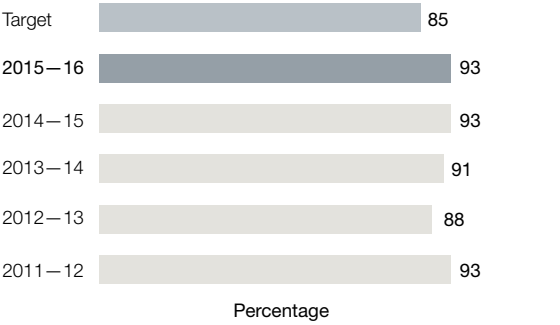
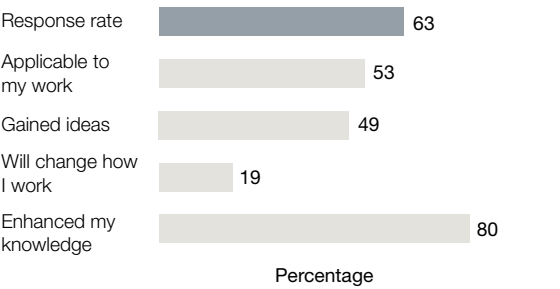


Figure 6. Rating of professional and practical benefits of 2015–16 Ngara Yura Program



Case study

Field trips made to Kamay, Botany Bay National Park and Bathurst community



National Park Ranger Dean Kelly guided the visitors around Botany Bay National Park.



Judicial visitors at the site of Cook’s landing.

Field trips and site visits are a feature of our Aboriginal cultural awareness program: the Ngara Yura Program. Their purpose is to connect judicial officers with Aboriginal communities and culture and promote an exchange of ideas and information in an informal setting.

In May 2016, we organised a field trip to Kamay, Botany Bay National Park, a place of profound significance for all Australians. The site is where Lieutenant James Cook and the crew of the Endeavour anchored offshore on 29 April 1770 and stepped onto the ancestral land of the Gweagal people. Cook and the crew were impressed by the land’s bounty and freshwater: they stayed for a week, replenishing supplies and collecting specimens of the country’s unique fauna. Cook and Joseph Banks’ favourable reports of the landing site to the British Government set in chain decisions that led to the arrival of the First Fleet of convicts and marines in 1788 and the foundation of a British penal colony and legal system in NSW.

Yuin man and National Park ranger, Dean Kelly, showed the judicial visitors around Kamay, sharing his knowledge of the enduring spiritual and cultural values of the land.

A community visit to Wiradjuri country at Bathurst in October 2015 brought together judicial officers and community Elders and members. Community members shared their concerns about the prevalence and impact of drug and alcohol abuse, particularly the growing addiction to “ice” (methamphetamine). Of major concern is the lack of culturally-appropriate rehabilitation services for those with an addiction, the governance, funding and evaluation of these services, and minimal follow up once someone has finished their rehabilitation treatment. Another significant problem is a lack of services and accommodation for the homeless, recently released offenders on parole, and people who are displaced by family violence. Elders raised their frustrations with the lack of alternatives to custodial sentences.

A highlight of the community visit was seeing the grave of Windradyne on the outskirts of Bathurst. Windradyne (died 1829) was a Wiradjuri resistance leader who is now recognised as a “powerful and inspiring symbol of resistance” and reconciliation.

The Commission’s website at www.judcom.nsw.gov.au has comprehensive information about the Ngara Yura Program: the committee membership, details of community visits, seminars, conferences and papers.

Satisfaction grew with annual conference program

Participants were 93% satisfied with their annual conference (last year: 91%) as shown in Figure 7. An annual conference was held for each of the 5 courts in NSW during 2015–16. The education committee of each court, working with the Education Director of the Commission, developed specialised sessions for the specific needs of the court and its judicial officers and invited suitable judicial or expert presenters to facilitate these. Based on evaluations received from participants, judicial officers feel that their education needs continue to be met through annual conferences which also promote court collegiality. The full list of sessions offered at each court is found in Appendix 5.

Satisfaction maintained with workshops, seminars and gaol visits

Judicial officers expressed high satisfaction with these sessions, with participants rating their approval at 90% for seminars, 100% for judicial skills workshops, 95% for magistrates’ workshops, and 88% for gaol visits as shown in Figures 8 and 9. Figure 10 shows that the majority of judicial officers were satisfied with the professional and practical benefits of these sessions.

Seminars, workshops and gaol visits are offered throughout the year. These are specialised sessions which address the specific educational needs of judicial officers identified through the education design process. During the year, 30 sessions were held, covering a range of educational topics for judicial officers: the full list of topics can be found in Appendix 5.

Figure 7. Satisfaction with annual conference program 2011–16

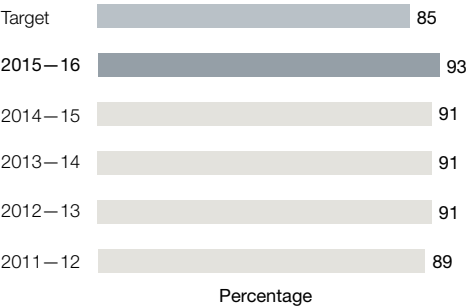


Figure 8. Satisfaction with seminars and gaol visits 2011–16

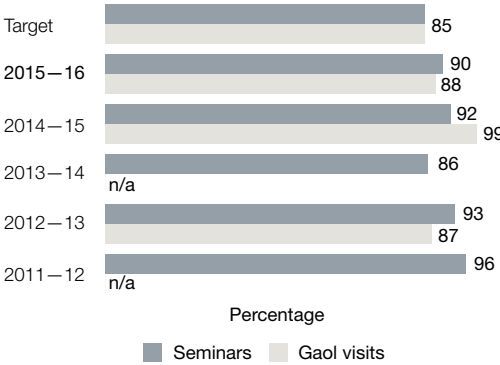


Figure 9. Satisfaction with workshops 2011–16

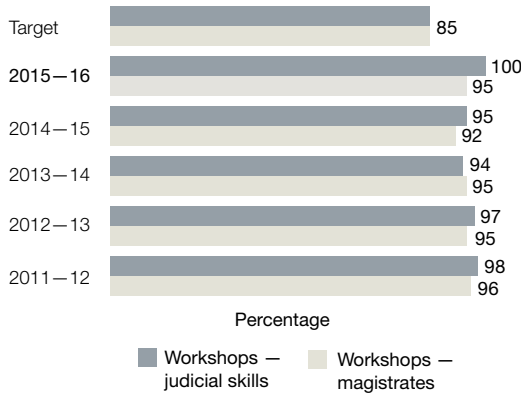
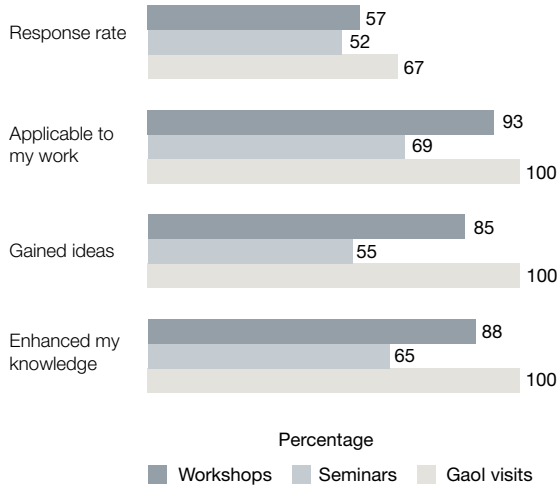


Figure 10. Rating of professional and practical benefits of 2015–16 workshops, seminars and gaol visits



Growth in distance education program

There has been a 31% increase in the use of the conference paper database during the year, with the Local Court of NSW representing the most demand.

The database responds to the online education needs of judicial officers, which is available through the Judicial Information Research Service (JIRS: see p 46). The database is a rich, educational resource in which all available papers and presentations from our conference and seminar program are published. Audio podcasts and videos of select seminars are also posted so that judicial officers who cannot attend an event can listen to or watch the presentation in their own time. During the year, we published 91 new papers and presentations (last year: 86).

Growth in impact of online and print publications

Access to publications from our website grew at an overall rate of 9% (last year: 12% growth). Use of our publications through the Judicial Information Research System (JIRS) has increased this year for 3 of 10 publications and decreased for 7.

Continuing high use of the *Local Court Bench Book* (a resource for magistrates), the *Sentencing Bench Book* and the *Criminal Trial Courts Bench Book* demonstrates their impact as key judicial and legal professional reference material. Table 4 shows the trends in JIRS use of our publications during the year.

The impact of our publications is measured in several ways:

- through their use on JIRS (judicial and legal profession use) (see Table 4 below)
- Informit viewings (academic use) (see Figure 11 below)
- through their use on our website (public viewing) (see Table 13 on p 69)

The Commission’s publishing program informs judicial officers, subscribers, and the public about current law, practice and procedure, social context issues and changes to the law. Our publications are regularly updated and published in print, on JIRS and our website. Free access to publications on our website is a means of promoting public confidence in the justice system through providing accurate and current information and informed analysis about the work and role of judicial officers.

Table 4. Publications accessed on JIRS (page hits) 2013–16

Publication	2013–14 hits	2014–15 hits	2015–16 hits	Change %
Local Court Bench Book	31,829	34,773	38,925	+11.9% ↑
Equality Before the Law Bench Book	218	276	307	+11.2% ↑
Civil Trials Bench Book	2,643	2,613	2,664	+2.0% ↑
Criminal Trial Courts Bench Book	44,741	42,992	41,851	-2.7% ↓
Sentencing Bench Book	55,118	48,234	44,709	-7.3% ↓
Children’s Court of NSW Resource Handbook	1,740	1,514	1,306	-13.7% ↓
Sexual Assault Trials Handbook	3,721	4,308	3,335	-22.6% ↓
The Judicial Review	275	137	119	-13.1% ↓
Education monographs	169	81	63	-22.2% ↓
Judicial Officers’ Bulletin	2,702	3,124	2,326	-25.5% ↓

Informit is an extensive Australian collection of databases, providing access to peer-reviewed and specialist journals published in Australia. Inclusion of our *Judicial Officers’ Bulletin* and *The Judicial Review* demonstrates that Informit considers these publications to be of a scholarly standard.

Viewings of both our publications saw a 12% increase from the previous year as shown in Figure 11 (last year: 40.45% increase). This demonstrates the growing impact of our published work. The most popular articles accessed were concerned with the courts use of social media; access to justice; and legal professional ethics.

Figure 11. Informit viewings of our publications 2013–16

Year	The Judicial Review (not on Informit for the full year)	Judicial Officers’ Bulletin
2015–16	1,437	2,348
2014–15	1,805	2,261
2013–14	728	1,905

The list of articles we have published this year is found in Appendix 7 and a full list of all our publications is found in Appendix 8. Our publications in 2015–16 included:

- 19 bench book updates (last year: 18 updates): these looseleaf reference books assist judicial officers to conduct trials. They contain relevant legislation, case law, sentencing principles, procedural guidelines, suggested jury directions and sample orders. Bench books promote a consistent judicial approach and help reduce the risk of error. The bench books are updated and reviewed by committees, made up of current and retired judicial officers and Commission staff. Considerable effort is required to maintain their currency to ensure that changes are reported quickly and accurately. Bench books are available online through the Judicial Information Research System (JIRS), our website and as a hard copy publication for many judicial officers.
- 1 research study that reviews the sentencing principles that apply in cases of domestic violence. The study examines the most common offences committed in a domestic violence context in NSW between 2000 and 2012 and discusses recent government initiatives to deal with this widespread social problem. See p 50 for more information.
- 11 issues of the *Judicial Officers’ Bulletin*: a monthly newsletter that informs judicial officers of important developments to case law and legislation and current legal issues
- 11 issues of the e-newsletter: a monthly newsletter that informs judicial officers about upcoming seminars, conferences, and recent conference papers available to download

- 2 issues of *The Judicial Review*: this is a peer-reviewed journal bringing together articles and papers to inform readers of technical and topical matters, court craft, and social context issues.

Demand for computer training and support

More than 30 visits have been provided to individual judicial officers in their chambers during the year (last year: 40). We also responded to 408 phone calls and email requests for support (last year: 450). Judicial officers and in particular, magistrates, use iPads™ for their court research; help desk support is now almost exclusively for these mobile devices.

The security application previously installed, called MobileIron became redundant during the year, and judicial emails now arrive via an Exchange email service. This change over has necessitated the complete removal of the former security application, plus the establishment of the new service. Our Judicial Commission help desk has been extensively involved in facilitating this process.

We also continue to ensure that each iPad™ is satisfactorily set up to easily access the Judicial Information Research System, as well as any other research sites required by users. This year conference presentations by Law Courts Library personnel triggered an increase in requests for Law Library short cuts to be added to iPad™ screens.

Case study

Informing judges about the role of witness intermediaries

The NSW Government announced in 2015 that it would implement measures to reduce the stress and duration of trials for child victims and witnesses in sexual assault trials. One measure was to allow for a witness intermediary or “Children’s Champion”, whose role in a sexual assault trial is to support a child witness through the court process. A witness intermediary is independent and has a duty to facilitate the communication of, and with, a child witness so the child can provide his or her best evidence.

A pilot program trialling the use of witness intermediaries commenced in the District Court in Sydney and Newcastle in April 2016 and will operate for 3 years. The Judicial Commission organised training for District Court judges in the role of witness intermediaries and new trial procedures. Two seminars were held in February which covered:

- the role of the witness intermediary
- lessons learned from the English and Northern Irish intermediary schemes
- training assessment and recommendations
- pre-trial case management
- the new witness/intermediary cross-examination dynamic, and case law.

We also published easy to access information about the new procedures on the Judicial Information Research System (JIRS) and updated relevant bench books.

Feedback we received from the judges who undertook the training was very positive, with 89% responding that it was useful and relevant to their work.

Case studies

Field trip to Mount Annan Botanic Gardens



PlantBank, housed at the Mount Annan Botanic Gardens, south of Sydney, is the largest native plant conservation facility in Australia. Judicial officers and commissioners from the Land and Environment Court visited the Gardens in May this year and were given a tour of the award-winning PlantBank.

Built in 2013, PlantBank is a science and research facility that houses millions of seeds and the Royal Botanic Garden’s research laboratories. PlantBank’s objective is to conserve 75% of the more than 600 threatened plant species in NSW. The building which houses PlantBank has received 6 architectural awards for design and sustainability, and is recognised as a leading centre for plant research and education.

The field trip complemented the Land and Environment Court’s annual conference focus on the impact of climate change and energy policy on law and the environment. Judicial officers who attended the field trip were invited to evaluate their experience: the overall satisfaction rating was 100%.

Communicating with technologically-savvy jurors



The prevalence of social media and mobile devices has meant, generally, that people who have grown up in the digital age obtain and process information in different ways to older Australians. People who are technologically savvy are used to finding their information online and in an instant rather than relying on their memories; they prefer graphics to oral information; they are interactive and network connected, and are used to multi-tasking on devices. These characteristics in turn affect the way that judges need to communicate with younger people who serve as jurors and also judicial control of a criminal trial given the restrictions on jurors conducting their own research outside the confines of the trial.

We organised a seminar for judges to canvass some of the changes that social media is making to jury trials. Professor James Ogloff AM described innovations being explored in Australia and overseas to improve jury communication and avoid trials being aborted. Dr Jaqueline Horan addressed the impact of technology on jury trials (for example jury access to research, jurors communicating trial issues via social media) and practical ways for a judge to manage technologically-savvy jurors.

Judicial officers who attended this seminar found it informative and useful for their work and gave it an overall satisfaction rating of 99%.



Program 2
Providing research and sentencing information

Providing research and sentencing information

Results in brief for 2015–16

7.1% increase to page hits (from 1.5 million to 1.6 million), on the Judicial Information Research System (JIRS) for access to current law: see p 47.

Provided judicial officers with a new app on evidence law as an educational tool: see p 49.

Judicial officers were informed about changes to criminal law, practice and procedure with 209 recent law items: see p 50.

14 JIRS enhancements made in response to feedback from JIRS users: see p 48.

Judicial officers were promptly notified of 3 updates to Sentencing Bench Book and 5 updates to Criminal Trial Courts Bench Book: see p 50.

Released a major study on sentencing for domestic violence: see p 50.

Photo previous page: Georgia Brignell (l) and Amanda Gombu are Senior Research Officers who work in the Commission's busy Research and Sentencing Division.

Challenges for 2015–16

Keeping up-to-date with a large volume of case law and new legislation.

Balancing core work with requests for sentencing information from external agencies.

Maintaining accuracy and timeliness of Judicial Information Research System (JIRS).

The year ahead for 2016–17

Our core research focus is to continue to ensure that the Judicial Information Research System (JIRS) remains current and accurate so that judicial officers and legal practitioners are kept informed about changes to the criminal law.

Our technology focus will be to develop interactive learning modules on sentencing. These will be incorporated as a component of JIRS and will be available as a stand-alone app.

Our goal for next year will be to focus on smarter methods for accessing legal and statistical information from JIRS.

We will write and publish a Research Monograph and 2 *Sentencing & Trends* Issues.

We will publish 6 updates to our leading bench books — the *Sentencing Bench Book* and the *Criminal Trial Courts Bench Book*.

We will conduct a substantial review of our data collection process and the legal categories used in our sentencing statistics.

Listening to feedback

As we provide detailed legal information for judicial officers and the legal profession, we need to understand whether our service is regarded as relevant and effective. Here are some responses received during the year.

“This publication [A Gombru, G Brignell, H Donnelly, ‘Sentencing for domestic violence’, *Sentencing Trends & Issues*, No 45] clearly resulted in an enormous amount of research and consideration and in my view is one of the finest works I have seen from the Judicial Commission in the over 21 years I have had the privilege of being a judge of the District Court.”

[Email to the Judicial Commission’s Chief Executive from a District Court Judge.]

One of the purposes of our key publication, the *Criminal Trial Courts Bench Book*, is to minimise the possibility of new trials being ordered by the Court of Criminal Appeal as a consequence of trial judges misdirecting juries about the law.

In 2015, our records show that there were 88 conviction appeals determined by the Court of Criminal Appeal. Only 15.9% (14 of 88) appeals were allowed or allowed in part. Of those appeals which were allowed, only one involved a misdirection(s). In comparison to past years, this is a very low figure.

One of our publications was cited in a decision of the NSW Local Court: H Donnelly, Z Baghizadeh, P Poletti, “Environmental planning and protection offences prosecuted in the NSW Local Court”, *Sentencing Trends & Issues*, No 43, in *Environmental Protection Authority v Tomingley Gold Operations Pty Ltd* [2015] NSWLC 21 at [46].

Evaluating the program’s performance

An assessment of the program’s results shown in Table 5 demonstrates that our research and sentencing program performed well in 2015–16.

Table 5: Results for research and sentencing program

Result	Measures	Performance
Judicial officers had access to current law to assist in their day-to-day decision making.	Maintain or increase use of Judicial Information Research System (JIRS).	7.1% increase in use of JIRS throughout 2015–16 with 1.635 million total page hits.
	Maintain access to current law on JIRS.	Throughout the year JIRS was available over 99% of the time.
Judicial officers were promptly informed about changes to criminal law and criminal practice and procedure.	Maintain accuracy of legislation by weekly updates; update judgments on a daily basis; maintain bench books to reflect significant changes to the law; maintain email alert service.	<ul style="list-style-type: none">• 209 recent law items posted on JIRS throughout the year (last year: 218).• 205 summaries of select appeal decisions published on JIRS (last year: 163).• Recent Law flyer sent monthly to judicial officers.• 5 updates published for <i>Criminal Trial Courts Bench Book</i>, 2 for <i>Sexual Assault Trials Handbook</i>.• 4 special bulletins issued• 3 email alerts sent to judicial officers.
Judicial officers were promptly notified of changes in sentencing law and practice.	Maintain legal accuracy of Sentencing Principles and Practice component of JIRS.	3 updates to the <i>Sentencing Bench Book</i> . Sentencing principles in <i>Sentencing Bench Book</i> linked to new cases and legislation.
Accurate sentencing information was available to judicial officers.	Maintain sentencing statistics on JIRS on the range and frequency of penalties imposed in similar cases.	Sentencing data was received, audited and loaded on JIRS within 4 months of receipt.
	Maintain information that explains why a sentence was passed.	Access provided to case details from sentencing graphs, including sentencing remarks in all District Court of NSW and appeal cases published on Caselaw site. This provides detailed information as to why the specific sentence was imposed.
	Maintain information about sentences that other judicial officers have given in similar circumstances.	Published 54 summaries of significant appeal decisions in the <i>Judicial Officers’ Bulletin</i> .
Information about sentencing was communicated.	Maintain or increase publication of <i>Sentencing Trends & Issues</i> papers, research papers and monographs.	2 <i>Sentencing Trends & Issues</i> papers (last year: 2) and no research monograph was published (last year: 1 monograph).
		Sentencing project for the Royal Commission into Institutional Responses to Child Sexual Abuse was published in July 2015.
	Provide information in response to requests for about specific sentencing issues.	Responded to 10 substantial research requests from judicial officers (last year: 15) and 21 non-judicial enquiries (last year: 25).
Judicial officers were informed about sentencing options and rehabilitation facilities for offenders.	Maintain current information about service providers in services directory on JIRS.	Information and contact details in the Services Directory regularly monitored, updated and hyperlinked throughout the year.
JIRS was improved to meet judicial officers’ needs.	Maintain or increase number of improvements to JIRS.	During 2015–16, 14 modifications (last year: 6) were made to JIRS to respond to specified needs.
Expenditure was within budget.	According to budget plan.	As at 30 June 2016, research and sentencing expenditure was \$2.05 million, representing 35% of overall expenditure.

Why we provide sentencing information and resources

When a person pleads not guilty to an offence, the criminal trial must be conducted according to law, ensuring fairness to the accused person. When a court sentences a person for a criminal offence, it must follow settled principles and apply them in a consistent way. One of our functions is to assist the courts to achieve a consistent approach to sentencing. Our research and sentencing program is designed to provide timely and relevant sentencing information and explain criminal law changes to assist judicial officers in their day-to-day work as they conduct criminal trials and sentence convicted offenders. We achieve this without interfering with a judicial officer's independence in the following ways:

- sending out a prompt email alert to judicial officers detailing any significant legal changes
- posting promptly a "Recent law" item on JIRS where there is an important change to the law
- issuing a Special Bulletin about the relevant legal development
- adding summaries of changes and specialist articles in the *Judicial Officers' Bulletin*
- incorporating new criminal or evidence law changes into our relevant bench books
- researching sentencing trends in our in-depth studies
- collating easy-to-follow statistical information from the cases and providing it online.

Case study

Assisting judicial officers to achieve sentencing consistency

To assist judicial officers to achieve consistency in imposing sentences, we regularly inform them of relevant case.

The High Court of Australia has made clear that, when sentencing federal offenders, State courts must have regard to sentencing practices Australia-wide and follow decisions of other appellate courts in Australia, unless convinced those decisions are plainly wrong: *The Queen v Pham* [2015] HCA 39.

The case of *DPP (Cth) and DPP (Vic) v Garside* [2016] VSCA 74 (the Garside case) was particularly significant for Commonwealth sentencing because the Victorian appellate court declined to follow a sentencing principle set in NSW. The NSW court had held that exceptional circumstances must exist before a non-custodial sentence can be imposed for child pornography offences. In the Garside case, the Victorian appellate court concluded the preferred principle is that a term of immediate imprisonment should ordinarily be expected for a child pornography offence but that each case must be decided according to its own circumstances. Ultimately this issue may be resolved by the High Court.

We published Special Bulletin 11 – *DPP (Cth) and DPP (Vic) v Garside* [2016] VSCA 74 – child pornography/abuse offences which provided a detailed explanation of the VSCA decision. This Bulletin is available on our website at www.judcom.nsw.gov.au

We take great care to provide accurate information

Extensive publishing tasks accomplished to help judicial officers keep up-to-date

We provide sentencing information and explain criminal law developments through our online and print platforms. Our bench books and original research studies are published in hard copy and online through the Judicial Information Research System (JIRS) and on our website. JIRS is an online database specifically designed for judicial officers and legal practitioners. For important High Court decisions and legislation that have made substantive changes, judicial officers are informed quickly by an email alert or Special Bulletin. The alert details the decision or legislation and, where possible, examines the impact of the changes.

Case summaries of appeal decisions and "Recent law" items are prepared as soon as possible after a decision is handed down or a piece of legislation is introduced into Parliament. Items of particular importance are also published in the monthly *Judicial Officers' Bulletin*, which is sent to all judicial officers and key criminal justice agencies in NSW. A major part of our work is preparing these summaries and items, which are published online. These include:

- all significant criminal High Court decisions
- every NSW Court of Criminal Appeal decision where the court altered the sentence/s imposed at first instance
- important interstate appellate decisions concerning Commonwealth sentencing, the interpretation of evidence law, and cases that have the potential to affect the conduct of criminal trials
- all cases where the standard non-parole provisions were applied
- other selected appeals which involved discussion of a sentencing principle
- cases which have an impact on the work of magistrates in the Local and Children's Courts
- all legislation which affects criminal practice and procedure.

"Recent law" items and case summaries are incorporated into the relevant bench books. The Research Division oversees the *Sentencing Bench Book* and the *Criminal Trial Courts Bench Book*. The bench books are set out in a logical order and provide a useful, constantly-updated compendium of the relevant case law and legislation that applies when conducting a criminal case. This detailed information on practice is supplemented with procedural guidelines, suggested jury directions and sample orders.

Guidance on the sentences that other judicial officers have given in similar circumstances is also provided by publishing sentencing statistics on JIRS. Great care is taken to provide statistical information that is accurate, verified and easy to access. Enhancing the accessibility and useability of the statistics with regard

to cases before various courts including the NSW Industrial Relations Commission is another major part of our research and sentencing program (see p 48).

We are in a unique position to take into account all these criminal law changes and sentencing statistics to provide in-depth studies into sentencing trends, which are accessible online and in print. Our original research studies include monographs and issue papers that analyse sentencing trends. Our latest study concerned a well-received, detailed analysis of domestic violence (see pp 42 and 50).

Case study

Advising judicial officers of new procedures for child witnesses

The court process can be a stressful one especially for children required to give evidence about alleged sexual offences.

We keep NSW judicial officers informed of many key developments in criminal law including new procedures for child witnesses in certain hearings.

To improve the process of children giving evidence in court, a pilot scheme commenced on 31 March 2016. This scheme, which is to operate for 3 years, builds on existing measures which enable children who are complainants in a prescribed sexual offence to give evidence remotely.

The new procedures enable a child's evidence to be pre-recorded at a hearing in the absence of the jury and played at a later time. The child and court are assisted by an intermediary who facilitates communication between the child and the court, ensuring the child understands questions put to him or her by the parties and that the court understands the responses given by the child. The intermediary has a duty to impartially facilitate that communication. The scheme operates from the Downing Centre and the Newcastle District Courts only.

Two weeks before the scheme commenced, we published a news item in the "Recent Legislation" section of the Judicial Information Research System (JIRS) to explain the scheme and to advise judicial officers of the listing procedures for matters falling within it. The prescribed form of the oath to be taken by the intermediary was also identified both in the news item and in an update to the *Criminal Trial Courts Bench Book*.

Delivering our program through the Judicial Information Research System (JIRS)

Figure 12 below visually depicts the components of our online database — the Judicial Information Research System (JIRS) — and shows how the information flow works to support independent judicial

decision making. JIRS provides rapid and easy access to the courts’ decisions and to legislation. The database is the first of its kind in Australia and is a world leader in the field of legal databases. It is an extensive, interrelated and hypertext-linked resource that provides modules of reference material for judicial officers presiding over trials or sentencing.

Figure 12: The Judicial Information Research System (JIRS): a complete judicial decision support system

Description	What we do	JIRS Component
Early notice of important legal developments.	<ul style="list-style-type: none">identify significant decisions and legislative changesextract core principles of case law and legislation and post onlineprint and distribute monthly <i>Recent Law</i> flyer.	Announcements and Recent Law
Statistics on the range and frequency of penalties imposed in similar cases.	<ul style="list-style-type: none">receive data from BOCSARaudit dataprocess and load data on JIRS within 1–4 months of receipt.	Sentencing statistics
Full text of judgments and case summaries for selected cases.	<ul style="list-style-type: none">receive cases from High Court, NSW Court of Criminal Appeal (NSWCCA), NSW Court of Appeal, Supreme Court of NSW, NSW Land and Environment Court, NSW Industrial Relations Commission, NSW District Court and NSW Local Courtadvance notes supplied by Office of the Director of Public Prosecutionspost judgments within 1 working day of receiptprepare recent law items within 14 days of receipt for important decisionsprepare important NSWCCA case summaries within 2 weeks of receiptlink cases and summaries to sentencing principles and practice component and the <i>Criminal Trial Courts</i> and <i>Civil Trials Bench Books</i>.	Case law
Concise commentary on sentencing principles.	<ul style="list-style-type: none">take sentencing principles from new cases and legislation and post as recent law itemslink principles in bench book to case law and legislation.	Sentencing principles and practice (<i>Sentencing Bench Book</i>), Recent Law
Practice and procedure manuals for the various courts containing current statements of relevant legal principles, sample orders and suggested jury directions.	<ul style="list-style-type: none">identify significant decisions and legislative changes which impact on the content of the bench bookbench book committees consider content and draft amendments and special bulletinspublish updates on JIRS and in hard copy.	Bench books
All NSW and Commonwealth Acts and Regulations.	<ul style="list-style-type: none">receive legislation from NSW Parliamentary Counsel's Office and Commonwealth Attorney General's Departmentprocess and load legislative changes within 24 hours of receiptalert users to commencement date of criminal legislation via recent law itemslink legislation to relevant case law and sentencing statisticsverify currency of legislation weekly.	Legislation
Monographs, <i>Sentencing Trends & Issues</i> , <i>Judicial Officers' Bulletin</i> , <i>The Judicial Review</i> .	<ul style="list-style-type: none">identify relevant topic or research areacommission authoredit and typeset manuscriptpublish in hard copy and online.	Publications
Essential information on treatment options and rehabilitation facilities.	<ul style="list-style-type: none">identify relevant service providersmaintain currency of information.	Services directory

Maintaining the Judicial Information Research System (JIRS)

JIRS is maintained so that judicial officers have access to current and accurate case law, legislation, practice and procedure. We continually monitor the law and update the database to keep judicial officers informed of current law to assist in their decision making. We check the currency of all legislation on JIRS each week and on a daily basis monitor developments in case law, legislation and government policy. These developments are analysed and added to our database and publications. To ensure the integrity of our statistics, we audit all higher courts’ data received from the NSW Bureau of Crime Statistics and Research (BOCSAR).

Evaluating the research and sentencing program’s performance

An assessment of the program’s results shown in Table 6 below demonstrates that our research and sentencing program performed well in 2015–16. The table shows the evidence for each identified result as well as details of each measure we have put in place to achieve our objectives.

Use of the Judicial Information Research System (JIRS) continues to grow

A good measure of the value of JIRS is the level of use over the last 5 years as shown in Figure 13. There was a 7.1% overall growth in the use of JIRS during the year (last year: 3.2% growth) with a total of 1.64 million page hits to JIRS exceeding our 1.35 million target set for 2015–16. There was an average of 136,324 hits each month, peaking at over 157,000 hits in a single month in May 2016.

Judicial officers and their support staff in the Supreme, District and Local Courts accounted for 33.4% of the use of JIRS in 2015–16. This represented a 12.1% increase in usage for most courts, compared to 2014–15.

Use by Supreme Court staff in 2015–16 dipped slightly from 1.7% last year to 1.4% this financial year. Magistrates have access to selected sentencing information through the JIRS Resources iPad™ app as an alternative to using JIRS, yet their use of JIRS increased by 8.5% over the financial year. Magistrates account for 66% of all judicial use in 2015–16.

There has been a 9.2% increase in Government agencies’ use of JIRS, accounting for 47.7% of the use of JIRS overall in 2015–16. Government agencies include the Office of the Director of Public Prosecutions, Police Prosecutors, the Public Defenders, and Legal Aid NSW. Professional associations’ and private law firms’ use of JIRS has declined (down 12.7%) and accounted for 18.3% of overall use of JIRS in 2015–16. In part, this may reflect the public availability of certain JIRS content on the Commission’s website as well as other material on the freely available JIRS Resources app that the Commission publishes. These public resources have reduced the need for some practitioners to subscribe to the full JIRS website.

Table 6 below shows how the use of JIRS is split and the change in use over a 5-year period. The overall growth in use is shown in Figure 13.

Figure 13. Number of JIRS pages accessed 2011–16

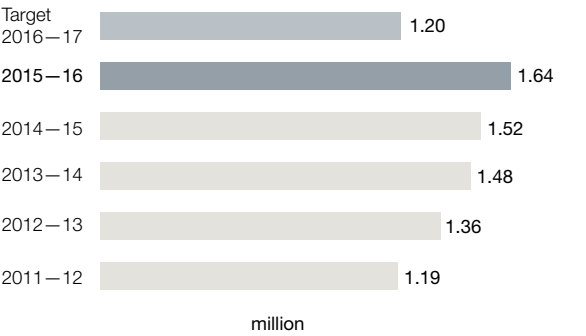


Table 6. Overall JIRS use 2013–16

Users	2013–14 hits	%	2014–15 hits	%	2015–16 hits	%	Change %
Supreme Court of NSW	48,191	3.3	25,339	1.7	23,078	1.4	-8.9 ↓
NSW District Court	143,068	9.7	146,396	9.6	164,662	10.1	12.5 ↑
NSW Local Court	323,920	21.9	329,774	21.6	357,797	21.9	8.5 ↑
NSW Land and Environment Court	579	0.0	598	0.0	424	0.0	-29.1 ↓
NSW Industrial Relations Commission	2,504	0.2	1,456	0.1	168	0.0	-88.5 ↓
Government agencies*	645,077	43.6	713,717	46.7	779,661	47.7	9.2 ↑
Professional associations**	46,453	3.1	43,611	2.9	37,018	2.3	-15.1 ↓
Other subscribers***	270,259	18.3	266,739	17.5	273,086	16.7	2.4 ↑
Total	1,480,051	100.0	1,527,630	100.0	1,635,894	100.0	7.1 ↑

* Includes staff of the NSW and Commonwealth DPP, Department of Justice, Legal Aid NSW, NSW Police Prosecutors, and other State or federal public sector agencies, excluding judicial officers and their associates.
** The Bar Association of NSW and Law Society of NSW libraries.
*** Includes barristers, law firms, universities, libraries and community organisations.

Case study

Keeping judicial officers informed of developments in evidence law

The Uniform Evidence Law, which operates in NSW as the *Evidence Act* 1995, also applies to other Australian jurisdictions including Victoria and the ACT. We keep NSW judicial officers informed of significant appellate cases dealing with the operation of the Uniform Evidence Law, including relevant decisions from other States and Territories concerning the relevant jurisdiction’s Evidence Act. Dealing with young children who are required to give evidence can raise issues concerning their competency and capacity. In NSW and the ACT, the respective Evidence Acts provide the statutory framework for determining whether a particular witness is competent to give sworn or unsworn evidence. A statutory obligation is imposed on judicial officers to be satisfied that a particular witness has the requisite capacity before their evidence is led.

An ACT trial judge concluded that a 6-year-old witness was not competent to give sworn evidence but allowed her evidence to be received unsworn. The ACT Court of Appeal ordered a new trial. It held the judge erred and that the jury should have been directed as to the difference between sworn and unsworn evidence. The Crown then appealed to the High Court (*The Queen v GW* (2016) 90 ALJR 407). The High Court overturned the ACT Court of Appeal decision. It concluded that it was necessary for the trial judge to be satisfied the witness did not have the requisite capacity to give sworn evidence before allowing her to give unsworn evidence. It was open to the judge to find she was not competent to give sworn evidence. No special jury directions were needed because her evidence was unsworn.

We promptly posted a recent law item on JIRS summarising the court’s conclusions. The *Criminal Trial Courts Bench Book* was also quickly amended to reflect the effect of the decision.

We met our target to post all NSW and High Court judgments on JIRS within 24 hours of receipt. We also met our target (of within 1–4 months) to load sentencing statistics on JIRS for all courts. There is an ongoing challenge to meet our target to load statistical information due to problems with the timeliness and quality of sentencing data received from the courts. The quality continues to improve, but we are still required to audit the data received to ensure its accuracy before loading onto JIRS.

Improving the Judicial Information Research System (JIRS)

During the financial year, we more than doubled our target to add 14 (last year: 6) enhancements to the Judicial Information Research System (JIRS). In response to continuing monitoring of JIRS users, improvements include the following:

- providing a new component in JIRS drawing together a collection of material on bail
- launching a new app on the App Store™ and Google Play™ to enable interactive learning
- providing additional search help where an “Act and section” search has been added to the NSW Court of Criminal Appeal (NSWCCA) summaries component which enhances the ability to locate summaries more easily in response to *The Queen v Pham* [2015] HCA 39
- modifying the NSWCCA summaries component in order to record more detailed information on drug offences in response to *The Queen v Pham*
- enhancing the search facility of the Magistrates’ Resources component of JIRS
- reworking the annotated *Civil Liability Act 2002* so that it now includes the section text and the content for the main sections
- incorporating analysis tools into JIRS to enable improvements to be made
- releasing an improved version of the JIRS Resources App on the App Store™ and Google Play™.

Further improvements have also been made to the ability to access and use sentencing statistics. Apart from a substantial revision of the “Explaining the statistics” document on JIRS, other improvements made during the financial year include the following:

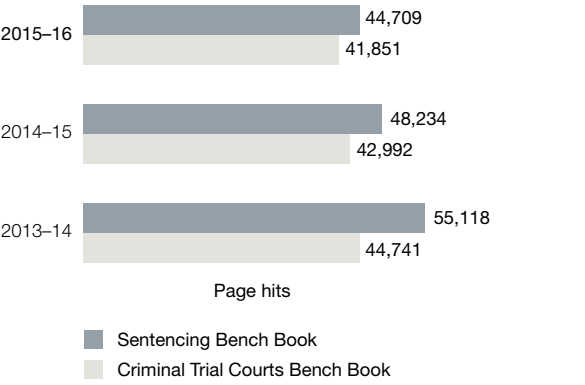
- Higher, Local and Children’s Court: statistics now include aggregate/effective sentences.
- Local and Children’s Court: statistics now include more detailed information on the number of offences in the offender characteristics. Statistics can be divided into the number of offences against the same section (or clause/provision, in the case of subordinate legislation) as the principal offence and the number of offences for other sections

- Local and Children’s Court: statistics now link to case details pages, which include, among other things, more detail about prior offences, links to judgments where available and the Justice Link case number (the District and Supreme Court statistics had this facility before, but it has been improved)
- Local Court: statistics now include a new offender characteristic to identify whether or not the principal offence or any other offences involved domestic violence
- Supreme and District Courts: a new statistics component has been added for work health and safety offences dealt within the Courts’ summary jurisdictions
- NSW Industrial Relations Commission: statistics now use an improved version of the statistics viewer.

Performance of the research and sentencing publications program


Access to our research and sentencing publications is delivered through JIRS. Our publications can also be downloaded in PDF directly from our website or by using the JIRS Resources app on an iPad™. Publications are also provided in hard copy to judicial officers and are available for purchase at www.shop.nsw.gov.au.

Figure 14. Most commonly-accessed publications on JIRS (page hits) 2013–16



Case study

Inaugural interactive learning resource app launched

 A new Judicial Commission Interactive Learning Resource (JCILR) app has been released on the App Store™ and Google Play™ with scenarios featuring context evidence, tendency evidence and background evidence. JCILR is designed for the education of judicial officers, legal professionals, and students. It is an educational tool developed to allow users to simulate a courtroom experience, and practise making decisions in selected scenarios.

Users can then compare their results with that of the author of the scenario and other users.

Overall in 2015–16, there was a 6.8% increase in access to publications from JIRS compared to the previous year’s growth as shown in Figure 14. This is the highest rate of access noted in the last 5 financial years while there has been a 14.4% decline in PDF downloads as shown in Table 7.

Table 7. PDF publication downloads from JIRS, Commission’s website and JIRS app 2013–16

Publication	2013–14	2014–15	2015–16	Change %
Sentencing Bench Book	3,075	3,519	3,467	-1.5 ↓
Criminal Trial Courts Bench Book	5,733	6,079	6,056	-0.4 ↓
Research monographs*	21,157	34,751	27,689	-20.3 ↓
Sentencing Trends & Issues*	9,419	6,912	5,786	-16.3 ↓
Civil Trials Court Bench Book	3,554	4,846	4,000	-17.5 ↓
Local Court Bench Book	2,947	3,051	3,273	7.3 ↑
Sexual Assault Trials Handbook	1,549	1,662	1,841	10.8 ↑
Equality Before the Law Bench Book	757	530	829	56.4.2 ↑
Children’s Court of NSW Resource Handbook**	1,014	993	1,035	4.2 ↑

* Not available via JIRS Resources app.
** Not available from Commission’s website.

Research publications for 2015–16

Sentencing for domestic violence

Sentencing Trends & Issues No 45 (June 2016)
Authors: A Gombru, G Brignell and H Donnelly

Over the past decade there has been an increased awareness of the causes, characteristics and impact of domestic violence. This has led to a number of State and Commonwealth legislative and policy initiatives. This study comprehensively reviews the sentencing principles that apply in cases of domestic violence, examines the most common offences committed in a domestic violence context and discusses recent legislative initiatives.

The study also collects recently-published information concerning the prevalence of the problem. This publication was well received by the judiciary (for a comment about this publication from a judge of the District Court, see p 42).

Other publications for 2015–16:

- 10 updates to the bench books and handbook (the *Sentencing Bench Book*, the *Criminal Trial Courts Bench Book* and the *Sexual Assault Trials Handbook*) (last year: 13)
- 209 items on the JIRS recent law page about important cases and legislation (this included all items concerning High Court decisions and NSW legislation which were posted within 2 days of receipt) (last year: 218 items)
- 205 summaries of significant appeal decisions on JIRS and in the *Judicial Officers' Bulletin* (last year: 163)
- 4 Special Bulletins (last year: 1) and 3 email alerts (last year: 5) to inform judicial officers about changes to the criminal law.

More details of these publications are found in Appendix 8.

Performance of research assistance program

Judicial officers, the courts, government agencies and the legal profession have a high regard for JIRS and our independent research. This can be measured through the increasing use of JIRS, shown in Table 6 (see p 47), and specific requests for research assistance. We gave 3 conference and seminar presentations about our research program (last year: 2) which the legal community responded to favourably.

Information about these presentations is found in Appendix 15.

Case study

Explaining the need for clear written directions when the Crown carries the legal onus of proof

We keep NSW judicial officers informed through timely updates to the *Criminal Trial Courts Bench Book*. Trial judges use this resource on a daily basis to prepare their oral and written directions to juries at the end of a trial.

The Crown bears the onus of proving the guilt of an accused beyond reasonable doubt. In order to do that, the Crown must sometimes disprove beyond reasonable doubt a defence or an issue raised by the defence case. How that should be explained in the written and oral directions by a trial judge was discussed in *Decision Restricted* [2016] NSWCCA 63.

In this case, the central issue was whether the Crown had proved the ingredients of murder beyond reasonable doubt and, if not, whether the appellant was guilty of manslaughter. The statutory defences of self-defence and provocation were left to the jury. Under the *Crimes Act* 1900, the Crown had to disprove each of these beyond reasonable doubt. The judge gave the jury oral and written directions in the form of a question trail, identifying 8 questions for the jury: each was framed in terms of whether a “reasonable possibility” existed that the accused acted in self defence but without stating that the onus was on the Crown to remove or eliminate each one.

On appeal, the NSW Court of Criminal Appeal concluded the written directions were contrary to law because the directions did not make clear enough that the legal onus was on the Crown to disprove the reasonable possibility of self defence. It can be appropriate for such a direction to be framed in terms of whether the Crown has eliminated it as a reasonable possibility.

We posted a recent law item on JIRS and published Special Bulletin 32 – *Directions – onus of proof*. The relevant direction in the *Criminal Trial Courts Bench Book* was also amended.



Program 3

Examining complaints

Examining complaints

Results in brief for 2015–16

Independence of judicial officers was maintained: see p 54.

Expenditure was within budget: see p 55.

Timely acknowledgement and completion of preliminary examination of complaints: see p 56.

The majority of complaints received during the year finalised: see p 56.

High standard of judicial performance with only 44 complaints this year, 98% dismissed: see p 56.

Information gathered from the complaints process was used to develop education sessions for judicial officers: see p 58.

Photo previous page: part of Executive Assistant Cheryl Condon's role is to provide members of the public with information about the Commission's complaints function.

Challenges for 2015–16

Explaining to a disappointed complainant why their complaint was dismissed.

The year ahead for 2016–17

Examine complaints efficiently, independently, objectively and effectively.

Aim to finalise the majority of complaints that do not require further examination within 90 days and the preliminary examination of all complaints within 12 months.

Develop education sessions from information gathered from the complaints process.

Feedback

The success of our complaints system was recognised this year in the Victorian Parliament as it debated a law to establish a Judicial Commission.

"The proposed commission is broadly modelled on the Judicial Commission of New South Wales, which has operated successfully for over 20 years."

Second Reading Speech to the Judicial Commission of Victoria Bill, Legislative Assembly, Hansard, 23 February 2016, p 510.

Why we examine complaints

The *Judicial Officers Act* 1986 provides for a complaints function in NSW. Anyone may complain to the Commission about a matter that concerns or may concern the ability or behaviour of a judicial officer.

The Commission’s complaints function is protective. We have no power to discipline judicial officers, only to protect the public from judicial officers who are not fit for office or who lack the capacity to discharge their duties. The function also protects the judiciary from unwarranted intrusions into their judicial independence.

We fulfil our statutory function by:

Examining complaints efficiently, independently, objectively and effectively.

Determining which complaints require further action.

Advising the complainant and the judicial officer involved of the outcome of the complaints.

Providing information, publications and talks about our role and function.

Providing informal advice over the telephone and face-to-face.

Monitoring patterns in complaints and addressing recurring issues in our judicial education program.

There are about 350 judicial officers in NSW who handled more than 700,000 matters during 2015–16. The number of complaints we receive each year is low compared to the high volume of matters handled: see Table 9 on p 56. This demonstrates the high standard of judicial ability and conduct in NSW and the community’s willingness to accept decisions if they are made in accordance with the due process of law.

Evaluating the program’s performance

An assessment of the results shown in Table 8 demonstrates that our complaints function performed well in 2015–16. The table shows the evidence for each identified result as well as details of each measure we have put in place to achieve our objectives.

Table 8. Results for examining complaints

Result	Measures	Performance
Finalised majority of complaints received during the year.	Maintain number of complaints examined and finalised during the year.	Commission examined 93% of complaints received during the year (last year: 95%). See p 56.
Timely acknowledgment and completion of preliminary examination of complaints.	Maintain or decrease time taken to conduct preliminary examination of complaints.	Maintained performance with Commission examining 78% of complaints within 3 months (last year: 82%) and 100% of complaints within 9 months (last year: 100%). See p 56.
	Maintain time taken to formally acknowledge complaints received.	100% of complaints received were acknowledged within 5 working days.
High standard of judicial performance.	Compare number of complaints to number of court matters finalised during the year.	350 judicial officers in NSW heard around 700,000 court matters in 2015–16. Only 44 complaints about 38 judicial officers were made to the Commission. See p 56.
	Compare number of complaints dismissed under section 20 of the <i>Judicial Officers Act</i> 1986 with complaints that require further action.	98% of complaints (40 of 41) were summarily dismissed under section 20 of the <i>Judicial Officers Act</i> 1986. No complaints required further action. See p 57.
	Maintain accessible information about the complaints process.	Information about the complaints process and how to make a complaint was provided in the annual report, on our website, and in brochure form. We responded to 441 requests for information. See p 57.
Independence of judicial officers was maintained.	Maintain confidentiality of complaints process.	Commission examined all complaints according to statutory criteria and established protocols. See pp 56 and 59.
Information gathered from the complaints process has been used to develop education sessions for judicial officers.	Monitor and analyse trends in complaints to feed into education sessions.	45% of complaints arose from allegations of failure to give a fair hearing. 25% of complaints arose from allegations of bias. Education sessions held and publications produced during the year addressed these issues. See p 58.
Expenditure was within budget.	According to budget.	As at 30 June 2016, complaints expenditure was \$450,000 or 7.7% of overall expenditure.

Complaints received and examined during the year

The number of complaints received has fallen this year. Forty-one people made 44 complaints about 38 judicial officers. Three complainants each made 2 complaints. The rest of the complaints were lodged individually. Of the 44 complaints received, we finalised 41 complaints including the 11 complaints pending as at 30 June 2015. Fourteen complaints were pending as at 30 June 2016.

Table 9 shows how we have dealt with all complaints received and examined over the last 5 years.

Complaints examined and summarily dismissed

A consistent trend over the last 5 years is that, following the preliminary examination, most complaints were summarily dismissed under section 20 of the *Judicial Officers Act*. This year, 98% of complaints (40) examined were summarily dismissed. This is higher than the average 5-year dismissal rate of 93%. Section 20 of the *Judicial Officers Act* 1986 sets out 8 criteria under which the Commission must dismiss a complaint whether or not it appears to be substantiated. Table 10 shows how the 40 complaints summarily dismissed were dealt with under section 20 this year.

High consistency in timely examination of complaints

Within 5 working days, the Commission acknowledged all complaints received in writing. During 2015–16, we finalised 100% of complaints within 9 months, whereas last year, all complaints were finalised within 6 months of their receipt. The extra time required was due to delays receiving information necessary for the examination of the complaints. Within 3 months, we had conducted the preliminary examination of 78% of all complaints and within 6 months, 93% of all complaints were examined. Table 11 compares the timeliness standards over 5 years and demonstrates that the Commission continues to respond to all complaints received within a reasonable time.

Table 11. Time taken to conduct preliminary examination of complaints

	3 mths	6 mths (target 90%)	9 mths	12 mths (target 100%)
	%	%	%	%
2011–12	26	68	97	100
2012–13	22	78	93	98
2013–14	61	87	97	100
2014–15	82	100	100	100
2015–16	78	93	100	100

Table 9. Particulars of complaints examined 2011–16

	2011–12	2012–13	2013–14	2014–15	2015–16
Complaints pending at 30 June	26	39	21	8	11
Complaints made during the year	110	71	48	59	44
Total number of complaints	136	110	69	67	55
Complaints examined and dismissed	79	79	58	49	40
Complaints referred to head of jurisdiction	7	4	1	4	0
Complaints referred to Conduct Division	4	2	2	2	0
Complaints withdrawn	7	4	0	1	1
Total number of matters finalised	97	89	61	56	41
Complaints pending at 30 June	39	21	8	11	14

Table 10. Criteria for dismissing complaints under section 20

Criteria	Section	Number of complaints
The complaint is frivolous, vexatious or not in good faith and having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.	20(1)(b) & (h)	1
The complaint relates to the exercise of a judicial or other function that is or was subject to adequate appeal or review rights and having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.	20(1)(f) & (h)	22
The matter complained about occurred at too remote a time to justify further consideration, and having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.	20(1)(d) & (h)	1
Having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.	20(1)(h)	16
Total number of complaints dismissed under s 20		40

No complaints referred to the relevant head of jurisdiction

There were no complaints referred this year to the relevant head of jurisdiction (last year: 4). The Commission has the power to refer a complaint which, while it does not justify the attention of a Conduct Division, warrants some further action.

No complaints referred to a Conduct Division

There were no complaints referred to a Conduct Division this year (last year: 2). Information about the role of a Conduct Division is found on p 61.

Other Conduct Division work

The Commission referred 2 complaints about a judicial officer to a Conduct Division in October 2014. The examination of those complaints was finalised during 2015–16. Following a private hearing, the Conduct Division found that the complaints did not justify Parliamentary consideration of the judicial officers’ removal from office and the complaints were referred back to the relevant head of jurisdiction under section 28(1)(b) of the *Judicial Officers Act*.

No referrals from the Attorney General

The Attorney General of NSW may refer a matter to the Commission under section 16(1) of the *Judicial Officers Act* 1986 and this is treated as a complaint. The Commission received no references from the Attorney General this year (last year: 1).

Responded to informal enquiries

We responded to 441 telephone, face-to-face and written enquiries from potential complainants, members of the legal profession and the media (last year: 523).

We are usually able to help people by providing information, referring them to another agency, or advising them of the process for making a complaint to the Commission. Providing informal advice often avoids an unnecessary formal complaint being made. Enquiries often relate to matters that should be dealt with on appeal to a higher court and, in these cases, we advise the person to seek independent legal advice.

Case study

Complainant had right to appeal

The complaint

The complainant alleged that a judge had erred in failing to assess the objective seriousness of the offences in criminal proceedings and that the sentence imposed was inadequate.

The Commission’s examination

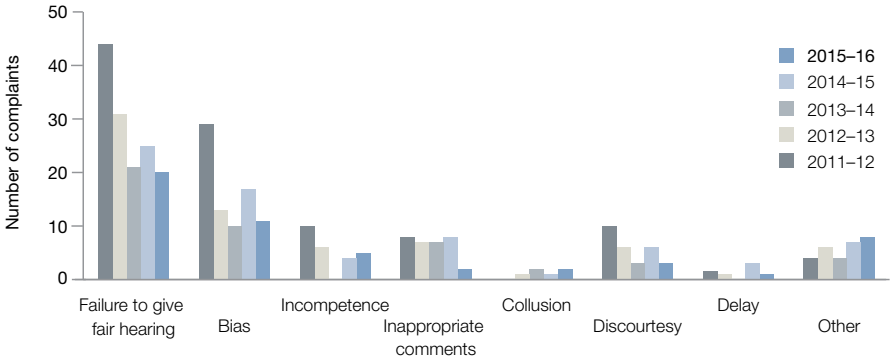
The Commission dismissed the complaint after reviewing the transcript of the sentencing proceedings, including the judge’s sentencing remarks. In examining the complaint, the Commission noted that the matters the complainant raised concerning the sentence and the judge’s reasoning in imposing the sentence had already been dealt with by the Court of Criminal Appeal.

It is not uncommon for people who are dissatisfied with the outcome of a case before a court to make a complaint to the Commission about the conduct of the judge. The role of the Commission is to examine complaints about ability or behaviour. It does not have authority to review judicial decisions, including findings of fact and law. That is a matter for courts of appeal and is recognised in the provisions of section 20 of the *Judicial Officers Act* 1986 which requires the Commission to summarily dismiss complaints where there is or was an avenue of appeal or review available. The complainant and judicial officer were advised of the Commission’s reasons for dismissing the complaint.

Monitoring trends in complaints

Figure 15 shows the 5-year patterns in the type and volume of complaints. Monitoring trends in complaints helps to identify areas that may need to be addressed in our judicial education program. Information gathered from complaints is used to develop education sessions on topics such as providing a fair hearing and avoiding bias, avoiding inappropriate comments and discourtesy, domestic violence and sexual assault issues, and cultural awareness training.

Figure 15: Common causes of complaint: basis of allegation



In 2015–16, we identified the following patterns

Common causes of complaint

Allegations of failure to give a fair hearing and an apprehension of bias continue to be the most common grounds of complaint. In 2015–16, these 2 categories accounted for 64% of complaints (last year: 69%). An unsuccessful party to legal proceedings or a person who represented him or herself in court often makes this type of complaint. Complaints of bias are usually accompanied by particular allegations about the judicial officer’s conduct.

Substitution for appeals

A complaint is often made that a judicial officer made a wrong decision. This type of complaint is usually made when a party to litigation is aggrieved by an unfavourable decision but, for one reason or another, does not wish to appeal to a higher court. Instead, a personal complaint against the judicial decision maker is made to the Commission, frequently alleging bias or incompetence. Such a complaint is dealt with on its merits, but the Commission cannot correct an allegedly wrong decision. A court of appeal is the appropriate avenue for determining whether the judicial officer made an error in law or fact or if there was a miscarriage of justice.

Incompetence

There were 5 complaints (11%) alleging judicial incompetence this year (last year: 7%).

Inappropriate comments and discourtesy

Two complaints alleged that a judicial officer made inappropriate comments and 3 complaints alleged discourtesy. These 2 categories accounted for 11% of all complaints received this year (last year: 24%).

Complaints arising from AVO proceedings

Some complaints arise out of proceedings involving applications for apprehended violence orders (AVOs). In many instances, the complaints arose from a misunderstanding of the nature of the hearing. The trend has decreased this year with 16% of complaints arising from AVO proceedings (last year: 25%).

Self-represented litigants making complaints

Another trend we have noted is the high proportion of complaints that self-represented people make. This year, self-represented litigants made 48% of all complaints (last year: 40%).

How to make a complaint

Anyone may make a complaint about the ability or behaviour of a judicial officer. A formal complaint must:

- be in writing
- identify the judicial officer concerned and the complainant
- be supported by a statutory declaration that verifies the particulars of the complaint
- be lodged with the Chief Executive of the Commission.

We will assist complainants with translation and interpreting services if required. There is no fee and legal representation is not required.

Our website provides information to help people understand the types of complaints we deal with, possible outcomes, how to make a complaint, and a complaints form for downloading. For those without internet access, we provide a hard copy plain English brochure *Complaints against judicial officers* and a complaints form.

Our website is at www.judcom.nsw.gov.au

How we deal with complaints and enquiries

Examining the complaint

Figure 16 (over the page) visually depicts how the complaints process works. Within 5 working days, we acknowledge in writing any complaint received which is in the required form. If the complaint relates to a court matter, we obtain sound recordings and a transcript of the proceedings. The Commission conducts the preliminary examination of the complaint in private to decide if it requires further action. In all cases, we advise the judicial officer that a complaint has been made and provide the judicial officer with the complaint documents. The Commission is required to summarily dismiss a complaint if it is of the opinion that it falls under criteria set out in section 20 of the *Judicial Officers Act* 1986. We explain to the complainant in writing why the complaint was dismissed.

Complaints that require further action

The Commission may decide that some complaints warrant further examination as the matter may affect or have affected the judicial officer’s performance of judicial or official duties. If the complaint shows conduct which is lawful but not appropriate, the Commission may refer the complaint to the relevant head of jurisdiction and provide all supporting material. The Commission may recommend some action to prevent the problem occurring again or that the judicial officer be counselled. The complainant and the judicial officer complained about are advised of any action taken.

Case study

Complainant was self-represented

The complaint

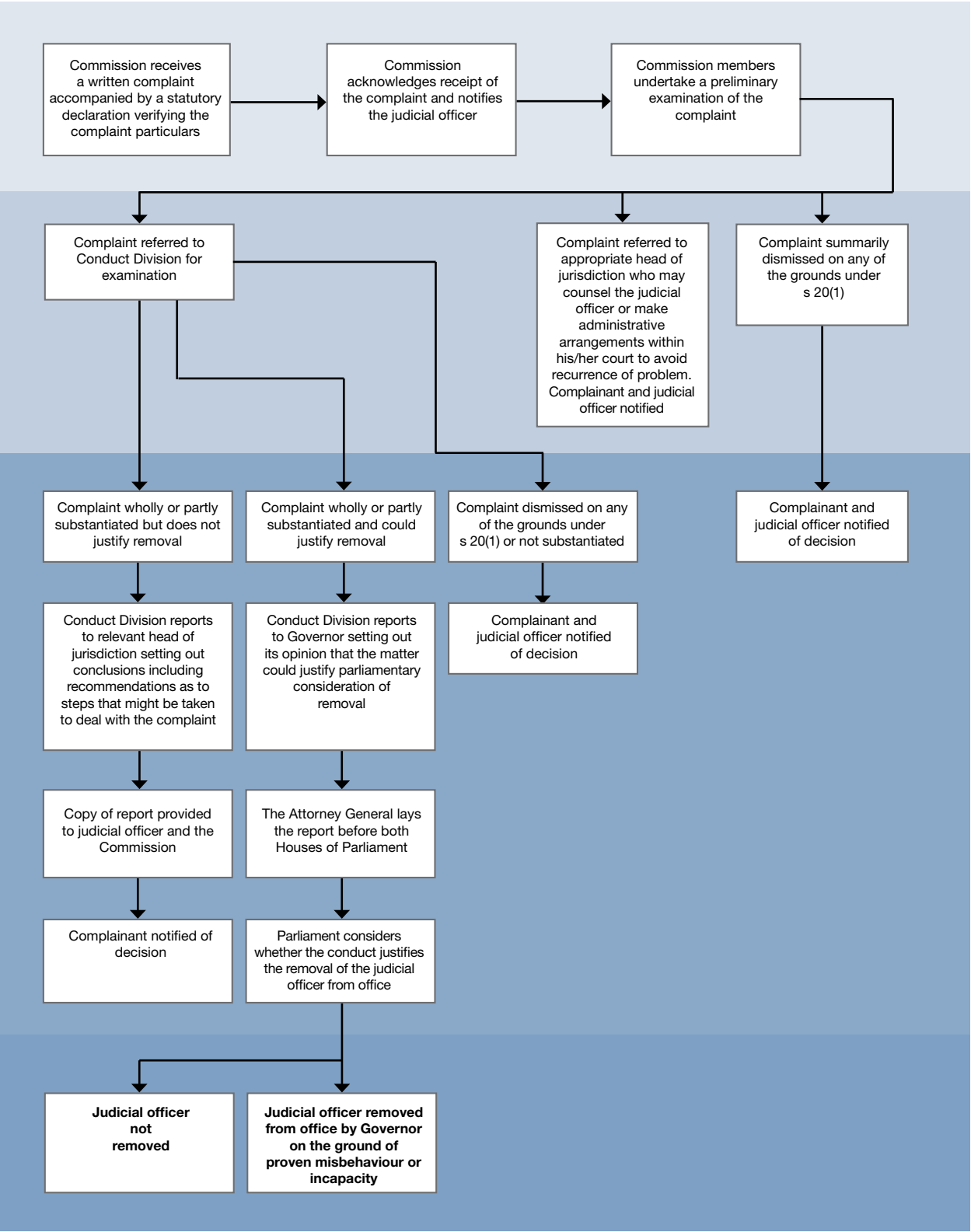
The complainant represented himself in proceedings for breach of an apprehended violence order. He alleged that a magistrate discriminated against him and intimidated him during the hearing by speaking to him sternly and aggressively.

The Commission’s examination

The Commission reviewed the sound recording of the proceedings and considered the complainant’s submissions. The examination showed that at the commencement of the hearing the magistrate explained to the complainant how the proceedings would be conducted and gave him such assistance as was appropriate for a self-represented person. There was no evidence from the sound recording that the magistrate had discriminated against the complainant or had in any way been intimidating or aggressive towards him. At all times during the hearing, the magistrate treated the complainant in a courteous and judicial manner.

Following its examination, the Commission was of the opinion that the complaint had not been substantiated and there was no misconduct on the part of the judicial officer. The Commission also noted that there was an adequate right of appeal available to the complainant. Having regard to these findings the Commission was required to dismiss the complaint. The complainant and the judicial officer were advised of the Commission’s reasons.

Figure 16. How the complaints process works



Complaints referred to a Conduct Division

If the Commission does not summarily dismiss a complaint, or refer it to the relevant head of jurisdiction, it must refer the complaint to a Conduct Division. This is not a standing body but is a panel especially convened for this purpose. A Conduct Division has the same functions, protections and immunities as a Royal Commission. In the Commission’s 29-year history, 20 Conduct Divisions have been formed. The Commission decides on the 3 members of a Conduct Division — 2 are judicial officers (one may be a retired judicial officer) and the other one is chosen from 2 community representatives the NSW Parliament has nominated.

A Conduct Division’s hearings may be held in public or in private. The judicial officer being investigated has, in all cases to date, been provided with financial assistance by the NSW Government for their legal representation before a Conduct Division. The Crown Solicitor and Senior and Junior Counsel are instructed to assist a Conduct Division.

A Conduct Division’s work involves gathering evidence about the complaint, holding hearings and deciding whether a complaint is partly or wholly substantiated. A Conduct Division does not have the power to remove a judicial officer; the Governor of NSW, acting on the advice of Parliament, bears this ultimate responsibility. The power to remove a judicial officer is protective and not punitive.

If a Conduct Division forms an opinion that a complaint could justify Parliamentary consideration of the judicial officer’s removal, the Conduct Division must present to the Governor of NSW a report setting out its findings of fact and its opinion. A copy of the report must be given to the judicial officer concerned, the Commission, the Attorney General and, after the Attorney General lays the report before both Houses of Parliament, the complainant. The judicial officer may be invited to address Parliament to show cause why Parliament should not request the Governor to remove the judicial officer from office. Parliament then considers and votes on whether the conduct justifies removal.

If the Parliamentary vote is in favour of removal, the Governor then removes the judicial officer from office on the ground of proven misbehaviour or incapacity. To date, this has never occurred.

If the Conduct Division forms the opinion that a wholly or partly substantiated complaint does not justify Parliamentary consideration of the judicial officer’s removal from office, it must send a report to the relevant head of jurisdiction, the Commission, and the judicial officer concerned, setting out its conclusions. The report may be given to the complainant unless the Conduct Division advises in writing that this should not occur. The report may include recommendations about the steps that might be taken to deal with the complaint. The Conduct Division can also dismiss a complaint on any of the grounds in section 20 or if the complaint has not been substantiated.

Formal complaints governance

The *Judicial Officers Act* 1986 governs the Commission’s formal complaints work as well as the *Judicial Officers Regulation* 2012 and 2 documents, *Complaints against judicial officers: guidelines* (see Appendix 1) and *Conduct Division: guidelines for examination of complaints* (see Appendix 2).

What we cannot deal with

The complaints function is only concerned with examining complaints about a judicial officer’s ability or behaviour. We do not have the power to:

- investigate allegations of criminal or corrupt conduct as these are matters for the police or the Independent Commission Against Corruption
- review a case for judicial error, mistake or other legal grounds
- discipline or sanction a judicial officer
- examine complaints about retired judicial officers, federal judicial officers, arbitrators, assessors, registrars, members of tribunals or legal representatives.

Case studies

Complaint that hearing was not fair

The complaint

The complainant represented himself in proceedings before the District Court to prosecute appeals against convictions imposed in the Local Court. He complained that the judge in the District Court had not given him a fair hearing and had not permitted him to bring new evidence.

The Commission’s examination

The Commission dismissed the complaint after reviewing the transcript of the appeal hearing and judgment. The Commission was of the opinion that there was no conduct that would amount to judicial misconduct under the *Judicial Officers Act* 1986. The Commission noted that the complainant was not legally represented at the appeal hearing. In the Commission’s opinion, the judge gave the complainant such assistance as was appropriate for a self-represented litigant. It found that full reasons for the decision were given in the judgment and at all times during the proceedings the judicial officer had treated the complainant courteously, objectively and judicially.

In advising the complainant of its reasons for dismissing the complaint, the Commission pointed out that an appeal against a conviction in the Local Court is usually heard on the evidence that was before the magistrate. Fresh evidence may only be given in an appeal with the leave of the District Court. The decision not to allow fresh evidence or additional evidence was an exercise of judicial discretion and was not misconduct.

Complaint about judicial bullying

The complaint

A barrister complained that when making an application on behalf of his client in a criminal trial, the judge in the District Court harangued, bullied and hectorated him and used intemperate language towards him.

The Commission’s examination

To examine this complaint, the Commission reviewed the transcript and sound recording of the hearing and the judgment in the matter. The examination revealed that while at times the hearing of the application became quite robust, in the Commission’s opinion, his Honour did not depart from the normal standards of courtesy and judicial behaviour. The Commission was satisfied that there was no conduct which would amount to judicial misconduct under the *Judicial Officers Act* 1986. The Commission found no examples of the judge using haranguing, bullying, hectoring or intemperate language. In those circumstances, the Commission was required to dismiss the complaint. The complainant and judicial officer were advised of the Commission’s reasons for dismissing the complaint.

For more information about the complaints process and how to make a complaint, see our website at www.judcom.nsw.gov.au.

Part 3
Engaging with our partners

Contents

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Engaging with our partners

Results in brief for 2015–16

The public was informed about our work and role in the justice system and our contribution to judicial performance: see p 67.

The Commission signed a MoU with the Judicial Commission of Indonesia, the culmination of a long-standing relationship between the 2 organisations: see p 70.

We provided advice and exchanged information with the jurisdictions of the Peoples' Republic of China, Papua New Guinea, Singapore, Japan, Hong Kong and Tanzania: see p 71.

The Commission shared knowledge and experience with other judicial education providers: see p 72.

Government agencies had access to our legal and statistical information: see p 70.

We signed an MOU with the Supreme and National Courts of PNG to develop a pilot Integrated Criminal Case System Database: see p 71.

The Commission provided contractual services to the Supreme Court Library Queensland, the Australian Capital Territory Law Courts and Tribunals, and the NSW Department of Justice for the supply of information technology: see p 72.

Challenges for 2015–16

Balancing our core work with requests for research and capacity-building projects.

The year ahead for 2016–17

Relaunch our website for a contemporary, easy-to-access platform.

Work with our national partners (see Appendix 14) to finalise a judicial education package on cultural diversity for the Judicial Council on Cultural Diversity to promote access to justice for court users from culturally diverse communities.

Continue to actively participate with other international providers of continuing judicial education. Our Chief Executive is a member of the Executive Board and Board of Governors of the International Organization for Judicial Training; a member of the Advisory Board of the Commonwealth Judicial Education Institute; and a member of the Asia Pacific Judicial Reform Forum.

Increase our involvement with the Association for Continuing Legal Education (ACLEA) — an international body established in 1964 with a focus on improving continuing legal education worldwide. Our Education Director is the President of ACLEA.

Continue with the development of the pilot Integrated Criminal Case System Database (ICCSDB) for the Papua New Guinea Law and Justice Sector.

Work with our national partners to develop a session on social media for the National Judicial Orientation Program.

Finalise redeveloping the website version of Lawcodes.

Offer a fifth Community Awareness of the Judiciary Program to inform community leaders about the role of judicial officers, the courts and Commission in the justice system.

Listening to our partners

Here are some comments from our partners about the assistance, services and information we provided throughout the year.

“On behalf of the Judiciary of Papua New Guinea, I formally express our gratitude to the Commission ... for your assistance in developing the PNG Sentencing Database.”

Sir Salamo Injia, KT GCL, June 2016, letter to the Commission’s Chief Executive

“I gained insight into the role of judicial officers and some of the challenges they face.”

Participant at Community Awareness of the Judiciary Program, September 2015

“Great work the Commission does and I have learned so much more about what it does.”

Participant at Community Awareness of the Judiciary Program, September 2015

“Fantastic presentation. Enjoyed the visual representations and found the Q&A honest and refreshing.”

Participant at Community Awareness of the Judiciary Program, September 2015

“[The magistrate] was great. She demystified a very difficult and often misunderstood subject. I could have listened to her even more. She was very approachable.”

Participant at the Bail session, Community Awareness of the Judiciary Program, September 2015

“The script is a very impressive and comprehensive draft ... a very impressive body of work.”

Feedback from our education partner on the draft cultural diversity education package

“There were some excellent practical takeouts on a range of topics; most valuable sessions for me was judgment writing.”

Feedback from participant at National Judicial Orientation Program, Glenelg, SA, February 2016

“The interpreter session was brilliant.”

Feedback from participant at National Judicial Orientation Program, Glenelg, SA, February 2016



In September 2015 we ran the Community Awareness of the Judiciary Program to engage with community leaders and inform them about the work of judicial officers and the courts. Pictured are Rosa Loria from Sydney Multicultural Community Services and his Honour Judge Andrew Haesler who spoke about his experience as a District Court judge.

Why we inform the public about our work and role and exchange knowledge and expertise with other organisations

We provide accessible information about the Commission’s functions and how our work contributes to judicial performance:

- so the public know of their right to complain about a judicial officer’s ability or behaviour
- to promote public and professional awareness of and confidence in the courts, the justice system, and the work of judicial officers
- to raise awareness of the Commission’s contribution to judicial performance.

Throughout the year we provided free-to-view information about our publications, talks and presentations, and the Community Awareness of the Judiciary Program. See Appendices 7 and 8 for full details of our publications.

Since 2004, the Commission has provided free access to resources and publications on our website. Our intention is to promote public confidence in the courts through providing accurate and current legal information and informed analysis. Readers today can access most of our monographs, videos, *Sentencing Trends & Issues* papers, handbooks and bench books in HTML and PDF for free download to personal computers and e-book readers. Bench books are looseleaf reference works that set out legislation, case law, principles, procedural guidelines, suggested jury directions and sample orders. Judicial officers use bench books to assist them to conduct trials, and they also contain invaluable guidance for the legal profession, government agencies, academics and law students.

Developing our services

During our 29 years of operation, we have developed expertise in judicial education services, computerised sentencing information, and building and maintaining judicial support and case management systems. In 2015–16, we worked with other organisations and judiciaries to:

- cooperate and exchange knowledge with government agencies in NSW
- assist with capacity-building projects in developing jurisdictions
- provide advice and assistance in other jurisdictions
- share resources and exchange ideas with other Australian and international providers of judicial education services
- share expertise developed in the exercise of our functions and provide contractual services.

Evaluating our performance

An assessment of the results shown in Table 12 (overleaf) demonstrates that our engagement with partners performed to expectation in 2015–16. The table shows the evidence for each identified result as well as details of each measure we have put in place to achieve our objectives.



During the year we regularly host international visitors who are keen to learn about the role and work of the Commission. Pictured with Chief Executive Ernest Schmitt PSM (second from right) are from left Ms Shrina Daswani, Counsel to the Judicial Institute; Ms Carol Fung, Senior Judiciary Executive to Judiciary Hong Kong; and Judge Douglas Yau, District Judge of Hong Kong.

Evaluating our performance

An assessment of the results shown in Table 12 demonstrates that our engagement with partners performed to expectation in 2015–16. The table below shows the evidence for each identified result as well as details of each measure we have put in place to achieve our objectives.

Table 12. Results for engagement with partners

Result	Measures	Performance
The public was informed about our work and role in the justice system and our contribution to judicial performance.	Maintain or increase publicly-accessible information on our website; through presentations and the Community Awareness of the Judiciary Program; and by responding to telephone and written enquiries.	Community Awareness of the Judiciary Program successfully run in September 2015. See p 71.
	Maintain or increase public access to information on our website.	Commission staff gave 18 presentations about our work and role throughout the year (see Appendix 15 for details of these) and we responded to 441 enquiries from potential complainants.
	Maintain or increase number of specialised education sessions offered.	New publications uploaded on our website for free-to-view service; existing publications updated throughout the year: see p 69 and Appendix 8.
		Overall participant satisfaction with Community Awareness of the Judiciary Program was 98% (last year: 96%): see p 71.
		Website use of our online information grew at an overall rate of 9% (last year: 12%).
Government agencies had access to our statistical and legal information and shared our knowledge.	Maintain research service to Government agencies.	We responded to 21 substantial research enquiries (last year: 25): see p 70.
We provided capacity-building assistance to Chinese, South East Asian, Papua New Guinea, Pacific and African jurisdictions.	Maintain or increase our capacity-building assistance.	We hosted 3 visitors and 3 delegations throughout the year and provided substantial assistance to the Papua New Guinea judiciary: see p 71.
We shared knowledge, resources and experience with other judicial education providers.	Maintain or increase exchanges throughout the year.	See p 72.
We provided advice to other Australian jurisdictions and Institutions.	Maintain advice on an “as requested” basis.	Provided assistance to Rule of Law Institute and Judicial Council on Cultural Diversity: see pp 69–70.
The Commission provided contractual services to partners.	Maintain or increase revenue obtained from contractual services.	17% of our income was self-generated to supplement funds from consolidated revenue: see p 104 in the Financial report.

Performance of public information role

Community Awareness of the Judiciary Program

The fourth Community Awareness of the Judiciary Program was run with assistance from judicial officers and the courts in September 2015. The program provided community representatives with the opportunity to learn about the justice system through interacting with judicial officers, attending court as observers, and participating in group information sessions. It was anticipated that community representatives then shared information with their respective communities. This year, the focus was on key aspects of the work of judicial officers, including judicial independence, judicial conduct, self-represented litigants, bail and sentencing.

Participants were asked to evaluate each day of the program. From the evaluation comments received from participants and presenters, it is clear that the objectives of the program were met and participants and presenters gained great benefits from their involvement. Participants gave an overall satisfaction rating for the 3 days at 91%, 98% and 100% respectively.

Engaging with the Rule of Law Institute Australia

During the year, the Commission agreed to provide the Rule of Law Institute, an independent not-for-profit organisation which provides educational resources, with our assistance. We conducted seminars for high school students and provided free access to our legal information on the Judicial Information Research System. See Appendix 10 for more information.

Commission officers’ presentations about our work and role

Commission staff delivered 18 presentations during the year (last year: 27). The presentations gave details about the role and functions of the Commission, the Judicial Information Research System (JIRS), the development of the JIRS app and its functionality, specific research projects recently undertaken, adult learning principles, judicial communication, and different learning styles. Appendix 15 provides a list of all presentations given during the year.

Responding to enquiries

Our Chief Executive, Ernest Schmatt PSM, responded to 8 media enquiries about our work (last year: 10) and attended to 441 telephone, face-to-face and written enquiries from potential complainants (last year: 523).

Informing the public through our website

Use of our online publications through our website grew at an overall rate of 9% (last year: 12% growth). This exceeds our target of 5% growth. The *Civil Trials Bench Book* continues to be the most accessed publication with 16% growth. This resource provides information and legal principles relevant to all aspects of running civil proceedings and about evidence admitted in civil and criminal trials. More information about our published resources is found in Appendix 8. Table 13 shows that the sustained growth over a 3-year period in the use of our publicly-available resources is meeting a need for information about the Commission’s work and role in the justice system.

During the year, we worked on redesigning our website for a contemporary, easy-to-access platform. This will be launched early next year.

Table 13. Website use of our resources 2013–16

	2013–14 hits/mth	2014–15 hits/mth	2015–16 hits/mth	Change %	Target %
Civil Trials Bench Book	24,230	26,532	30,839	16.2 ↑	5 ↑
Criminal Trial Courts Bench Book	18,618	19,668	21,451	9.1 ↑	5 ↑
Sentencing Bench Book	20,082	22,069	23,919	8.4 ↑	5 ↑
Local Court Bench Book	8,634	11,458	12,176	6.3 ↑	5 ↑
Sentencing Trends & Issues	4,449	5,200	4,741	-8.8 ↓	5 ↑
Sexual Assault Trials Handbook	2,035	2,207	2,151	-2.5 ↓	5 ↑
Research monographs	446	438	356	-18.7 ↓	5 ↑
Equality Before the Law Bench Book	171	208	303	46.2 ↑	5 ↑
DVDs	340	298	124	-58.6 ↓	5 ↑
Education monographs	2,013	2,432	2,069	-14.9 ↓	5 ↑

Working with government agencies

Providing research assistance to government agencies

Government agencies routinely request that the Commission provide legal information and analyses of the statistics that we hold on the Judicial Information Research System. During the year, we responded to 21 research enquiries (last year: 25), including from the following:

- the NSW Sentencing Council
- the Department of Justice
- the Royal Commission into Institutional Responses to Child Sexual Abuse. Our Director, Research and Sentencing, Hugh Donnelly, is a member of the Royal Commission’s Criminal Justice working group.

We also worked with:

- the Department of Justice to support and maintain the Forum Administration System that the Commission developed. This is offered at 13 locations for the Local Court in NSW
- the NSW Drug Court and Compulsory Drug Treatment Correctional Centre to host, maintain and support their case management systems, which were developed by the Commission.

Appendix 14 contains the full list of the organisations the Commission exchanged information with during the year.

Operating the Lawcodes database

The Lawcodes database of unique codes for NSW and Commonwealth criminal offences plays a vital role in the NSW criminal justice system. It enables all NSW justice sector agencies to electronically exchange information efficiently and accurately. The Commission developed and maintains this database and general access to it is provided through our website. During the year, we:

- coded and distributed all new and amended NSW offences within 4 days of their commencement and Commonwealth offences where a proclamation date is provided
- responded to all enquiries from Lawcodes users within 24 hours
- worked on the redevelopment of the website version of Lawcodes.

The redevelopment aims to provide a more user-friendly and intuitive method for navigating the Lawcodes database. In addition to the existing functionality, users will be provided with the ability to view law part codes by:

1. the penalty imposed
2. specified imprisonment terms, and
3. standard non-parole period offences.

It is anticipated that the project will be completed and rolled out to users by early July 2016.

Case studies

Catering for a culturally diverse population

Promoting access to justice for Australia’s multicultural population is a high priority for the courts. In 2014, the newly formed Judicial Council on Cultural Diversity began to look at how to better cater for people from a culturally diverse background and for whom English is not their first language. A major initiative of the Council has been to commission specialised training for judicial officers and court staff to recognise and respond to the particular needs of court users from culturally diverse communities.

During the year, we partnered with other Australian judicial education providers to develop online training modules on cultural diversity for judicial officers. The modules cover the following topics:

- Cultural awareness
- Australian multiculturalism
- Stereotyping, assumptions and prejudices
- Intercultural misunderstandings
- Plain English principles
- Hard-to-understand forms of communication
- Assessing the need for interpreting assistance
- Working with interpreters and translators.

We expect the training program to be released by the end of 2016. The modules will cover any gaps in judicial knowledge about multiculturalism and the particular barriers that people from diverse communities may experience in their interactions with the justice system.

Working with the Indonesian Judicial Commission

The Memorandum of Understanding (MoU) between the Judicial Commission of NSW and the Judicial Commission of the Republic of Indonesia, signed on 2 December 2015, is the culmination of a longstanding relationship between the 2 organisations. In 2002, the Commission’s Chief Executive, Mr Ernest Schmatt PSM, visited Indonesia to address Indonesian judges on the work of the Judicial Commission of NSW and provide assistance and advice about the establishment of a Judicial Commission of Indonesia. This was established in 2005. The Judicial Commission of NSW has continued to provide assistance and advice concerning complaint handling processes, supporting IT infrastructure, judicial education and training, and the provision of information technology to assist judicial decision making. A program of activities will be developed under the MoU. Areas to be covered include staff exchanges and internships, development of joint training programs for judicial officers, and technical assistance relating to the Judicial Commission of Indonesia’s database and public complaints system.

Performance of capacity-building role

The Commission is committed to liaising and sharing our expertise and experience with countries in the Asia-Pacific region to assist them to develop the capacity and performance of their judicial officers. During the year, the Commission:

- signed a memorandum of understanding for the ongoing maintenance of the Papua New Guinea Sentencing Database
- signed a memorandum of understanding to develop a pilot Integrated Criminal Case System Database (ICCSDB) for the Supreme and National Courts of Papua New Guinea
- signed a memorandum of understanding with the Judicial Commission of Indonesia to promote mutual cooperation and share expertise and experience
- hosted 3 delegations of judicial officers and 3 visitors to our Sydney office including from Papua New Guinea, Hong Kong, Tanzania, Singapore and China. Full details of these visits can be found in Appendix 12.



The Chief Justice of PNG, Sir Salamo Injia, KT GCL is pictured with Mr Ernest Schmatt PSM, Chief Executive, signing the memorandum of understanding to develop an Integrated Criminal Case System Database for the Supreme and National Courts of PNG.

Case studies

Assisting the PNG justice sector with case management software

The Commission has provided capacity-building assistance to the law and justice sector of Papua New Guinea since 2007. During the year the Chief Justice of PNG requested that we build a pilot Integrated Criminal Case System Database (ICCSDB). This follows our successful development of a database of PNG courts’ sentencing decisions which is now fully operational. The Chief Justice of PNG and officers from the PNG Supreme and National Courts visited the Commission to provide information for a feasibility study.

The ICCSD will be able to track and monitor cases from the point of when police charge an offender to the point of when the penalty is given to convicted offenders for all types of criminal cases including appeals. All vital information will be shared among law and justice agencies and be readily accessible through this single source allowing for significant improvement in data quality, currency of information and the way criminal cases are managed.

Informing community leaders about the work of the courts and judicial officers

The Community Awareness of the Judiciary Program is an initiative of the Judicial Commission and has run for 4 years in partnership with the courts. Community leaders are invited to attend information sessions, visits to the courts, and a Q&A session with senior judges.

The program this year was run over 3 days and sessions were held on sentencing and the use of sentencing statistics, bail, an overview of the courts in NSW and an overview of the work of the Judicial Commission. Evaluations showed that the program met its objective to raise community understanding of the work of judicial officers and the challenges they face in their daily work. The honesty and openness of the judicial officers and their willingness to share their insights about the challenges of their jobs and how they deal with them particularly impressed the participants. On an overall satisfaction rating, participants gave the program 98%.

The 16 participants represented victims’ advocacy groups, Indigenous service providers, youth organisations, legal support organisations, multicultural groups, NSW government agencies, and NGOs. The success of this community engagement program means we will offer a fifth program in 2017.

Working with other judicial education providers

Sharing knowledge and experience with Australian and international judicial education bodies is mutually beneficial and an effective way for the Commission to be aware of the latest developments in judicial education.

During the year, we participated in a number of high-level programs, committees, conferences and steering groups in connection with our judicial education role. Some highlights were:

- presenting and participating at the International Organization for Judicial Training conference in Rio de Janeiro, Brazil in November 2015. See the case study below.
- our Education Director being elected President of the Association for Continuing Legal Education (ACLEA), an international body established in 1964 with a focus on improving continuing legal education worldwide. ACLEA's core values reflect what it prioritises: community; professionalism; and volunteerism
- participating in a forum with our national partners about the challenges for social media for courts and tribunals. As a follow on, we will plan with our national partners to introduce a session on social media in the National Judicial Orientation Program
- participating in a National Judicial Orientation Program organised jointly with the National Judicial College of Australia, the Australasian Institute of Judicial Administration and the Judicial College of Victoria
- high-level meetings with the Asia-Pacific Judicial Educator's Group to discuss education programs and exchange ideas. These meetings are an excellent opportunity to exchange information and ideas with our partners from New Zealand, Papua New Guinea and Singapore.

Appendix 11 has full details of our activities with other organisations.

Assisting other Australian jurisdictions

Courts in other States regularly seek our advice and assistance to develop their own programs and systems.

During the year, we worked with the Judicial Council on Cultural Diversity to develop a specialised judicial program for judicial officers and court staff to recognise and respond to the particular needs of court users from culturally diverse communities. See the case study on p 70.

Performance of contractual services

Revenue from our information technology contractual services at \$726,000 was lower than last year's \$745,000. The variation is due to a decrease in software development work as most of the projects have moved from development to maintenance phase.

The Commission provided information technology services developed in the exercise of our functions for the following projects:

- the ACT Sentencing Database
- the Commonwealth Sentencing Database
- NSW Drug Court Case Management System and Forum Administration System for the Department of Justice
- the Papua New Guinea Sentencing Database
- the Papua New Guinea Integrated Criminal Case System Database (in the development phase)
- the Queensland Sentencing Information System.

Part 4
Our people

Case study

Benchmarking world's best practice in judicial education

Promoting the rule of law through the work of international judicial education providers is the mission of the International Organization of Judicial Training (IOJT). The IOJT, founded in 2002, has 123 member organisations from 75 countries around the world. Our Chief Executive, Mr Ernest Schmitt PSM is on the Board of Governors and is a member of the Board of Executives. Our Chief Executive attended the IOJT's 7th International Conference on Training the Judiciary in Rio de Janeiro, Brazil in November 2015 with 350 participants in attendance. The conference brought together many judicial education experts from around the world and strengthened the shared knowledge base and connections between member organisations. Participating in international conferences such as this allows us to share our knowledge gained from 29 years' experience, and in turn apply world's best practice to our own judicial education programs.

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Our people

Results in brief for 2015–16

We employed 41 people to work in judicial education, legal research, complaints, information technology and corporate services: see p 76.

A low 13.7% staff turnover, keeping our staff turnover low reducing our risk of losing highly-skilled, experienced and professional people: see p 78.

51% of staff furthered their professional training, adding to the Commission's knowledge and skills base and there was a 9% increase in investment for training: see p 79.

96% staff satisfaction as measured in our yearly staff survey: see p 77.

Our workplace is culturally and linguistically diverse, meeting NSW Government benchmarks: see p 78.

Our workplace was safe with only 1 workplace injury claim and no work-related health and safety breaches: see p 80.

Challenges for 2015–16

Encouraging busy staff to balance their work commitments with training and development opportunities.

Building teamwork and cooperation within the organisation.

Incorporating lean management processes into our management system.

The year ahead for 2016–17

With the Commission's planned relocation in late 2016, staff will continue to plan and implement our office relocation strategy.

The Commission will examine more proactive ways to improve productivity.

The Commission will continue to value its staff and investigate opportunities to improve ways of effectively communicating with each other.

Managers will continue to encourage staff to identify personal training opportunities during their yearly performance reviews. The Commission is committed to ensuring that staff maintain and improve their skills and knowledge.

Under our EEO Management Plan, we will continue to foster a workplace culture that supports employment equity and diversity and is aligned with the workforce strategies of the NSW Public Sector.

Performance and satisfaction

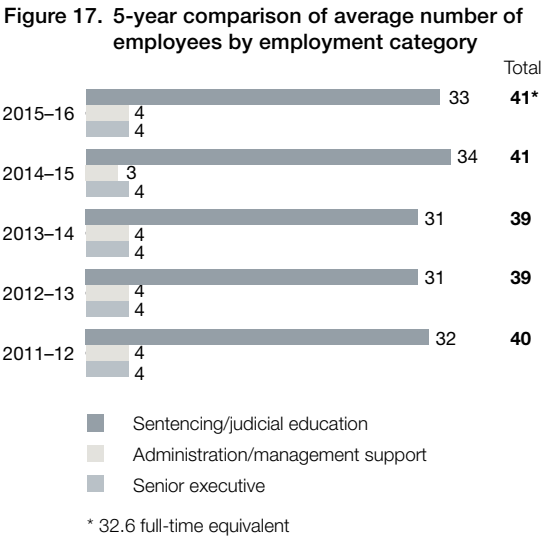
Our annual survey shows 96% staff satisfaction at the Commission

Our staff

Our staff are essential to the Judicial Commission’s success and to ensuring we meet our goals and deliver our services.

The Commission employed 41 people (32.6 full-time equivalent) in judicial education, legal research, complaints, information technology and administrative roles (last year: 41): Figure 17 shows the average number of employees in these roles over a 5-year period. Our small staff numbers mean that retired judicial officers assist with specialised tasks such as maintaining bench books and examining complaints.

Serving judicial officers also help by generously giving their time to serve on our various committees. Appendix 4 provides details of all our committees.



Eighty-six per cent of our staff are women, exceeding NSW Public Sector benchmarks for employing women. Pictured are Antonia Miller, Senior Legal Editor (l), Ros Cook, Editor (centre), and Fleur Findlay, Senior Legal Editor (r) who work in our Publishing Section.



Jenny Zhang, Finance and Payroll Analyst, and Malcolm Hozack, Manager, Corporate Services, administer the Commission’s payroll, finances and corporate services.

Staff satisfaction at a high 96%

Our annual internal staff survey measured how committed, stimulated and supported our people felt. This year, we received a 56% response rate (last year: 66%).

Overall satisfaction with the Commission remains very high. Staff who responded to the staff survey were very positive about the Commission, with 100% strongly agreeing or agreeing that they or their work:

- directly contributes to the Commission’s mission and purpose (last year 85%)
- are provided with sufficient resources and time to undertake their work (last year 89%)
- are engaged in their current role (last year: 93%)
- are willing to put in extra effort to achieve a professional result (last year: 100%)
- achieve a work/life balance with the Commission’s flexible work practices (last year: 96%).

The survey has also shown substantial improvement in the satisfaction of staff with regard to their requests for training to meet their professional development needs with a result of 96% (last year: 81%).

Other results are:

- 96% of staff felt there were good levels of teamwork and cooperation within projects that they were required to work on at the Commission (last year: 93%)
- 96% of staff consider that their working environment is safe, secure and comfortable (last year: 93%): see p 80
- 91% of staff felt trusted and valued at the Commission (last year: 85%).

Although the majority of staff still agree that there is effective communication of information, 17% expressed dissatisfaction (last year: 11%).

Providing for workforce diversity

We provide a diverse, fair and safe workplace for our people. For more detail about our multicultural policies and services program, see p 93. The majority of our people are women (86%) and 19% are from culturally diverse backgrounds: see Figure 18. We ensure:

- a workplace culture that has fair practices and behaviours
- a workplace free from discrimination, harassment and disadvantage. We publish policies about these on our intranet and there were no discrimination complaints lodged with the Anti-Discrimination Board of NSW (last year: 1) nor were there any harassment complaints made (last year: 0).
- opportunities to act in higher positions
- flexible work arrangements for staff with family and personal obligations
- information is available about the NSW Government’s Spokeswomen’s Program, and the Government’s employment and development strategy “Making the public sector work better for women”.

The percentages in Figure 21 (see p 80) reflect staff numbers excluding casual staff as at 30 June 2016. A benchmark level has not been reported for people with a disability or people with a disability requiring a work-related adjustment (the target is 1.5%). The Commission has no staff member employed in these categories.

Providing flexible work arrangements

The Commission has a “flexible working practices agreement” in place to assist employees to balance work with personal and family obligations. All requests for flexible working arrangements are assessed on their merits in line with this policy. Staff also benefit from our “flexible working hours” policy that provides options for people to arrange their working hours. Our staff survey showed that 96% of employees agreed that the organisation provides them with a good work/life balance.

Our working arrangements are published on the staff intranet and are in line with the NSW Department of Premier and Cabinet’s flexible work practices policy and guidelines.

Retaining our staff

The turnover rate for permanent staff increased this year to 13.7% (last year: 6.1%). This remains below our acceptable turnover rate of 15%, suggesting that we are an employer of choice for the majority of our people: see Figure 19.

Our retention rate is very high with almost 66% of our staff having 10 or more years’ service (63%) and a further 14% of staff having 5 or more years’ service. This result means that the Commission retains highly-skilled and experienced people. This also presents a future business risk for the Commission with 22% of staff approaching retirement age.

Figure 18. 5-year trends in workforce diversity

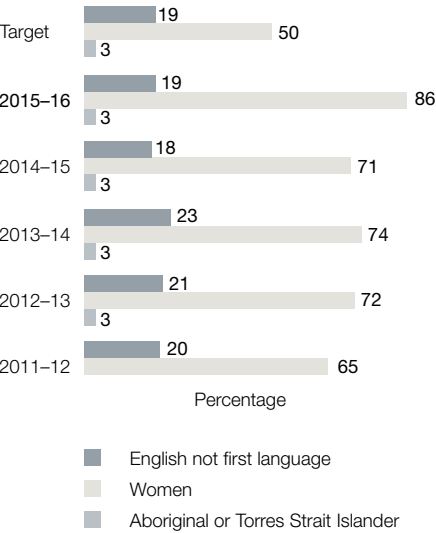
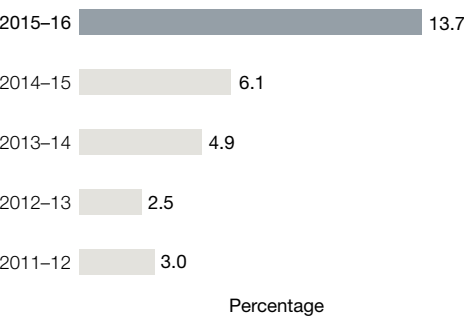


Figure 19: Staff turnover 2011–15



Satisfactory staff attendance

During 2015–16:

- no industrial action occurred
- average sick leave was 6 days per employee (last year: 6 days).

Consultants

This year we engaged no consultants.

Providing professional training and development

Employees identify their training and development needs in relation to their performance improvement plan as part of their yearly performance review. Managers encourage staff to take up training opportunities through skills development courses, leadership courses, tertiary study assistance and work secondments. Our target is for employees to spend at least 2 days each year on training and development.

This year’s result has seen staff take-up of training opportunities remain relatively steady. Twenty-one staff members (51%) attended 102 training days at a cost of \$34,602 (last year: 79 training days at a cost of \$31,623): see Figure 20. Staff attended a variety of training opportunities including:

- conferences and seminars to further professional development in areas such as sentencing law, legal education and current legal issues
- systems and IT workshops (web directions and network administration)
- in-house training on using legal search engines.

Commission staff have access to the Judicial Information Research System (JIRS) to keep up to date with legal developments. Our employees also attended educational activities provided for judicial officers, including in-house seminars on legal developments and visits to Aboriginal communities as part of the Ngara Yura Program: see p 33 for information about this program.

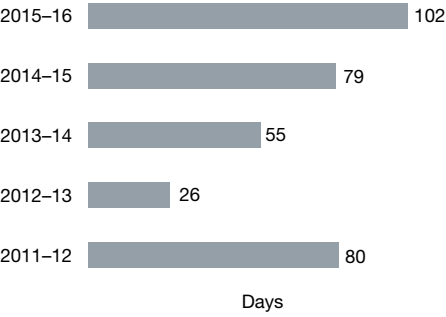
Assessing and promoting productivity

The Commission knows that what really drives productivity is a clear operating framework, the provision of space for innovation and the retention of highly-skilled people who enjoy their work and feel valued. Our internal staff survey shows that staff are satisfied with these measures (see p 77). We are also looking at other proactive ways to assess and promote productivity, including:

- tailoring our performance management system to provide for regular reviews between supervisors and employees as well as formal annual employee appraisals
- encouraging constructive feedback to be given between the executive, managers and employees
- implementing a regular reporting framework of productivity measured against targets conducted each month, with the Commission monitoring this at their monthly meetings
- incorporating the Commission’s steps to improve productivity into the yearly internal audit program.

The development of further strategies to assess and understand where the Commission’s productivity can be improved has been added to our challenges for 2016–17.

Figure 20. Staff training days 2011–16



Conducting performance reviews

Our performance management system provides for regular reviews between supervisors and employees as well as formal annual employee appraisals. Constructive feedback is given and employees have the opportunity to provide feedback to their manager. Employees are encouraged to identify their training needs and work with their manager to develop an individual training plan.

Setting wages and conditions

The Commission is an employer under the *Judicial Officers Act* 1986. Conditions of employment mirror those of the NSW Public Service and there were no changes to these conditions this year. Public Service officers who accept a position with the Commission retain their superannuation rights and benefits.

Staff received a 2.5% salary increase from 1 July 2015 which reflected the increase provided to public sector employees under the Crown Employees (Public Sector - Salaries 2015) Award. Senior executives received a 2.5% increase from 1 July 2015.

The Commission contributed an amount equivalent to 9.5% of each employee’s salary to First State Super or a superannuation fund of choice. This contribution is not made for executive staff who receive a total remuneration package. In addition, employees have the option to salary sacrifice contributions to their funds.

Inducting new staff

The Commission’s Chief Executive and the relevant Director welcome all new employees to the Commission. Managers guide new staff through an induction process so that they are aware of and acknowledge:

- the Commission’s role and statutory functions
- office facilities and workplace health and safety information and procedures
- key policies and procedures that ensure acceptable behaviour
- conditions of employment and entitlements
- our Code of Conduct.

Remuneration of senior management

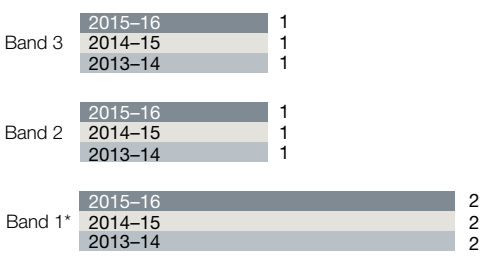
The Commission determines senior executive remuneration in accordance with section 6 of the *Judicial Officers Act 1986*. Remuneration packages are equivalent to the NSW Public Service Senior Executive Bands. Figure 21 shows the number of executive positions at the Commission and their equivalent remuneration levels for Public Service Senior Executives. Table 14 shows the average total remuneration package for senior executives within the appropriate band and includes a percentage indicating what amount of the Commission’s employee related expenditure in 2016 was related to senior executives. A comparison is made with the percentage rate in 2015.

Table 14. Senior executive remuneration

Band	Range	Average remuneration		
		2013–14	2014–15	2015–16
Band 3	299,751–422,500	366,850	373,748	383,092
Band 2	238,301–299,750	261,300	266,213	272,868
Band 1	167,100–238,300	209,800	213,744	219,088

25% of the Commission’s employee-related expenditure in 2015–16 was related to senior executives, compared to 24.85% in 2014–15.

Figure 21. Executive positions



Equivalent to the NSW Public Service Senior Executive Bands.

* 1 female and 1 male in Band 1



Veronica Roby is our WHS representative responsible for conducting safety inspections throughout the year.

Ensuring a safe working environment

The work health and safety (WHS) of our employees is a high priority. The Commission adopts a risk management approach to identifying and assessing health and safety risks in the workplace: this approach is reflected in our Work Health and Safety policy, revised in February 2016 and available on our intranet (see p 92). Our Audit and Risk Management Committee oversees our work, health and safety compliance: see p 92. This year, we focused on:

- reviewing the contents of the first aid kits that we maintain in the workplace
- identifying hazards
- minimising risks
- conducting the yearly emergency evacuation drill.

We have a trained WHS representative who conducts quarterly safety inspections of the premises. Two employees are trained as fire wardens and their training is regularly updated by the building management. All staff participate in evacuation drills. Three employees are trained to deliver first aid, CPR and defibrillation. Our first aid kits are well maintained. There was:

- one workplace injury claim lodged this year (last year: none)
- no work-related illnesses or prosecutions under the *Work Health and Safety Act 2011* (last year: none).
- one grievance complaint lodged alleging bullying. The grievance was investigated and found not to be substantiated (last year: none).

We encourage staff to receive influenza immunisation and reimburse the cost of the booster. Ergonomic assessments of workstations are undertaken when a need for this is identified. During the year we provided stand-up desks for staff in response to research that shows long periods of sitting down at a desk have a negative impact on circulation and posture.

Employee Assistance Program

An Employee Assistance Program (EAP) was initiated this year. The EAP is provided by Optum™ which facilitates professional counselling to help staff deal with a range of issues like trauma experienced during the course of business and learn ways of dealing with stress, anger and passive aggression. The Commission is committed to providing an EAP for employees if the need arises. Employees also have access to the Optum™ portal, which gives interactive information on a number of wellbeing tools such as a Wellbeing Screener and a Smoking Cessation Planner.

Communicating with our employees

Round table meetings for all staff are held throughout the year and are an opportunity for staff to learn about work-related activities and developments. A staff member usually gives a presentation about business developments or special projects. Minutes of the meetings are published on our intranet. Our employees are informed about policies and procedures via our intranet and notice boards. Directors have an open-door policy and publish monthly reports about their department’s progress. Departmental managers have regular meetings with employees to discuss workflow and work-related issues.

Recognising our achievements

Commission staff attended the Australasian Reporting Awards held in June 2016 in Sydney to accept a gold award for our 2014–15 Annual Report.



The Commission received its 6th gold award at the 2016 Australasian Reporting Awards in June 2016. Pictured are ARA Chair Tim Sheehy (l), Kate Lumley, Publishing Manager and Ernest Schmatt PSM, Chief Executive.

Community involvement

Commission staff meaningfully engage with the community in a variety of ways. Throughout the year, staff have given presentations about the Commission’s role, provided information to students and community groups and have hosted national and international visitors to the Commission.

Commission staff are also involved in Aboriginal cultural awareness as a way to promote cross-cultural communication: see p 33 for more information. The Chief Executive and the Commission’s Aboriginal Project Officer participated in a Roundtable meeting to discuss recommendations regarding Aboriginal Cultural Awareness training arising from the NSW Legislative Council Standing Committee on Law and Justice report, *The family response to the murders in Bowraville*. The Roundtable was held on 2 November 2015 gathering participants from a number of justice agencies.

During the year, Commission staff supported a Community Awareness of the Judiciary Program: p 71 has more information about this. As a follow-up to this Program, Commission staff met with representatives of the Rule of Law Institute of Australia in 2015. Various ways were discussed as to how the Supreme Court and the Commission could assist the Institute with its education initiatives for schools to learn about the justice system and the courts. The Chief Executive agreed to provide the Institute with complimentary access to the JIRS database and access to our seminar rooms. We also assisted in finding judicial officers who are prepared to talk to school groups.

Subsequently, the Commission provided a half day program — the “Law Day Out” — on the NSW legal system to 15 students from Wauchope High School on 3 March 2016. Other Law Day Out sessions were conducted for the Maitland Grossmann High School on 31 May 2016 and St John’s College in Nambour on 28 June 2016. Details about presentations given during the year are found in Appendix 15 and details about visitors to the Commission are found in Appendix 12.



An important community engagement strategy is the Community Awareness of the Judiciary Program. Pictured above at the Commission for the 4th program held in September 2015 are the Honourable Keith Mason AC QC, who presented a session on the courts of NSW, with Ms Ruth Windeler, former Education Director. Participants, pictured below, gave the program a 98% satisfaction rating.



Part 5
Our governance, policies and processes

Contents

Results in brief for 2015–16	84
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The year ahead for 2016–17	85
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Our governance, policies and processes

Results in brief for 2015–16

The Code of Conduct was updated and has been republished on the staff intranet: see p 87.

The Audit and Risk Management Committee is compliant with the requirements of the NSW Treasury Policy Paper TPP 15-03: Internal Audit and Risk Management Policy for the NSW Public Sector: see p 90.

The Commission had effective policies that ensured safety, security, confidentiality, access, availability, equity, risk management, integrity, compliance and assurance: see p 92.

Our processes ensured the delivery of high quality services in a safe and efficient workplace: see p 95.

The Commission had a robust approach to governance: 10 Commission meetings and 4 Audit and Risk Management Committee meetings were held and 2 internal audit reviews were conducted: see pp 87–90.

Organisational responses to internal audit recommendations were well advanced: see p 90.

Our multicultural policies and services program promoted diversity, access and equity: see p 93.

We reduced our energy use: over 5 years we have achieved a 6.3% reduction in our energy consumption: see p 96.

Challenges for 2015–16

Managing the transition of key leadership personnel changes and associated risks.

Planning and preparing for the relocation of the office to new premises in late 2016.

Review of and compliance with internal audit recommendations must be balanced with our core operations.

The continuing high cost of online access to legal subscription services continues to put pressure on our law library's small budget.

The year ahead for 2016–17

We will establish and maintain a conflict of interest register.

We will continue to manage the transition of key leadership personnel.

We will implement internal audit recommendations on library operations and data integrity.

We will continue to manage the plans for the office relocation in late 2016, making sure that staff are given the opportunity to recycle and reduce waste.

We will continue to comply with requirements of the NSW Treasury Policy Paper TPP 15-03: Internal Audit and Risk Management Policy for the NSW Public Sector through our Audit and Risk Management Committee

Our governance framework

Through good governance, effective policies and processes, we realise our vision, carry out our mission, hold to our values, and achieve our goals.

Our governance framework ensures that:	We fulfil our statutory functions effectively and efficiently.	Risk management and auditing processes are properly understood and managed.
	Our leadership helps us to realise our vision, carry out our mission, hold to our values and achieve our goals.	We are accountable for our actions.

The Chief Executive has overall accountability and responsibility for the Commission’s operations. The Judicial Commission meets monthly to make and review governance decisions and set strategic directions. The Audit and Risk Management Committee provides independent advice to the Chief Executive on risk management, control and governance processes.

Responsibilities of official and appointed Commission members

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

The official members, who are judicial officers, provide valuable information about judicial officers’ education needs and bring their significant experience of the judicial role to determining complaints. The appointed members provide useful information about community expectations of judicial officers and have input into the education program.

Commission members are informed about operational issues by:

- the Chief Executive’s monthly report that covers functional and financial matters
- briefings on issues as they arise
- contact with senior executives, as required.

Commission functions

The Commission may delegate any of its functions to a Commission member, officer or committee except the examination of complaints. The Commission has delegated functions to the Chief Executive, including its function as an employer and its access to information obligations. The Commission has established education committees to assist in carrying out designated responsibilities. Appendix 4 has details about these committees. The Commission seeks independent professional advice when necessary to perform certain functions.

A list of the Judicial Commission members, including the President, the official members and the appointed members can be found at pp 18–20. See our organisational structure on p 11 for more details.

Conflicts of interest

Official members are judicial officers and this could result in a conflict of interest if a member were the subject of a complaint. Commission policy is that a judicial member will not participate in any discussion or decision involving a complaint against him or her. No member will participate in any discussion or decision where that member has a possible conflict of interest.

Remuneration arrangements for members

Appointed members receive a fee for fulfilling their responsibilities including attending meetings, examining complaints, setting strategic directions, and approving budgets and publications. Their annual rate of remuneration is \$27,500 and this is determined by the Statutory and Other Offices Remuneration Tribunal in accordance with section 50 of the *Judicial Officers Act* 1986. No fees are paid to official members who are judicial officers.

Commission meetings

Ten Commission meetings were held during the year (last year: 10). Table 15 gives details of each member’s attendance. Members are required to attend each meeting, unless leave of absence is granted. The quorum for a meeting is 7 members and at least one must be an appointed member. The Chief Executive attends all meetings to report on the Commission’s operations. Meeting papers are circulated one week before the meeting to allow sufficient time for members to review agenda items and seek further information.

Table 15. Commission members’ meeting attendance for 2015–16

	Meetings attended	Meetings eligible to attend
Official members		
Hon Chief Justice T Bathurst AC	10	10
Hon Justice M Beazley AO	9	10
Hon Justice M Walton	9	10
Hon Justice B Preston	6	10
Hon Justice D Price AM	7	9
His Hon Judge G Woods QC*	1	1
His Hon Judge G Henson	10	10
Appointed members		
Dr J Cashmore AO	8	9
Prof B McCaughan AM	10	10
Mr N Gupta**	1	1
Mr D Giddy	8	9
Mr Y Miller***	6	7

* Acting Chief Judge, District Court of NSW, March 2016.
** Mr Gupta’s appointment expired on 8 August 2015.
*** Mr Miller was appointed from 28 October 2015.

In 2015–16, Commission members:

- examined 41 complaints made about judicial officers
- approved publications, including *The Judicial Review* (2 issues) and *Sentencing Trends & Issues*, No 45, “Sentencing for domestic violence”
- approved a memorandum of understanding with the Judicial Commission of the Republic of Indonesia
- approved 2 memoranda of understanding with the Supreme and National Courts of Papua New Guinea for the ongoing maintenance of the PNG Sentencing Database and to implement the pilot PNG Integrated Criminal Case System Database (ICCSDB) for the PNG Supreme and National Courts.

Role of the Chief Executive

The Chief Executive is responsible for all of the Commission’s operations and for the preparation of the financial report in accordance with Australian Accounting Standards, the *Public Finance and Audit Act* 1983 and the *Public Finance and Audit Regulation* 2015. This includes establishing and maintaining internal controls relevant to the preparation of the financial report. The Chief Executive is also responsible for the adequacy of digital information, and information systems security obligations. Our Digital Information Security Annual Attestation Statement for 2015–16 is on p 92.

Appointment of the Chief Executive

The Chief Executive is appointed on a contract under section 6(1) of the *Judicial Officers Act* 1986. Commission members review the Chief Executive’s performance each year.

Code of Conduct

The Commission’s Code of Conduct applies to all staff members, and to anyone engaged to provide services, information or advice to the Commission. The Code, modelled on the Code of ethics and conduct for NSW government sector employees, is published on the Commission’s intranet and website. New employees, receive a copy of the Code in their induction package and are required to acknowledge and sign the document.

The Code of Conduct is based on the premise that staff members will act with integrity, honesty, fairness, conscientiousness, compassion and loyalty to the public interest. Staff members are expected to uphold the Code which outlines principles in relation to confidential information, suspected corrupt conduct, acceptance of gifts or benefits, personal and professional behaviour, public comment and the use of official information, proper use of Commission facilities and equipment, outside employment, political participation, discrimination and harassment, fairness and equity and conduct expected of former employees. Minor amendments were made to the Code of Conduct in 2015–16 and a revised version was republished on our intranet and website.

The Code also sets out what legislation applies to Commission staff apart from the *Judicial Officers Act* 1986. Such legislation includes:

- *Anti-Discrimination Act* 1977
- *Crimes Act* 1900
- *Government Information (Public Access) Act* 2009
- *Independent Commission Against Corruption Act* 1988
- *Industrial Relations Act* 1996
- *Ombudsman Act* 1974
- *Privacy and Personal Information Protection Act* 1998
- *Public Interest Disclosures Act* 1994
- *Public Finance and Audit Act* 1983
- *State Records Act* 1998.

Relationship with the NSW Government

The *Judicial Officers Act* 1986 established the Judicial Commission of NSW as an independent statutory corporation. The NSW Government provides the majority of our funding and we are required to report annually to Parliament. The Commission may give advice to the Attorney General on appropriate matters and the Attorney General may refer a complaint about a judicial officer to the Commission. The Attorney General may request information about a complaint and the Commission must provide this information unless it is not in the public interest to do so. The Commission must also notify the Attorney General when a complaint has been referred to the Conduct Division and how and when the complaint is finalised.

Audit and risk management

The Audit and Risk Management (ARM) Committee operates under a charter that the Commission has approved.

The ARM Committee is responsible for monitoring:	Internal audit and control functions, including assessing their effectiveness and compliance with section 11 of the <i>Public Finance and Audit Act</i> 1983	The adequacy and quality of the internal control structure	Financial statements and reporting
Compliance with NSW Treasury Guidelines	Management responses to audit reports	Internal audit results	Risk management strategies: their effectiveness and internal results

Legislative charter

We operate under the *Judicial Officers Act* 1986 and the *Judicial Officers Regulation* 2012. Our 3 principal functions under the *Judicial Officers Act* are to:

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

We 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 our statutory functions
- enter into and carry out contractual arrangements for the supply of property or services that make use of our information technology, expertise, or other goods or services that the Commission has developed in the exercise of its functions.

Changes to legislation

The *Judicial Officers Act* 1986 was amended by the *Statute Law (Miscellaneous Provisions) Act (No 2)* 2015 which commenced on 15 January 2016. This included minor clerical amendments.

Our Audit and Risk Management Committee

The Audit and Risk Management Committee is Mr Alex Smith AM (independent Chair), Mr Peter Whitehead (external member) and Mr Murali Sagi PSM (internal member). Their qualifications and details are outlined below.

Mr Alex Smith AM was appointed independent member on 1 July 2009 until 30 June 2014 and appointed independent Chair on 1 July 2014 for 2 years. Mr Smith is the former Deputy Director General, Department of Premier and Cabinet, NSW and has had 40 years’ experience in the NSW public sector having held senior positions in the Department of Premier and Cabinet and the Department of Land and Water Conservation.

Mr Peter Whitehead BA LLB TEP was appointed independent Chair on 31 July 2008 until 30 June 2014 and appointed independent member on 1 July 2014 for 2 years. He is currently the Client Director, the Myer Family Company and until 30 June 2009 was the NSW Public Trustee.

Mr Murali Sagi PSM, Deputy Chief Executive, Judicial Commission. Mr Sagi’s qualifications and biography are found on p 21.

Others invited to attend the committee meetings throughout the year included the Chief Executive, Mr Ernest Schmatt PSM (see biography on p 21); the Manager, Corporate Services, Mr Malcolm Hozack; Mr Rob McKimm and Mr Phil O’Toole of IAB Services; and Mr David Daniels of the Audit Office of NSW.



The Audit and Risk Management Committee assists the Chief Executive of the Commission, Ernest Schmatt PSM (r) to manage and control our risk exposure. Alex Smith AM (l) is the independent Chair of the Committee. He is assisted by committee member Peter Whitehead (centre), and Murali Sagi PSM, Deputy Chief Executive (second from r).

ARM Committee outcomes 2015–16

Four meetings of the Audit and Risk Management (ARM) Committee were held during the year (last year: 4). Table 16 provides details of attendance at those meetings. The ARM Committee monitored and provided advice about the following 4 areas:

- 1. Compliance with Treasury Guidelines
- 2. Internal audit
- 3. Risk management and business continuity
- 4. External audit.

1. Compliance with Treasury Guidelines

The ARM Committee ensured compliance with NSW Treasury Policy Paper TPP 15-03: Internal and Audit and Risk Management Policy for the NSW Public Sector. The Commission’s Internal Audit and Risk Management Policy attestation is on p 91. The committee also monitored the impact of the new Treasury cash management reforms.

2. Internal audit

The ARM Committee monitored:

- results of the 2015–16 Internal Audit plan that reviewed Library operations and Data integrity
- revised Internal Audit of Information Security, Data Privacy and Business Continuity
- compliance with Treasury requirements for certifying the effectiveness of internal controls over financial information
- performance of the outsourced internal audit service provider, IAB Services and Centium.

Organisational responses to Internal Audit program:

- Recommendations of the Internal Audit of Information Security, Data Privacy and Business Continuity Review across various divisions of the Commission were substantially accepted. The Commission agreed to implement and has commenced actions to address the audit’s recommendations.
- Recommendations of the Internal Audit of Library Services have been noted and the Commission has agreed to implement some actions designed to address the findings of the audit.
- Risks identified in the Office Relocation Internal Audit conducted in 2015 have been substantially addressed as the Commission has prepared throughout this financial year for its office relocation in December 2016.

3. Risk management and business continuity

The ARM Committee:

- considered the proposed pilot Integrated Criminal Case System Database (ICCSDB) for Papua New Guinea and the mitigation strategies put in place with regard to the potential risks identified with the project
- considered the financial and operational risks involved in relocating the office
- considered the revised Commission’s social media policy before it was published on the intranet
- revised the ARM Committee Charter and noted that the charter will be reconsidered following the decision on membership of the Committee
- reviewed the updated risk register
- monitored the currency of the Commission’s business continuity plan and assessed the results of the annual scenario testing
- monitored the quarterly high level financial performance
- monitored a workplace injury claim
- monitored the insurance risk and cover
- monitored the impact of Treasury Circulars and Policy Papers issued during the year.

4. External audit

The ARM Committee liaised with the external auditor, the Audit Office of NSW, and monitored the NSW Audit Client Service Plan for 2015–16.

Forward plan

In 2016–17, the ARM Committee will ensure compliance with the requirements of NSW Treasury Policy Paper TPP 15-03: Internal Audit and Risk Management Policy for the NSW Public Sector.

The ARM committee will consider the report of the Internal Audit of Data Integrity which will be finalised early in the next reporting year.

Table 16. Meeting attendance by Audit and Risk Management Committee

	Meetings attended	Meetings eligible to attend
Committee member		
Mr Peter Whitehead	4	4
Mr Alex Smith AM	4	4
Mr Murali Sagi PSM	4	4
Invitees		
Mr Ernest Schmatt PSM	4	4
Mr Malcolm Hozack	4	4
Mr David Daniels	3	4
Mr Rob McKimm	3	4
Mr Phil O’Toole	1	4

Internal Audit and Risk Management Attestation for the 2015–16 Financial Year for the Judicial Commission of NSW

I, Ernest John Schmatt, PSM, Chief Executive, am of the opinion that the Commission has internal audit and risk management processes in operation that are, in all material aspects, compliant with the eight (8) core requirements set out in Treasury Policy Paper TPP15-03 *Internal Audit and Risk Management policy for the NSW Public Sector*, specifically:

Core requirements

Risk Management Framework

- 1.1 The agency head is ultimately responsible and accountable for risk management in the agency — *Compliant*
- 1.2 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/NZS ISO 31000:2009 — *Compliant*

Internal Audit Function

- 2.1 An internal audit function has been established and maintained — *Compliant*
- 2.2 The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing — *Compliant*
- 2.3 The agency has an Internal Audit Charter that is consistent with the content of the ‘model charter’ — *In transition*

Audit and Risk Management Committee

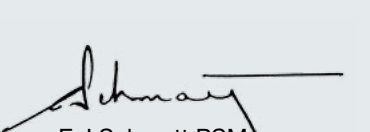
- 3.1 An Independent Audit and Risk Committee with appropriate expertise has been established — *Compliant*
- 3.2 The Audit and Risk Committee is an advisory committee providing assistance to the agency head on the agency’s governance processes, risk management and control frameworks, and its external accountability obligations — *Compliant*
- 3.3 The Audit and Risk Committee has a Charter that is consistent with the content of the ‘model charter’ — *Compliant*

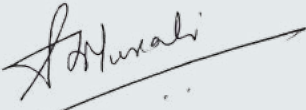
Membership

The chair and members of the Audit and Risk Committee are:

- Mr Alex Smith AM, Independent Chair — Appointed independent member on 1 July 2009 until 30 June 2014 and appointed independent Chair on 1 July 2014 for 2 years
- Mr Peter Whitehead, Independent Member — Appointed independent Chair on 31 July 2008 until 30 June 2014 and appointed independent member on 1 July 2014 for 2 years
- Mr Murali Sagi PSM, non-independent member, Deputy Chief Executive — Appointed on 31 July 2008.

These processes demonstrate that the Judicial Commission of NSW has established and maintained frameworks, including systems, processes and procedures for appropriately managing audit and risk within the Judicial Commission of NSW.


E J Schmatt PSM
Chief Executive
Judicial Commission of NSW
Dated: 3.8.2016


Murali Sagi PSM
Agency Contact Officer
Deputy Chief Executive

Our governance policies

Our governance policies manage our risks and ensure ethical practices.

Risk management policy

The Commission is committed to protecting our employees, visitors, contractors and their property as well as the broader community and environment from injury, loss or damage.

Our risk management policy is based on a risk register which we regularly review. The senior executives with the assistance of internal auditors identify, consider and rate new risks. The risk register feeds into the Internal Audit Plan which is finalised after discussion between the Chief Executive and internal auditors. The Audit and Risk Management Committee reports to the Chief Executive and monitors our risk management policy.

The risk register is published on the Commission’s intranet. There were no major changes to our risk profile during the year.

Work health and safety policy

Our WHS policy is based on ensuring that our staff and other people who are at the Commission’s place of work are not exposed to risks to their health or safety. The Chief Executive retains ultimate responsibility for WHS risk management in our day-to-day operations. Our WHS policy is published on the Commission’s intranet.

A WHS trained representative carries out a quarterly inspection and any recommendations are attended to without delay.

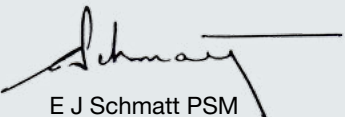
Digital information security policy

Our digital information security policy enables the Commission to protect the confidentiality and integrity of our information and to provide a reliable service to staff and the public. The policy is designed to comply with the core requirements set out in the Digital Information Security Policy for the NSW Public Sector that require our digital information to be available, safeguarded and lawfully used. The policy and Digital Information Security Attestation Statement below provides assurance to the Parliament and people of NSW that the information we hold is appropriately protected and handled. The policy is published on our intranet.

Digital Information Security Annual Attestation Statement for the 2015–2016 Financial Year for Judicial Commission of NSW

I, Ernest John Schmatt, Chief Executive, am of the opinion that the Commission had an Information Security Management System in place during the financial year being reported on consistent with the Core Requirements set out in the Digital Information Security Policy for the NSW Public Sector.

I, Ernest John Schmatt, Chief Executive, am of the opinion that the security controls in place to mitigate identified risks to the digital information and digital information systems of the Commission are adequate for the foreseeable future.



E J Schmatt PSM
Chief Executive, Judicial Commission of NSW
Date: 12 July 2016

Multicultural policies and services program

We are committed to providing a diverse, fair and safe workplace for our people. We consider the needs of a culturally diverse society when planning our programs and service delivery. Our corporate planning for equal opportunity was aligned with the NSW Government’s Public Sector Workforce Strategy 2012–15.

A Workforce Diversity Plan was developed in November 2012 to identify and remove any systemic barriers that prevent diverse groups participating and being promoted in employment.

To promote community harmony, access and equity, and in line with the NSW Multicultural Policies and Services Plan, this financial year we:

- employed 7 people (18%) from a non-English speaking background
- updated information for judicial officers about the needs of people from culturally and linguistically diverse backgrounds who face potential barriers when participating in court proceedings. This information, contained in the *Equality Before the Law Bench Book*, is also publicly available on our website
- developed for the Judicial Council on Cultural Diversity a pilot cultural diversity training package for judicial officers. The project has involved key members of the Family Court of Australia, the National Judicial College of Australia, the Judicial College of Victoria and the Australasian Institute of Judicial Administration
- provided accredited interpreters for overseas delegations who visited us during the year, when this was required: see Appendix 12 for the list of visitors and delegations
- provided information about our Ngara Yura (Aboriginal Cultural Awareness) program on our website, in our annual report, and as part of the Community Awareness of the Judiciary Program run in 2015
- employed an Aboriginal Project Officer, Ms Joanne Selfe, to advise on Aboriginal cultural awareness through the Ngara Yura Program
- provided interpreting and translation services for complainants where required.

Our key multicultural strategies for 2016–17 will include:

- finalising the pilot cultural diversity training package for judicial officers
- providing face-to-face sessions on cultural diversity in our judicial education program
- conducting another Community Awareness of the Judiciary Program. Prominent community and religious leaders from Aboriginal and culturally and linguistically diverse backgrounds will be invited to participate in this program
- updating information on people from culturally and linguistically diverse backgrounds in the *Equality Before the Law Bench Book*
- assisting complainants with translation and interpreting services, if this is required
- providing accredited interpreters for overseas delegations who visit us during 2016–17.

Insurance

We are a member of the NSW Treasury Managed Fund, a mandatory self-insurance scheme for government agencies. This provides comprehensive cover for physical assets such as 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 premium calculated is based on past performance. The premium for this year was \$20,754, comprising Workers Compensation premium of \$13,484 and general insurance premium of \$7,270 (last year total of \$20,979).

Privacy management plan

During the year, we conducted no reviews under Part 5 of the *Privacy and Personal Information Protection Act 1998* (the PPIP Act).

Our Privacy Code of Practice and a draft Privacy Management Plan are designed to deal with the unique issues that arise from our complaints-handling function and the provision of sentencing information. A privacy complaint form, which is an application for internal review under the PPIP Act can be downloaded from the Commission’s website under “Privacy policy” or from our new webpage on “Forms and feedback”.

Public access to Government information

Section 125 of the *Government Information (Public Access) Act 2009* (the GIPA Act) requires that the Commission report each year on our GIPA Act obligations. The Commission is authorised, under section 7(1) of the GIPA Act, to publicly release our information unless there is an overriding public interest against disclosure. The Commission's complaint handling, investigative and reporting functions are "excluded information" under Schedule 2 of the GIPA Act. This means that an access application cannot be made for this information under the GIPA Act.

However, for other information in relation to the Commission's administrative, research, sentencing and education functions, an access application form can be downloaded from the Commission's website under "Access to information" or from our new webpage on "Forms and feedback".

Review of proactive release program

Our program to proactively release information involves reviewing information as it is published, and making it available online without charge as soon as practical or in print for a fee. The Commission may also make further information available about our administrative, research, sentencing and education functions unless it would be contrary to the public interest to provide that information. During the year we released the following information:

- Annual Report 2014–15
- *Sentencing Trends & Issues*, No 45, "Sentencing for domestic violence"
- updates to the following bench books and handbooks in various formats:
 - *Civil Trials Bench Book*
 - *Criminal Trial Courts Bench Book*
 - *Equality before the Law Bench Book*
 - *Local Court Bench Book*
 - *Sentencing Bench Book*
 - *Sexual Assault Trials Handbook*
 - *Children's Court of NSW Resource Handbook*.

Access applications

We received no formal access applications, including withdrawn applications (but not invalid applications). We refused no formal access applications, either wholly or partly, because the application was for information for which there is a conclusive presumption of an overriding public interest against disclosure (information listed in Schedule 1, clause 13 of the GIPA Act).



The Commission releases most of our research and information about our education, sentencing and complaints functions on our public website. This helps to promote awareness of the work of the courts, the justice system and judicial officers, and to provide information about the Commission's contribution to judicial performance.

Our processes and technology

Efficient processes and use of technology help us to build a safe and strong organisation for our people and deliver high-quality services for judicial officers and the people of NSW.

Providing library services

Our library provides support for our research, education and publishing programs. The librarian sources, gathers and distributes legal and related information, and undertakes research and publishing tasks. The librarian also organises training to improve the online legal research skills of staff and to maximise the Commission's investment in legal information resources. This year:

- 30 items (last year: 43) were added to the library catalogue, which is available online
- the volume of material obtained externally on interlibrary loans decreased by 18.7% as more periodical material is available online and many historical texts and treatises are becoming digitised
- there was a 290% increase in reference enquiries (last year: 17% increase)
- we are in the second year of a 3-year contract negotiated by the NSW Justice Consortium with 2 of the largest legal publishers. This guarantees a consistent pricing structure for the 3-year period and continues to give some certainty to the library's expenditure. Subscriptions to core materials are being maintained and there have been no cancellations during this financial year
- we renewed corporate membership of the Australian Library and Information Association, the Australian Law Librarians' Association, the Australasian Institute of Judicial Administration and the International Association of Law Libraries.
- our librarian attended the International Association of Law Libraries Conference in Berlin in September 2015
- our librarian organised the binding of 10 volumes of the confidential meeting papers of the Commission (bringing the total to 246 volumes — a significant historical archive)
- the librarian began preparations for the Commission's move to new premises.

Guaranteeing our service and consumer response

We guarantee to investigate complaints about judicial officers in a timely and effective manner and to inform complainants about the progress of their complaints. Page 56 shows our targets and the time taken to examine complaints over a 5-year period. If a complaint is dismissed and a complainant seeks to clarify the reasons for this, we respond promptly.

Delivering our services and publications electronically

We provide a range of online services, including:

- the Judicial Information Research System (JIRS): see p 46
- information about the Commission and the complaints process: see p 54
- a complaint form with instructions for lodging a complaint against a judicial officer, which may be printed
- Lawcodes: see p 70
- bench books and handbooks, including the *Criminal Trial Courts Bench Book*, the *Sentencing Bench Book*, the *Civil Trials Bench Book*, the *Equality before the Law Bench Book*, the *Local Courts Bench Book*, the *Sexual Assault Trials Handbook*, the *Children's Court of NSW Resource Handbook* and the *Land and Environment Court of NSW Commissioner's Handbook*: see p 37
- research and education publications, including the *Sentencing Trends & Issues*, No 45, "Sentencing for domestic violence": see p 50
- publication orders on the NSW Government's online shop at www.shop.nsw.gov.au
- an access application form for the purposes of the GIPA Act which may be printed: see p 94
- media releases, fact sheets and media statements
- our current and previous annual reports.

Our website is at www.judcom.nsw.gov.au

Managing our records

Approved files were disposed of under our functional retention and disposal authority. The records management policy is published on our intranet. This provides a framework and outlines responsibilities for the operation of the Commission’s records management program. This applies to records in all formats, including electronic records.

Maintaining JIRS technology

The Judicial Information Research System (JIRS) is built using open-source software and utilises some of the latest web technologies. The underlying technologies currently include a Linux operating system, Apache web server, PostgreSQL database with search engine and XMLmind editing software. PHP and JavaScript are also widely used in JIRS.

The system is modular in design to ensure that it is adaptable to future changes in both technology and processes. JIRS can be easily adapted to incorporate and integrate a wide variety of data sources and can be easily reconfigured as required. Access to the information in JIRS is monitored and controlled with regard to NSW laws and regulations. Security is reviewed regularly and implemented at the operating system, web server and application layers to prevent unauthorised disclosure, modification or removal of information, and audit trails are maintained and monitored. Staff are trained in the handling of sensitive data and where sensitive data is exchanged, various encryption methods are used. A disaster recovery plan is in place and tested regularly. More information on JIRS can be found on p 46 and enhancements made to JIRS throughout the year are reported at p 48.

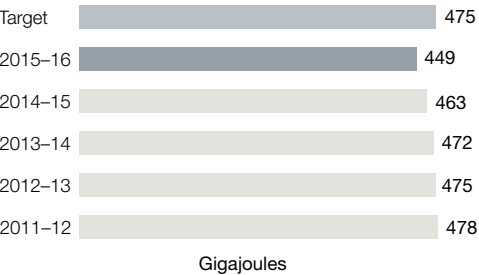
Sustainability

We have achieved a 6.3% reduction in energy use over 5 years. We are committed to reducing our carbon footprint and being part of the NSW Government’s plan to be carbon neutral by 2020. Our environmental sustainability report is available on our internal intranet site.

This year, we achieved a 3% reduction in our energy consumption (last year: 2% reduction). Figure 22 graphically shows that over 5 years, we have achieved a 6.3% reduction in our energy consumption. In line with the NSW Government’s Waste Reduction and Purchasing Policy (WRAPP), we focused on reducing waste and increasing the purchase of recycled paper and office consumables. This year we recycled 1.1 tonnes of waste paper (last year 1.3 tonnes) and bought 434 reams of 100% recycled paper (last year: 511). Other sustainability measures included:

- reducing waste generation by recycling all paper, cardboard, toner cartridges and computer equipment
- providing information about environmental matters as a standing item at staff meetings
- reducing the impact of carbon emissions by offsetting carbon when purchasing air tickets for domestic and international travel
- reducing the impact of carbon emissions by preferring carbon neutral conference venues
- using 100% power-saving computers and screens
- minimising energy consumption after hours
- using 100% recycled paper with double-sided printing
- using online research platforms
- using online payment of accounts received and rendered
- publishing internal policies on our intranet
- providing conference papers electronically.

Figure 22. 5-year trend in energy use



Case study

Employees proactive in recycling material before a major office move

Regular briefs have been given to staff during our monthly meetings concerning our energy consumption and ways to reduce waste. With this and the imminent change of premises, the Lawcodes department decided that since a large amount of printed material will not be required at the new office, they could recycle as much of the A4 paper as they could by printing on the reverse side of any materials that were no longer required. Material that did not need to be filed was normally discarded after use. As they had a large stockpile of such paper, an email was sent to all staff about the new strategy and staff then used it for their internal printing needs. Stock has since been steadily reduced.

Part 6
Our finances

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Our finances

Results in brief for 2015–16

Revenue was \$4.481 million including \$3.755 million in Government revenue: see p 99.

There was a -26.7% decrease in our revenue compared to the previous year's increase of 5.4%: see p 99.

Total assets decreased by \$1.608 million: see p 99.

Challenges for 2015–16

Maintaining operations and service levels in an environment of tight budgetary restraint.

Self-generated revenue was \$726,000 from contractual arrangements for the provision of goods and services: see p 99.

We contained our expenses with a small decrease of -5.4%, compared to last year's 3.5% increase: see p 99.

Our financial result was a deficit of \$1.347 million compared to a budgeted surplus of \$533,000 due to reduced recurrent budget allocation as a result of the Treasury Cash Management Reforms and deferred capital appropriation: see p 99.

Continuing to generate significant revenue to make up for the shortfall between government contribution and expenses.

The year ahead for 2016–17

We will continue to generate revenue through contractual arrangements for goods and services for computerised case management, software development and educational services.

Financial summary

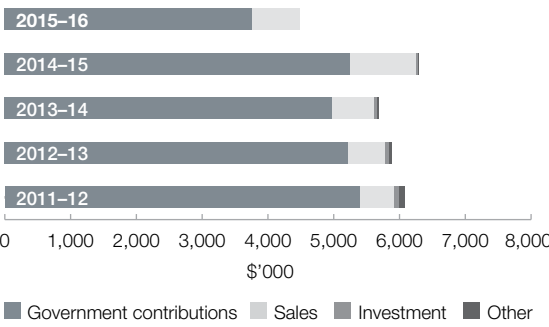
NSW Treasury introduced cash management reforms in 2015–16 that reduced the Judicial Commission's cash reserves for this year. As a result, our financial result was a deficit of \$1.38 million. In future reporting periods, the Commission will continue to receive the usual government appropriations.

Revenue

Figure 23 shows that our principal source of revenue is government contributions of \$3.755 million, compared to last year of \$5.247 million.

Other revenue items were \$726,000 from contractual arrangements for the provision of goods and services (last year: \$745,000) and \$12,000 from interest and other sources (last year: \$138,000).

Figure 23. Revenue



Expenditure

Figure 24 shows that our expenses this financial year totalled \$5.84 million, being a decrease of \$333,000 from last financial year. Employee-related expenses declined to \$4.376 million or 74.93% of total expenses.

Assets

Total assets decreased by \$1.608 million.

Figure 24. Expenses

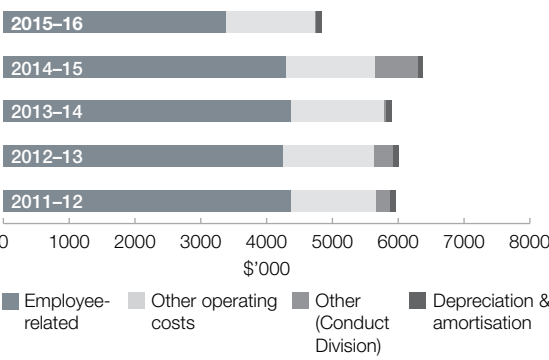


Table 17. Aged analysis at the end of each quarter

Quarter	Current (within due date)	Less than 30 days overdue	Between 30 and 60 days overdue	Between 60 and 90 days overdue	More than 90 days overdue
	\$	\$	\$	\$	\$
Sep 2015	72,600	nil	nil	nil	nil
Dec 2015	180,492	nil	nil	nil	nil
Mar 2016	96,040	nil	nil	nil	nil
Jun 2016	106,140	nil	nil	nil	nil

Table 18. Accounts paid on time within each quarter

Quarter	Total accounts paid on time			Total amount paid
	Target %	Actual %	\$	\$
Sep 2015	100	100	937,774	937,774
Dec 2015	100	100	835,182	835,182
Mar 2016	100	100	744,136	744,136
Jun 2016	100	100	845,429	845,429

Liabilities

Total liabilities decreased by \$261,000 mainly due to a decrease in accruals and payment of amount owed to Treasury: see Table 17.

Payment of accounts

Table 18 shows that we paid all accounts on time and were not required to pay any penalty interest on any account.

Consultants

We did not engage any consultants this year.

Credit card certification

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

Financial report contents

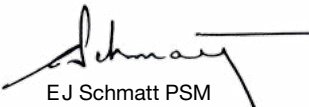
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Financial report

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 have been prepared in accordance with:
 - applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
 - the requirements of the *Public Finance and Audit Act* 1983; *Public Finance and Audit Regulation* 2015; and
 - the Financial Reporting Directions published in the Financial Reporting Code for NSW General Government Sector entities or issued by the Treasurer.
- (b) the financial statements exhibit a true and fair view of the financial position as at 30 June 2016 and financial performance of the Judicial Commission of New South Wales for the year ended 30 June 2016; and
- (c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.


 E J Schmatt PSM
 Chief Executive
 Dated: 16 August 2016

Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

Judicial Commission of New South Wales

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Judicial Commission of New South Wales (the Commission), which comprise the statement of financial position as at 30 June 2016, the statement of comprehensive income, statement of changes in equity, statement of cash flows and summary of compliance with financial directives for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion the financial statements:

- give a true and fair view of the financial position of the Commission as at 30 June 2016, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 45E of the *Public Finance and Audit Act* 1983 (PF&A Act) and the *Public Finance and Audit Regulation* 2015.

My opinion should be read in conjunction with the rest of this report.

Independent Auditor's Report *continued***Basis for Opinion**

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report.

I am independent of the Commission in accordance with the auditor independence requirements of:

- Australian Auditing Standards
- ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (the Code).

I have also fulfilled my other ethical responsibilities in accordance with the Code.

The PF&A Act further promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies, but precluding the provision of non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Chief Executive's Responsibility for the Financial Statements

The Chief Executive is responsible for preparing financial statements that give a true and fair view in accordance with Australian Accounting Standards and the PF&A Act, and for such internal control as the Chief Executive determines is necessary to enable the preparation of financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Chief Executive must assess the Commission's ability to continue as a going concern unless the Commission's operations will cease as a result of an administrative restructure. The assessment must include, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibility for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

I conducted my audit in accordance with the Australian Auditing Standards, which require me to exercise professional judgement and maintain professional scepticism throughout the audit. I must also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures to respond to those risks, and obtain sufficient and appropriate audit evidence to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control

- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Chief Executive
- conclude on the appropriateness of the Chief Executive's use of the going concern basis of accounting by obtaining audit evidence to identify whether material uncertainty exists. Events or conditions may cast significant doubt on the Commission's ability to continue as a going concern. If I conclude material uncertainty exists, I must draw attention to the relevant financial statement disclosures in my Independent Auditor's Report. If the disclosures are inadequate, I must modify my opinion. My conclusions are based on audit evidence obtained up to the date of my Independent Auditor's Report. However, future events or conditions may cause the Commission to cease to continue as a going concern
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the transactions and events are fairly presented in the financial statements.

I communicate with the Chief Executive about:

- the planned scope and timing of the audit
- significant audit findings including significant internal control deficiencies identified during my audit.

My opinion does *not* provide assurance:

- that the Commission carried out its activities effectively, efficiently and economically
- about the assumptions used in formulating the budget figures disclosed in the financial statements
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented.



David Daniels
Director, Financial Audit Services

17 August 2016
SYDNEY

Start of audited financial statements

Judicial Commission of NSW

Statement of comprehensive income for the year ended 30 June 2016

	Notes	Actual 2016 \$'000	Budget 2016 \$'000	Actual 2015 \$'000
Expenses excluding losses				
Operating expenses				
Employee related	2(a)	4,376	4,569	4,295
Other operating expenses	2(b)	1,354	1,322	1,338
Depreciation and amortisation	2(c)	99	192	85
Grants and subsidies	2(d)	—	6	6
Other expenses	2(e)	11	400	449
Total Expenses excluding losses		5,840	6,489	6,173
Revenue				
Recurrent appropriation	3(a)	3,605	4,046	5,061
Capital appropriation	3(a)	106	1,900	102
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	44	220	84
Sales of goods and services	3(b)	726	817	745
Investment revenue	3(c)	—	1	38
Other revenue	3(e)	12	38	100
Total Revenue		4,493	7,022	6,130
Net Result	17	(1,347)	533	(43)
Other comprehensive income		—	—	—
TOTAL COMPREHENSIVE INCOME		(1,347)	533	(43)

The accompanying notes form part of these financial statements

Judicial Commission of NSW

Statement of financial position as at 30 June 2016

	Notes	Actual 2016 \$'000	Budget 2016 \$'000	Actual 2015 \$'000
ASSETS				
Current Assets				
Cash and cash equivalents	7	172	230	1,781
Receivables	8	67	40	73
Total Current Assets		239	270	1,854
Non-Current Assets				
Plant and equipment	9	280	1,950	283
Intangible assets	10	21	—	12
Total Non-Current Assets		301	1,950	295
Total Assets		540	2,220	2,149
LIABILITIES				
Current Liabilities				
Payables	11	275	150	463
Provisions	12	490	389	470
Other	13	—	—	103
Total Current Liabilities		765	539	1,036
Non-Current Liabilities				
Provisions	12	21	—	12
Total Non-Current Liabilities		21	—	12
Total Liabilities		786	539	1,048
Net Assets		(246)	1,681	1,101
EQUITY				
Accumulated funds		(246)	1,681	1,101
Total Equity		(246)	1,681	1,101

The accompanying notes form part of these financial statements

Judicial Commission of NSW

Statement of changes in equity for the year ended 30 June 2016

	Accumulated Funds \$'000	Total \$'000
Balance at 1 July 2015	1,101	1,101
Net Result for the year	(1,347)	(1,347)
Total other comprehensive income	–	–
Total comprehensive income for the year	(1,347)	(1,347)
Balance at 30 June 2016	<u>(246)</u>	<u>(246)</u>
Balance at 1 July 2014	1,144	1,144
Net Result for the year	(43)	(43)
Total other comprehensive income	–	–
Total comprehensive income for the year	(43)	(43)
Balance at 30 June 2015	<u>1,101</u>	<u>1,101</u>

The accompanying notes form part of these financial statements

Judicial Commission of NSW

Statement of cash flows for the year ended 30 June 2016

	Notes	Actual 2016 \$'000	Budget 2016 \$'000	Actual 2015 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(4,419)	(4,469)	(4,239)
Other		(1,667)	(1,907)	(1,873)
Total Payments		<u>(6,086)</u>	<u>(6,376)</u>	<u>(6,112)</u>
Receipts				
Recurrent appropriation		3,605	4,046	5,164
Capital appropriation (excluding equity appropriations)		106	1,900	102
(Transfers to the Crown Entity)		(103)	–	–
Sale of goods and services		945	817	1,004
Interest received		18	10	41
Other		12	217	100
Total Receipts		<u>4,583</u>	<u>6,990</u>	<u>6,411</u>
NET CASH FLOWS FROM OPERATING ACTIVITIES	17	<u>(1,503)</u>	<u>614</u>	<u>299</u>
CASH FLOWS FROM INVESTING ACTIVITIES				
Purchases of plant and equipment		(106)	(1,900)	(102)
NET CASH FLOWS FROM INVESTING ACTIVITIES		<u>(106)</u>	<u>(1,900)</u>	<u>(102)</u>
NET INCREASE/(DECREASE) IN CASH		<u>(1,609)</u>	<u>(1,286)</u>	<u>197</u>
Opening Cash and Cash Equivalents		1,781	1,516	1,584
CLOSING CASH AND CASH EQUIVALENTS	7	<u>172</u>	<u>230</u>	<u>1,781</u>

The accompanying notes form part of these financial statements

Judicial Commission of NSW

Summary of compliance with financial directives

	2016				2015			
	Recurrent Appropriation	Expenditure/ Net Claim on Consolidated Fund	Capital Appropriation	Expenditure/ Net Claim on Consolidated Fund	Recurrent Appropriation	Expenditure/ Net Claim on Consolidated Fund	Capital Appropriation	Expenditure/ Net Claim on Consolidated Fund
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
ORIGINAL BUDGET APPROPRIATION								
Appropriation Act	4,046	3,605	1,900	106	4,914	4,914	150	102
	4,046	3,605	1,900	106	4,914	4,914	150	102
OTHER APPROPRIATIONS/ EXPENDITURE								
Treasurer's Advance	–	–	–	–	–	–	–	–
Transfers from another entity (per section 32 of the Appropriation Act)	–	–	–	–	250	147	–	–
Total Appropriations/ Expenditure/Net Claim on Consolidated Fund (includes transfer payments)	4,046	3,605	1,900	106	5,164	5,061	150	102
Amount drawn down against Appropriation		3,605		106		5,164		102
Liability to Consolidated Fund*		–		–		103		–

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

* Liability to Consolidated Fund represents the difference between the "Amount drawn down against Appropriation" and the "Total Expenditure/Net Claim on Consolidated Fund".

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

- (a) **Reporting Entity**
The Judicial Commission of New South Wales (the Commission) is a NSW government entity which does not have any entities under its control.
- The Commission is a corporation set up under the *Judicial Officers Act 1986*. The Commission is a not-for-profit entity, as profit is not its principal objective and it has no cash generating units. The reporting entity is consolidated as part of the NSW Total State Sector Accounts.
- These financial statements for the year ended 30 June 2016 have been authorised for issue by the Chief Executive on 16 August 2016.
- (b) **Basis of Preparation**
The entity's financial statements are general purpose financial statements which have been prepared on an accruals basis and in accordance with:
- applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
 - the requirements of the *Public Finance and Audit Act 1983*; and *Public Finance and Audit Regulation 2015*; and
 - the Financial Reporting Directions published in the Financial Reporting Code for NSW General Government Sector entities or issued by the Treasurer.
- Despite the Judicial Commission having a working capital deficiency of \$526,000, the financial statements have been prepared on a going-concern basis. In 2015–16, NSW Treasury introduced 'cash management reforms' which resulted in a reduction in the recurrent budget allocation to bring about a reduction in the Judicial Commission's cash reserves. In future reporting periods the Judicial Commission will continue to receive government appropriations. Cash flow forecasts demonstrate that with the appropriations, the Judicial Commission will have sufficient funding to pay its debts as and when they are due for at least the next 12 months from the end of the reporting period.
- Plant and equipment are measured at fair value. Other financial statement items are prepared in accordance with the historical cost convention.
- Judgements, key assumptions and estimations that management has made, are disclosed in the relevant notes to the financial statements.
- All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.
- (c) **Statement of Compliance**
These financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

- (d) **Insurance**
The entity's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self-insurance for Government entities. The expense (premium) is determined by the Fund Manager based on past claims experience.
- (e) **Accounting for the Goods and Services Tax (GST)**
Income, expenses and assets are recognised net of the amount of GST, except that the:
- amount of GST incurred by the entity 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 and
 - receivables and payables are stated with the amount of GST included.
- Cash flows are included in the statement of cash flows on a gross basis. However, the GST components of cash flows arising from investing activities which is recoverable from, or payable to, the Australian Taxation Office are classified as operating cash flows.
- (f) **Income Recognition**
Income is measured at the fair value of the consideration or contribution received or receivable. Comments regarding the accounting policies for the recognition of income are discussed below.
- (i) **Parliamentary appropriations and contributions**
Except as specified below, parliamentary appropriations and contributions from other bodies (including grants and donations) are generally recognised as income when the Commission obtains control over the assets comprising the appropriations/contributions. Control over appropriations and contributions are normally obtained upon receipt of cash.
- Appropriations are not recognised as income in the following circumstances:
- 'Equity appropriations' to fund payments to adjust a for-profit entity's capital structure are recognised as equity injections (i.e. contribution by owners) on receipt and equity withdrawals on payment to a for-profit entity. The reconciliation between the statement of comprehensive income, statement of summary of compliance with financial directives and the total appropriations is disclosed in Note 3(a).
 - Unspent appropriations are recognised as liabilities rather than revenue, as the authority to spend money lapses and the unspent amount must be repaid to the Consolidated Fund.
- The liability is disclosed in Note 13 as part of 'Current Liabilities – Other'. The amount will be repaid and the liability will be extinguished next financial year.

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

<p>(ii) Sale of Goods Revenue from the sale of goods is recognised as revenue when the entity transfers the significant risks and rewards of ownership of the assets.</p> <p>(iii) Rendering of Services Revenue is recognised when the service is provided or by reference to the stage of completion (based on labour hours incurred to date).</p> <p>(iv) Investment Revenue Interest revenue is recognised using the effective interest method as set out in AASB 139 <i>Financial Instruments: Recognition and Measurement</i>.</p> <p>(g) Assets</p> <p>(i) Acquisition of assets Assets acquired are initially recognised at cost. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.</p> <p>Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.</p> <p>Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.</p> <p>Where payment for an asset is deferred beyond normal credit terms, its cost is cash price equivalent, i.e. deferred payment is effectively discounted over the period of credit.</p> <p>(ii) Capitalisation thresholds Plant and equipment and intangible assets costing \$1,000 and above individually (or forming part of a network costing more than \$1,000) are capitalised. Individual items of computer or office equipment costing over \$500 and above and having a useful life of more than one year are also capitalised.</p> <p>(iii) Revaluation of property, plant and equipment Physical non-current assets are valued in accordance with the 'Valuation of Physical Non-Current Assets at Fair Value' Policy and Guidelines Paper (TPP 14-01). This policy adopts fair value in accordance with AASB 116 <i>Property, Plant and Equipment</i>, and AASB 13 <i>Fair Value Measurement</i>.</p> <p>Plant and equipment is measured at the highest and best use by market participants that is physically possible, legally permissible and financially feasible. The highest and best use must be available at a period that is not remote and take into account the characteristics of the asset being measured, including any socio-political</p>	<p>restrictions imposed by government. In most cases, after taking into account these considerations, the highest and best use is the existing use. In limited circumstances, the highest and best use may be a feasible alternative use, where there are no restrictions on use or where there is a feasible higher restricted alternative use.</p> <p>Fair value of plant and equipment is based on a market participants' perspective, using valuation techniques (market approach, income approach) that maximise relevant observable inputs and minimise unobservable inputs.</p> <p>As the entity does not own land, building or infrastructure assets, management does not believe that the revaluation of physical non-current assets every five years is warranted, unless it becomes aware of any material difference in the carrying amount of any class of assets.</p> <p>Most of the entity's assets are non-specialised assets with short useful lives and are therefore measured at depreciated historical cost, as an approximation for fair value. The Judicial Commission of New South Wales has assessed that any difference between fair value and depreciated historical cost is unlikely to be material.</p> <p>(iv) Impairment of plant and equipment As a not-for-profit entity with no cash generating units, impairment under AASB 136 <i>Impairment of Assets</i> is unlikely to arise. This is because AASB 136 modifies the recoverable amount test for non-cash generating assets of not-for-profit entities to the higher of fair value less costs to sell and depreciated replacement cost. This means that for an asset already measured at fair value, impairment can only arise if selling costs are material. Selling costs are regarded as immaterial.</p> <p>(v) Depreciation of plant and equipment 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 to the entity.</p> <p>All material separately identifiable components of assets are depreciated separately over their useful lives.</p> <p>The estimated useful lives of the asset classes are: Computer Equipment 3 years Furniture and Fittings 15 years Office Equipment 5 or 10 years</p> <p>(vi) Maintenance Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement of a part or component of an asset, in which case the costs are capitalised and depreciated.</p>
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Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

<p>(vii) Leased assets A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of the leased assets, and operating leases under which the lessor effectively retains all such risks and rewards.</p> <p>Where a non-current asset is acquired by means of a finance lease at the commencement of the lease term, the asset is recognised at fair value or, if lower, the present value of minimum lease payments, at the inception of the lease. The corresponding liability is established at the same amount. Lease payments are allocated between the principal component and the interest expense.</p> <p>Operating lease payments are recognised as an expense on a straight-line basis over the lease term.</p> <p>(viii) Intangible assets The entity recognises intangible assets only if it is probable that future economic benefits will flow to the entity and the cost can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition.</p> <p>All research costs are expensed. Development costs are only capitalised when certain criteria are met.</p> <p>The useful lives of intangible assets are assessed to be finite.</p> <p>Intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the entity's intangible assets, the assets are carried at cost less any accumulated amortisation and impairment losses.</p> <p>The entity's intangible assets are amortised using the straight line method over a period of three (3) years.</p> <p>Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss.</p> <p>(ix) Loans and receivables Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. These financial assets are recognised initially at fair value. Subsequent measurement is at amortised cost using the effective interest method, less an allowance for any impairment of receivables. Any changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.</p> <p>Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.</p>	<p>(x) Impairment of financial assets All financial assets, except those measured at fair value through profit and loss, are subject to an annual review for impairment. An allowance for impairment is established where there is objective evidence that the entity will not be able to collect all amounts due.</p> <p>For financial assets carried at amortised cost, the amount of the allowance is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the effective interest rate. The amount of the impairment loss is recognised in the net result for the year.</p> <p>Any reversals of impairment losses are reversed through the net result for the year, where there is objective evidence. Reversals of impairment losses of financial assets carried at amortised cost cannot result in a carrying amount that exceeds what the carrying amount would have been had there not been an impairment loss.</p> <p>(xi) De-recognition of financial assets and financial liabilities A financial asset is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the entity transfers the financial asset:</p> <ul style="list-style-type: none">• where substantially all the risks and rewards have been transferred or• where the entity has not transferred substantially all the risks and rewards, if the entity has not retained control. <p>Where the entity has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset is recognised to the extent of the entity's continuing involvement in the asset.</p> <p>A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expired.</p> <p>(xii) Other Assets Other assets are recognised on an historic cost basis.</p>
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Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

(h) Liabilities

(i) Payables

These amounts represent liabilities for goods and services provided to the entity and other amounts. Payables are recognised initially at fair value. Subsequent measurement is at amortised cost using the effective interest method. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(ii) Employee benefits and other provisions

a. Salaries and wages, annual leave, sick leave and on-costs

Salaries and wages (including non-monetary benefits), and paid sick leave that are due to be settled wholly within 12 months after the end of the period in which the employees render their services are recognised and measured at the undiscounted amount of the benefits.

Annual leave is not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 *Employee Benefits* (although short-cut methods are permitted.)

Actuarial advice obtained by Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking leave (calculated using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The entity has assessed the actuarial advice based on the entity's circumstances and has determined that the effect of discounting is immaterial to annual leave.

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 benefits accrued in the future.

b. Long service leave and superannuation

The entity's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. The entity 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 benefits and other liabilities".

Long service leave is measured at present value in accordance with AASB 119 *Employee Benefits*. This is based on the application of certain factors (specified in NSWTC 15/09) to employees with five or more years of service, using current rates of pay. These factors were determined based on an actuarial review to approximate present value.

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 (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (i.e. State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

c. Consequential on-costs

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

(i) Other Provisions

Other provisions exist when: the entity has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle the obligation; and a reliable estimate can be made of the amount of the obligation.

(j) Fair Value Heirachy

A number of the entity's accounting policies and disclosures require the measurement of fair values, for both financial and non-financial assets and liabilities. The entity does not hold financial and non-financial assets and liabilities that are valued at fair value using valuation techniques.

(k) Equity and reserves

(i) Accumulated Funds

The category 'Accumulated Funds' include all current and prior period retained funds.

(ii) Separate reserve accounts are recognised in the financial statements only if such accounts are required by specific legislation or Australian Accounting Standards.

(l) Budgeted Amounts

The budgeted amounts are drawn from original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the primary financial statements is explained in Note 16.

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

(m) Comparative information

Except when an Australian Accounting Standard permits or requires otherwise, comparative information is disclosed in respect of the previous period for all amounts reported in the financial statements.

(n) Changes in accounting policy, including new or revised Australian Accounting Standards

(i) Effective for the first time in 2015-16

The accounting policies applied in 2015-16 are consistent with those of the previous financial year.

(ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise.

The following new Accounting Standards have not been applied and are not yet effective.

- AASB 9 and AASB 2014-7, regarding financial instruments
- AASB 15, AASB 2014-5 and AASB 2015-8 regarding Revenue from Contracts with Customers
- AASB 1057 and AASB 2015-9 *Application of Australian Accounting Standards*
- AASB 2014-4 regarding acceptable methods of depreciation and amortisation
- AASB 2015-1 regarding annual improvements to Australian Accounting Standards 2012-14 cycle
- AASB 2015-2 regarding amendments to AASB 101 (disclosure initiative)
- AASB 2015-7 Amendment to Australian Standards – Fair Value Disclosures of Not-for-profit Public Sector Entities
- AASB 16 regarding Leases

Other than AASB 16 Leases, the Commission does not expect the adoption of these Standards in the future periods to materially impact the financial statements.

AASB 16 is applicable to annual reporting periods beginning on or after 1 January 2019. For leases where the Commission is the lessee, AASB 16 will require the Commission to recognise assets and liabilities on the statement of financial position where a lease term is more than 12 months unless the underlying asset is of low value. There will be no impact on the total amount of cash flows reported.

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

	2016 \$'000	2015 \$'000
2. EXPENSES EXCLUDING LOSSES		
(a) Employee related expenses:		
Salaries and wages (including recreation leave)	3,867	3,766
Superannuation – defined benefit plans	103	96
Superannuation – defined contributions plans	219	214
Long service leave	(59)	(18)
Workers' compensation insurance	13	14
Payroll tax and fringe benefit tax	233	223
	<u>4,376</u>	<u>4,295</u>
(b) Other operating expenses include the following:		
Operating lease rental expense – minimum lease payments	427	519
Fees for services	63	47
Contractors	174	128
Conferences	154	126
Printing	51	65
Member fees	101	110
Stores and equipment	10	15
Books and periodicals	63	64
Postal and telephone	55	56
Training	35	32
Travel expenses	31	19
Electricity	29	30
Insurance	6	6
Auditor's remuneration – audit of the financial statements	22	21
Recruitment	8	1
Maintenance	4	8
Other	121	91
	<u>1,354</u>	<u>1,338</u>
<i>Reconciliation – Total maintenance</i>		
Maintenance expense – contracted labour and other (non-employee related), as above	4	8
Employee related maintenance expense included in Note 2(a)	–	–
Total maintenance expenses included in Note 2(a) + 2(b)	<u>4</u>	<u>8</u>
(c) Depreciation and amortisation expense		
Depreciation		
Computer equipment	68	60
Office furniture	21	22
Office equipment	4	2
	<u>93</u>	<u>84</u>
Amortisation		
Intangible assets	6	1
	<u>99</u>	<u>85</u>
(d) Grants and subsidies		
Aboriginal program expenditure review efficiency contribution	–	6
	<u>–</u>	<u>6</u>
(e) Other expenses		
Conduct Division	11	449
	<u>11</u>	<u>449</u>

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

	2016 \$'000	2015 \$'000
3. REVENUE		
(a) Appropriations and Transfers to the Crown Entity		
Recurrent Appropriations		
Total recurrent draw-downs from NSW Treasury (per Summary of Compliance)	3,605	5,164
Less: Liability to Consolidated Fund (per Summary of Compliance)	–	103
	<u>3,605</u>	<u>5,061</u>
<i>Comprising:</i>		
Recurrent appropriations (per Statement of comprehensive income)	<u>3,605</u>	<u>5,061</u>
Capital appropriations		
Total capital draw-downs from NSW Treasury (per Summary of Compliance)	106	102
Less: Liability to Consolidated Fund (per Summary of Compliance)	–	–
	<u>106</u>	<u>102</u>
<i>Comprising:</i>		
Capital appropriations (per Statement of comprehensive income)	<u>106</u>	<u>102</u>
(b) Sale of goods and services		
Sale of goods	119	113
Rendering of services	607	632
	<u>726</u>	<u>745</u>
(c) Investment revenue		
Interest	–	38
(d) Acceptance by the Crown Entity of employee benefits and other liabilities		
The following liabilities and/or expenses have been assumed by the Crown Entity or other government entities:		
Superannuation — defined benefit	97	97
Long service leave	(59)	(18)
Payroll tax	6	5
	<u>44</u>	<u>84</u>
(e) Other revenue		
Miscellaneous revenue	12	100
	<u>12</u>	<u>100</u>
4. GAIN/(LOSS) ON DISPOSAL	–	–
5. OTHER GAINS/(LOSSES)	–	–

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

	2016 \$'000	2015 \$'000
6. SERVICE GROUPS OF THE COMMISSION		
Education, Sentencing, and Complaints		
Service description: This service group covers the provision of education services to promote a better informed and professional judiciary, sentencing information to ensure consistency in sentencing, and the effective examination of complaints in accordance with statutory provisions.		
The Commission operates a single service group. The expenses, income, assets and liabilities of the service group are presented in the primary financial statements.		
7. CURRENT ASSETS – CASH AND CASH EQUIVALENTS		
Cash at bank and on hand	172	1,781
	<u>172</u>	<u>1,781</u>
For the purpose of the statement of cash flows, cash and cash equivalents include cash at bank and cash on hand.		
Cash and cash equivalent assets recognised in the statement of financial position are reconciled at the end of the financial year to the statement of cash flows as follows:		
Cash and cash equivalents (per statement of financial position)	172	1,781
Closing cash and cash equivalents (per statement of cash flows)	<u>172</u>	<u>1,781</u>
Refer Note 18 for details regarding credit risk, liquidity risk and market risk arising from financial instruments		
8. CURRENT ASSETS – RECEIVABLES		
Sale of goods and services	2	–
Other receivables	–	–
Interest receivable	–	18
Prepayments	65	55
	<u>67</u>	<u>73</u>
Details regarding credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in Note 18.		

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

9. NON-CURRENT ASSETS – PLANT AND EQUIPMENT		
At 1 July 2015 – fair value	Plant and Equipment \$'000	Total \$'000
Gross carrying amount	1,595	1,595
Accumulated depreciation and impairment	(1,312)	(1,312)
Net carrying amount	<u>283</u>	<u>283</u>
At 30 June 2016 – fair value		
Gross carrying amount	1,522	1,522
Accumulated depreciation and impairment	(1,242)	(1,242)
Net carrying amount	<u>280</u>	<u>280</u>
Reconciliation		
A reconciliation of the carrying amount of plant and equipment at the beginning and end of the current financial year is set out below:		
Year ended 30 June 2016	Plant and Equipment \$'000	Total \$'000
Net carrying amount at start of year	283	283
Additions	92	92
Disposals	–	–
Depreciation	(94)	(94)
Net carrying amount at end of year	<u>281</u>	<u>281</u>
At 1 July 2014 – fair value	Plant and Equipment \$'000	Total \$'000
Gross carrying amount	1,506	1,506
Accumulated depreciation and impairment	(1,229)	(1,229)
Net carrying amount	<u>277</u>	<u>277</u>
At 30 June 2015 – fair value		
Gross carrying amount	1,595	1,595
Accumulated depreciation and impairment	(1,312)	(1,312)
Net carrying amount	<u>283</u>	<u>283</u>
Reconciliation		
A reconciliation of the carrying amount of plant and equipment at the beginning and end of the prior financial year is set out below:		
Year ended 30 June 2015	Plant and Equipment \$'000	Total \$'000
Net carrying amount at start of year	277	277
Additions	89	89
Disposals	–	–
Depreciation	(83)	(83)
Net carrying amount at end of year	<u>283</u>	<u>283</u>

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

10. INTANGIBLE ASSETS**As at 1 July 2015 – fair value**

	Software \$'000	Total \$'000
Gross carrying amount	111	111
Accumulated amortisation and impairment	(99)	(99)
Net carrying amount	12	12

As at 30 June 2016 – fair value

Gross carrying amount	126	126
Accumulated amortisation and impairment	(105)	(105)
Net carrying amount	21	21

Reconciliation

A reconciliation of the carrying amount of intangibles at the beginning and end of the current financial year is set out below:

Year ended 30 June 2016

	Software \$'000	Total \$'000
Net carrying amount at start of year	12	12
Additions	14	14
Disposals	–	–
Amortisation	(6)	(6)
Net carrying amount at end of year	20	20

As at 1 July 2014 – fair value

	Software \$'000	Total \$'000
Gross carrying amount	98	98
Accumulated depreciation and impairment	(98)	(98)
Net carrying amount	–	–

As at 30 June 2015 – fair value

	\$'000	\$'000
Gross carrying amount	111	111
Accumulated depreciation and impairment	(99)	(99)
Net carrying amount – at fair value	12	12

Reconciliation

A reconciliation of the carrying amount of intangibles at the beginning and end of the prior financial year is set out below:

Year ended 30 June 2015

	Software \$'000	Total \$'000
Net carrying amount at start of year	–	–
Additions	12	12
Disposals	–	–
Amortisation	–	–
Net carrying amount at end of year	12	12

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

11. CURRENT LIABILITIES – PAYABLES

	2016 \$'000	2015 \$'000
Creditors	270	341
Accrued salaries, wages and on-costs	–	116
Other (including GST payable)	5	6
	275	463

Details regarding credit risk, liquidity risk and market risk, including a maturity analysis of the above payables are disclosed in Note 18.

12. CURRENT/NON-CURRENT LIABILITIES – PROVISIONS**Employee benefits and related on-costs**

Current	2016 \$'000	2015 \$'000
Recreation leave	252	237
On-costs	238	233
	490	470

Non-Current

On-costs	21	12
	21	12

Aggregate employee benefits and related on-costs

Provisions – current	490	470
Provisions – non-current	21	12
Accrued salaries, wages and on-costs (refer Note 11)	–	116
	511	598

Expected settlement of current employee benefits and related on-costs

	2016 \$'000	2015 \$'000
No later than 12 months	423	385
Later than 12 months	67	85
	490	470

13. CURRENT LIABILITIES – OTHER

Liability to Consolidated Fund	–	103
	–	103

14. COMMITMENTS FOR EXPENDITURE**Operating lease commitments**

Future non-cancellable operating lease rentals not provided for and payable:

	2016 \$'000	2015 \$'000
Not later than one year	164	531
Later than one year and not later than five years	–	176
Later than five years	–	–
Total (including GST)	164	707

Operating lease commitments, which relate to rent and motor vehicles, are not recognised in the financial statements as liabilities. The total commitments for expenditure as at 30 June 2016 include input tax credits of \$15,000 (\$64,000 in 2015) which are recoverable from the Australian Tax Office.

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

15.CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Commission has no contingent liabilities (2015: nil) or contingent assets (2015: nil) as at 30 June 2016.

16.BUDGET REVIEW

Net Result

The actual net result is under budget by \$1.88 million.

This is mainly due to lower capital drawdown of \$106,000 compared to the budget of \$1,900,000, due to the deferment of the office fit out and relocation, less computer equipment replacement and updates required. Investment revenue received of \$nil is lower than budget of \$1,000 due to interest no longer being received.

Conduct division incurred expenditure of \$11,170, plus additional drawdown of NIL (2015 \$147,000).

Assets and Liabilities

Non-current Assets are under budget by \$1.65 million. This is mainly due to lower than expected Capital purchases.

Current Liabilities are over budget by \$226,000 mainly due to increased employee provisions by \$101,000; and accounts payable increase of \$125,000.

Cash Flow from Operating Activities

The Net Cash Flows from operating activities resulted with a negative \$1.50 million.

This was primarily as a result of Treasury cash management reforms to reduce agency held bank balances.

This was partially offset by lower operating and other expenses.

17.RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET RESULT

Net cash used on operating activities

Decrease/(increase) in Crown Entity liability

Depreciation

Decrease/(increase) in provisions

Increase/(decrease) in receivables and prepayments

Decrease/(increase) in creditors

Cash transfers to Consolidated Fund

Net Result

2016 \$'000	2015 \$'000
(1,503)	299
–	(103)
(99)	(85)
(29)	40
(6)	(12)
187	(182)
103	–
(1,347)	(43)

18.FINANCIAL INSTRUMENTS

The entity’s principal financial instruments are outlined below. These financial instruments arise directly from the entity’s operations or are required to finance the entity’s operations. The entity does not enter into any trade financial instruments, including derivative financial instruments, for speculative purposes.

The entity’s main risks arising from financial instruments are outlined below, together with the entity’s objectives, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout these financial statements.

The Chief Executive has overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. The Audit and Risk Management Committee assists the Chief Executive in fulfilling these responsibilities. Risk management policies are established to identify and analyse the risks faced by the entity, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by the internal auditors on a continuous basis.

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

(a) Financial instrument categories			Carrying Amount	
	Note	Category	2016 \$'000	2015 \$'000
Financial Assets				
Cash and cash equivalents	7	N/A	172	1,781
Receivables ¹	8	Loans and receivables (at amortised cost)	2	18
Financial Liabilities				
Payables ²	11	Financial liabilities measured at amortised cost	165	463

Notes

1. Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7).

2. Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7).

(b) Credit Risk

Credit risk arises when there is the possibility of the entity’s debtors defaulting on their contractual obligations, resulting in a financial loss to the entity. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for impairment).

Credit risk arises from the financial assets of the entity, including cash, receivables, and authority deposits. No collateral is held by the entity. The entity has not granted any financial guarantees.

Credit risk associated with the entity’s financial assets, other than receivables, is managed through the selection of counterparts and establishment of minimum credit rating standards.

Cash

Cash comprises cash on hand and bank balances within the NSW Treasury Banking System. Interest (last year) was earned on daily bank balances at the monthly average NSW Treasury Corporation (TCorp) 11am unofficial cash rate, adjusted for a management fee to NSW Treasury. This rate was 0 per cent at 30 June 2016 due to the Treasury cash management reforms introduced (2.00 per cent at 30 June 2015).

Receivables — trade debtors

All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Procedures established in the Treasurer’s Directions are followed to recover outstanding amounts, including letters of demand. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that the entity will not be able to collect all amounts due. This evidence includes past experience, and current and expected changes in economic conditions and debtor credit ratings. No interest is earned on trade debtors. Sales are made on 30 days terms.

The entity is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors. Based on past experience, debtors that are not past due (2016: \$0; 2015: \$0) or are 12 months past due (2016: \$0; 2015: \$0) are not considered impaired and together these represent 100% of the total trade debtors.

The only financial assets that are past due or impaired are ‘sales of goods and services’ in the ‘receivables’ category of the statement of financial position.

	Total	Past due but not impaired	Considered impaired
	\$'000	\$'000	\$'000
2016			
< 3 months overdue	–	–	–
3 months – 6 months overdue	–	–	–
> 6 months overdue	–	–	–
2015	\$'000	\$'000	\$'000
< 3 months overdue	–	–	–
3 months – 6 months overdue	–	–	–
> 6 months overdue	–	–	–

Judicial Commission of NSW

Notes to the financial statements for the year ended 30 June 2016

(c) Liquidity Risk

Liquidity risk is the risk that the entity will be unable to meet its payment obligations when they fall due. The entity continuously manages risk through monitoring future cash flows and maturities planning to ensure adequate holding of high quality liquid assets.

During the current and prior year, there were no defaults on any loans payable. No assets have been pledged as collateral. The entity’s exposure to liquidity risk is deemed insignificant based on prior periods’ data and current assessment of risk.

The liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. For small suppliers, where not specified, payment is made no later than 30 days from the date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or statement is received. For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise. For payments to other suppliers the Head of an authority may automatically pay the supplier simple interest. No interest was applied during the year.

(d) Market Risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The Commission does not have any investments or interest bearing liabilities and therefore has minimal exposure to market risk.

(e) Fair Value compared to carrying amount

Financial instruments are recognised at amortised cost, which approximate fair value because of their short-term nature.

19.EVENTS AFTER THE REPORTING PERIOD

There are no events subsequent to balance date which affect the financial statements.

End of audited financial statements

Part 7
Endmatter

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Appendix 1

Complaints against judicial officers: guidelines 2015–16

1

Overview

The objective of the Commission’s complaint function is to ensure that complaints about the ability and behaviour of judicial officers are investigated in a timely and effective manner in order to:

(a) enhance public confidence in the judiciary of NSW, and

(b) promote good practices and high standards of judicial performance.

The *Judicial Officers Act* 1986 provides a means for people to complain about the conduct of a judicial officer and to have those complaints examined by an independent body. An important role of the Commission is not only to receive and examine complaints made against judicial officers, but to determine which complaints require further action.

These guidelines are designed to assist people to understand the Commission’s complaint function, including the principles and procedures adopted by the Judicial Commission. The detailed provisions of the complaint function are in Part 6 of the Act.

2

Who is a judicial officer?

2.1 A “judicial officer” under the *Judicial Officers Act* 1986 means:

a judge or associate judge of the Supreme Court of NSW

a member (including a judicial member) of the NSW Industrial Relations Commission

a judge of the Land and Environment Court of NSW

a judge of the District Court of NSW

the President of the Children’s Court of NSW

a magistrate, or

the President of the Civil and Administrative Tribunal.

2.2 The definition of “judicial officer” includes acting appointments to a judicial office but does not include arbitrators, registrars, assessors, members of tribunals or legal representatives.

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

3

Making a complaint

3.1 *Who can make a complaint?*

A complaint may be made to the Commission by any person or may be referred to the Commission by the Attorney General.

3.2 *Legislative requirements*

The *Judicial Officers Act* 1986 requires that a complaint is in writing and that it identifies the complainant and the judicial officer concerned. The *Judicial Officers Regulation* 2012 requires that particulars of a complaint are verified by statutory declaration and that the complaint is lodged with the Chief Executive of the Commission.

3.3 *Assistance to complainants*

If a person cannot write, he or she may contact the Commission and assistance will be provided to put the complaint in writing. If interpreting or translation assistance from another language to English is required, the Commission will make arrangements.

3.4

Advice to the public

The Commission provides further advice to the public about the complaints process through:

its website which provides an easy to understand guide to the Commission’s complaints process, detailed information about possible outcomes of complaints, and a complaints form for downloading

a plain English brochure outlining the complaints process

assistance to potential complainants with translation and interpreting services

responding to telephone and face-to-face enquiries, and

giving talks on the complaints process to interested groups.

3.5

Acknowledge receipt of complaints

All complaints submitted to the Commission in proper form will be acknowledged in writing within 1 week of receipt.

4

Complaints not within the Commission’s jurisdiction

4.1 The Commission does not review a case for judicial error, mistake, or other legal ground. Reviews of those matters are the function of appellate courts.

4.2 Allegations of corruption against a judicial officer are required to be referred by the Judicial Commission to the Independent Commission Against Corruption for that body to investigate.

5

Investigating a complaint

5.1 *Receipt of a complaint*

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

5.2 *Preliminary examination*

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 7 members, of whom at least 1 must be an appointed member.¹ The Commission cannot delegate the preliminary examination of a complaint except to a committee, which must consist entirely of members and include at least 1 appointed member.

The initial investigation will often involve an examination of transcripts, sound recordings, judgments, court files and other relevant material. It may also involve taking statements from relevant persons. If necessary, a response to the complaint is sought from the judicial officer.

5.3 *Confidentiality*

The preliminary examination of a complaint by the Commission will be conducted, as far as practicable, on a confidential basis. The legislative requirement of confidentiality protects the judiciary from unjust criticism and protects those who furnish information to the Commission in the course of its examination of a complaint.

The proceedings of the Commission and all information and materials, written or oral, obtained by the Commission in the course of its preliminary examination are confidential.

¹ The Governor of NSW appoints members. They are persons appointed on the nomination of the Minister who, in the opinion of the Minister, have high standing in the community.

Appendix 1: Complaints against judicial officers: guidelines 2015–16 *continued*

- 5.4 *Time standards for finalisation of investigations*
The Commission aims to finalise the investigation of 90% of complaints within 6 months of receipt and 100% within 12 months of receipt.
- 6 **Complaints against a judicial member of the Commission**
A judicial member of the Commission will not participate in any discussions or decisions involving complaints against him or her.
- 7 **Action following preliminary examination**
Following its preliminary examination, the Commission must take one of the following actions:
 - summarily dismiss the complaint
 - refer the complaint to the relevant head of jurisdiction, or
 - refer the complaint to the Conduct Division.

The Commission will act in accordance with the principles of natural justice in conducting its examination of a complaint. Before referring a matter to the head of jurisdiction or the Conduct Division, the Commission provides the judicial officer with an opportunity to respond to the complaint and to present additional information that may assist the Commission in its investigation into the matter.
- 8 **Summary dismissal**
- 8.1 A complaint must be summarily dismissed if one or more of the grounds under section 20(1) of the Act exist, whether or not it appears to be substantiated. These grounds are:
 - the complaint is one that the Commission is required not to deal with
 - the complaint is frivolous, vexatious or not in good faith
 - the subject matter of the complaint is trivial
 - the matter complained about occurred at too remote a time to justify further consideration
 - in relation to the matter complained about, there is or was available a satisfactory means of redress or of dealing with the complaint or the subject-matter of the complaint
 - the complaint is about a judicial decision, or other judicial function, that is or was subject to a right of appeal or right to apply for judicial review
 - the person who is the subject of the complaint is no longer a judicial officer, or
 - in all the circumstances further consideration of the complaint is unnecessary or unjustifiable.
- 8.2 Where a complaint is summarily dismissed the Commission will, as soon as practicable after its determination is made, inform the complainant in writing and provide the reasons for dismissing the complaint. This will include a reference to the relevant provisions of the legislation that have been applied in the handling and determination of the complaint. The judicial officer will also be advised in writing of the Commission's determination.
- 8.3 Many of the complaints that are dismissed by the Commission, because they disclose no misconduct, are nonetheless helpful in the improvement of the judicial system. The feedback from the examination of complaints has provided valuable information for the further development of judicial education programs conducted by the Commission.
- 8.4 The Commission may declare a person to be a vexatious complainant, if the person habitually and persistently, and mischievously or without any reasonable grounds, makes complaints. This section applies whether the complaints are about the same or different judicial officers.

The Commission may disregard any complaint made by the person while the declaration is in force.

- 9 **Reference to a head of jurisdiction**
- 9.1 Where a complaint has not been dismissed following the preliminary examination by the Commission, but in its opinion it does not justify reference to the Conduct Division, the Commission may refer the matter to the relevant head of jurisdiction.
- 9.2 The Commission will notify the head of jurisdiction in writing of its decision and will formally refer the matter, including all relevant material, for attention.
- 9.3 In referring a complaint to the head of jurisdiction the Commission may include recommendations as to what steps might be taken to deal with the complaint, such as counselling by the head of jurisdiction.
- 9.4 Where a complaint is referred to the relevant head of jurisdiction the Commission will, as soon as practicable after the decision is made, advise the complainant and judicial officer of the action taken.
- 10 **Reference to the Conduct Division**
- 10.1 Where a complaint has not been dismissed following the preliminary examination by the Commission, and has not been referred to the head of jurisdiction, it must be referred to the Conduct Division.
- 10.2 The function of a Conduct Division is to examine and deal with a particular complaint that has been referred to it by the Commission.
- 10.3 A Conduct Division is constituted by a panel of 2 judicial officers (one of whom may be a retired judicial officer) and 1 of the 2 community representatives nominated by Parliament. The membership of the Conduct Division will be determined by the Commission. The Commission will also appoint 1 member of the Conduct Division as Chairperson.
- 10.4 Where a complaint is referred to the Conduct Division the Commission will, as soon as practicable after the decision is made, advise the complainant and the judicial officer of the action taken. The Commission will also advise the Attorney General of its decision and, in each case, request the appointment of a legal practitioner or practitioners to assist the Conduct Division as counsel.
- 11 **Examination of a complaint by the Conduct Division**
- 11.1 The Conduct Division must conduct an examination of the complaint referred to it (section 23).
- 11.2 In conducting the initial examination or investigation of a complaint referred to it by the Commission the legislation requires that, as far as practicable, this will take place in private (section 23(3)).
- 11.3 *Meetings of the Conduct Division*
The initial examination of a complaint will involve the members of the Conduct Division and may include counsel assisting in its meetings. As part of this initial process a venue and timetable for the investigation will be determined.
- 11.4 *Preliminary matters*
Preliminary matters necessary prior to the commencement of a hearing, including:
 - interviewing the complainant and other potential witnesses
 - taking statements
 - gathering documents and other material, and
 - preparing a brief of evidence,will be undertaken by counsel assisting the Conduct Division. This will be under the direction of the Conduct Division.

- 11.5 *Medical or psychological examination*
Where the Conduct Division is of the opinion that a judicial officer about whom a complaint has been made may be physically or mentally unfit to exercise efficiently the functions of a judicial office, it may request the officer to undergo a medical or psychological examination (section 34).
- 12 **Hearings by the Conduct Division**
- 12.1 The legislation provides that the Conduct Division may hold hearings in relation to a complaint and that a hearing may be held in public or in private, as the Conduct Division may determine (section 24(2)).
- 12.2 *Release of information*
The Conduct Division has power to give directions preventing the public disclosure of evidence given at its hearings (section 36(1)).
- 12.3 *Royal Commissions Act 1923*
The function of the Conduct Division is to inquire further into the complaint about the judicial officer. In doing so the Conduct Division has the functions, protections and immunities conferred by the *Royal Commissions Act 1923* on commissioners appointed under that Act. The *Royal Commissions Act* applies to any witness summoned by or appearing before the Conduct Division.

- 13 **Reports of the Conduct Division**
- 13.1 *Report to Governor and others*
If the Conduct Division has formed an opinion that the matter could justify Parliamentary consideration of the removal of the judicial officer complained about from office, it must present to the Governor a report setting out its findings of fact and that opinion. A copy of the report must also be furnished to the Commission, the Attorney General and to the complainant. The copy to the complainant is provided only after it has been laid before each House of Parliament.
- 13.2 *Report to the head of jurisdiction*
If the Conduct Division forms an opinion that the matter is wholly or partly substantiated but does not justify Parliamentary consideration of the removal of the judicial officer complained about from office, it must send a report to the relevant head of jurisdiction setting out its conclusions. The report may also include recommendations as to what steps might be taken to deal with the complaint. A copy of this report is also provided to the judicial officer and the Commission.
- 14 **Annual Report**
The *Judicial Officers Act 1986* requires that certain information, including statistics and information about complaints disposed of during the year, be reported to Parliament. This information appears in the Annual Report of the Commission. The Report is available in hard copy from the Commission or can be found on its website at www.judcom.nsw.gov.au.

Appendix 2

Conduct Division: guidelines for examination of complaints 2015–16

- 1 **Introduction**

These guidelines have been formulated by the Judicial Commission to assist a Conduct Division in the exercise of its function in the examination of complaints against judicial officers.

The Conduct Division is not a standing body but is appointed by the Judicial Commission when a particular complaint or reference under Part 6A of the Act is referred to it for examination.

The relevant provisions of the legislation relating to the Conduct Division are contained in Division 3 of Part 6 and Part 6A of the *Judicial Officers Act 1986*. These include:
 - (a) the constitution of a Conduct Division
 - (b) the examination of complaints
 - (c) hearings by the Conduct Division
 - (d) powers of the Conduct Division, and
 - (e) reports.
- 2 **Referral of complaints to the Conduct Division**
- 2.1 Following the preliminary examination of a complaint by the Judicial Commission, if the complaint is not summarily dismissed under one or more of the grounds under section 20(1) of the Act, the Commission may either refer the complaint to the relevant head of jurisdiction (section 21(2)) or refer the matter to a Conduct Division.
- 2.2 The function of a Conduct Division is to examine and investigate a particular complaint that has been referred to it by the Commission.
- 2.3 A Conduct Division is constituted by a panel of 2 judicial officers (one of whom may be a retired judicial officer) and 1 of the 2 community representatives nominated by Parliament. The membership of the Conduct Division will be determined by the Commission. The Commission will also appoint 1 member of the Conduct Division as Chairperson.
- 2.4 A formal instrument of delegation appointing a Conduct Division (including the Chairperson) will be executed by the members of the Commission.
- 2.5 Where a complaint is referred to a Conduct Division the Commission will, as soon as practicable after that decision is made, advise the complainant and the judicial officer of the action taken. The Commission will also advise the Attorney General of its decision and, in each case, request the appointment of a legal practitioner or practitioners to assist the Conduct Division as counsel.
- 3 **Referrals under Part 6A — Suspected impairment of judicial officers**
The Conduct Division has the same functions in relation to the examination of a matter referred to it under Part 6A of the Act as it has in relation to the examination of a complaint (section 39F(2)).
- 4 **Examination of complaint by the Conduct Division**
- 4.1 The Conduct Division must conduct an examination of the complaint referred to it (section 23).
- 4.2 In conducting the initial examination or investigation of a complaint referred to it by the Commission the legislation requires, that as far as practicable, this will take place in private (section 23(3)).

Appendix 2: Conduct Division: guidelines for examination of complaints 2015–16 *continued*

- 4.3

Meetings of the Conduct Division

The initial examination of a complaint will involve the members of the Conduct Division and may include counsel assisting in its meetings. As part of this initial process a venue and timetable for the investigation will be determined.
- 4.4

Minutes

The legislation requires that the Conduct Division will keep full and accurate minutes of the proceedings of each meeting of the Division (clause 5, Schedule 3, *Judicial Officers Act* 1986).
- 4.5

Preliminary matters

Preliminary matters necessary prior to the commencement of a hearing, including:
 - interviewing the complainant and other potential witnesses
 - taking statements
 - gathering documents and other material, and
 - preparing a brief of evidence,will be undertaken by counsel assisting the Division. This will be under the direction of the Division.
- 4.6

Medical or psychological examination

Where the Conduct Division is of the opinion that a judicial officer about whom a complaint has been made may be physically or mentally unfit to exercise efficiently the functions of a judicial officer, it may request the officer to undergo a medical or psychological examination (section 34).
- 5

Hearings by the Conduct Division

The legislation provides that the Conduct Division may hold hearings in relation to a complaint and that a hearing may be held in public or in private, as the Conduct Division may determine (section 24(2)).
- 5.1

Public or private hearings

If the Conduct Division decides to conduct hearings into a complaint, it has to consider whether the hearings should be held in public or private or both.

In exercising its discretion in relation to hearings and as to whether hearings should be held in public or in private or partly in public and partly in private, the main criteria the Division should consider include:

(a)

is it in the public interest to hold the hearing or part of the hearing in public or in private?

(b)

does the type of allegation under consideration (eg ability, behaviour, delay, impairment) require confidential treatment?

(c)

is it desirable, because of the confidential nature of any evidence or matter, to hold a hearing or part of a hearing in private?

(d)

is there a need to protect a person who provides information to the Conduct Division as part of its investigation?

(e)

would public confidence in the authority of the judiciary be undermined by a public or private hearing?

(f)

is it necessary to close a hearing to protect the reputation of a judicial officer from untested or unverified evidence?
- 5.2

Persons who may be present at private hearings

If a hearing or part of a hearing is to take place in private, the Conduct Division may determine the persons who may be present. As a general guide these may include:

(a)

the judicial officer complained about

(b)

the legal representatives of the judicial officer

(c)

counsel assisting the Conduct Division

(d)

support staff assisting the Conduct Division

(e)

any person referred to in section 24(6)(b) and their legal representatives, and

(f)

witnesses including expert witnesses.
- 5.3

Release of information

The Conduct Division has power to give directions preventing the public disclosure of evidence given at its hearings (section 36(1)).

- 5.4

Royal Commissions Act 1923

The function of the Conduct Division is to inquire further into the complaint about the judicial officer. In doing so the Conduct Division has the functions, protections and immunities conferred by the *Royal Commissions Act* 1923 on commissioners appointed under that Act. The *Royal Commissions Act* applies to any witness summoned by or appearing before the Conduct Division.
- 5.5

Record of proceedings

A transcript of proceedings should be made and kept whenever the Conduct Division meets as a body to receive evidence, hear testimony, or hear the arguments of counsel regarding matters before the Division.
- 6

Legal representation before the Conduct Division

6.1

The Attorney General will appoint a legal practitioner or practitioners to assist the Conduct Division and to present the case against the judicial officer. This assistance is provided by senior and junior counsel and a solicitor (usually the Crown Solicitor).

6.2

The judicial officer being complained about will in most instances appear at the hearing and be represented by senior and junior counsel and a solicitor. Funding of the legal representation is subject to approval by the Attorney General.

6.3

The Conduct Division may also give permission for other people including a complainant to appear at the hearing and have legal representation.

6.4

The right to legal representation for persons appearing at a hearing of the Conduct Division is a matter for the discretion of the Division. Consistent with procedural fairness, the Commission is of the view, that as a general guide and wherever it is practicable to do so, the Conduct Division should consent to legal representation for persons appearing at its hearings.

6.5

In exercising its discretion to consent to legal representation, the main criteria the Division should consider include:

(a)

is the witness incapable of representing him or herself?

(b)

is the matter likely to affect an individual's rights or interest?

(c)

would the granting of representation enhance the fairness of the proceedings?

(d)

would the proceedings be conducted with more efficiency and expedition if representation were or were not granted?

(e)

would the cost of the Inquiry be reduced if representation were granted?
- 7

Reports

7.1

Report to Governor and others

If the Division has formed an opinion that the matter could justify Parliamentary consideration of the removal of the judicial officer complained about from office, it must present to the Governor a report setting out its findings of fact and that opinion. A copy of the report must also be furnished to the Commission, the Attorney General and the complainant. The copy to the complainant is provided only after it has been laid before each House of Parliament.

7.2

Report to the head of jurisdiction

If the Division forms an opinion that the matter is wholly or partly substantiated but does not justify Parliamentary consideration of the removal of the judicial officer complained about from office, it must send a report to the relevant head of jurisdiction setting out its conclusions. The report may also include recommendations as to what steps might be taken to deal with the complaint. A copy of this report is also provided to the judicial officer and the Commission.

Appendix 3

Judicial education policy 2015–16

Guiding principles

Pursuant to section 9(1) of the *Judicial Officers Act* 1986 the Judicial Commission may organise and supervise an appropriate scheme for the induction, orientation and continuing education and training of judicial officers. The purpose of continuing professional development for judicial officers is to:

- enhance their professional expertise
- facilitate development of their judicial knowledge and skills, and
- promote the pursuit of juristic excellence.

National standard for judicial professional development

A national standard or benchmark for the amount of time that should be available for each member of the Australian judiciary for professional development has been developed by the National Judicial College of Australia and endorsed by the Council of Chief Justices of Australia, chief judges, chief magistrates, the Judicial Conference of Australia, the Association of Australian Magistrates, and judicial education bodies throughout Australia:

The standard, which was reviewed in late 2010, is that each judicial officer should be able to spend at least 5 days each calendar year participating in professional development activities relating to the judicial officer's responsibilities.
This standard need not be met in each year but can be met on the basis of professional development activities engaged in over a period of 3 years.
This standard can be met, in part, by self-directed professional development.
Judicial officers should be released from court duties to enable them to meet this standard. However, judicial officers should commit some private time to meet the standard.

Services

The Commission is sensitive to the need to provide a range of education services to meet the differing needs of each court and individual judicial officers.

The scheme of continuing judicial education should be structured to be of benefit to all judicial officers in each jurisdiction and to address the differing needs of judicial officers throughout the duration of their careers.

Specifically, the education program should apply the Commission's resources in the most effective delivery of services defined by content (law, procedure, management and administration, and judicial skills) and level of application (induction, update, experience exchange, specialisation and refresher).

These services may include:

1.

inducting new appointees with comprehensive training and orientation
2.

updating all judicial officers on important recent changes in law, procedure and practice
3.

producing bench books for each court, with a process for regular updating
4.

publishing the *Judicial Officers' Bulletin* on a regular basis to inform judicial officers of current law and to promote the consideration of important judicial issues
5.

promoting the development of an improved scheme for indexing and accessing important judgments

6.

facilitating continuing judicial education through the exchange of experience and discussion of topical issues, convening meetings and discussion groups, and publishing articles and other papers
7.

providing refresher services to meet the needs of judicial officers
8.

providing special education services to meet the needs of isolated judicial officers both in the suburbs and country, and on circuit/rotation; specifically relating to improved access to legal information
9.

promoting the supply of computer support facilities and supplying appropriate training
10.

providing an extended range of education services for the assistance of judicial officers, including interdisciplinary and extra-legal courses, where appropriate. The delivery of this scheme should integrate conference, publication and computer support services, in order to facilitate the access to and the use of education services in an effective and convenient manner for judicial officers
11.

promoting and conducting the research and development of educational practices to enhance the effectiveness of continuing judicial education.

Roles and responsibilities

The Judicial Commission has ultimate responsibility to define its policy and strategies in relation to the provision of the above-mentioned services and to determine the direction and the priority of all activity undertaken in the name of the Commission.

The Standing Advisory Committee on Judicial Education (which comprises the chairpersons of the Education Committees of each of the State's courts, or their representatives) has responsibility to advise the Commission on matters of continuing judicial education, to implement Commission policy and strategy and, where appropriate and as requested, to coordinate the activities of the respective Education Committees of each court.

The Education Committees of each court, subject to the head of jurisdiction, shall have responsibility to develop and manage the program of educational activities conducted by each court.

The staff of the Commission have the responsibility to advise and assist each of the above bodies, and to act on their instruction to administer and implement the continuing judicial education program.

Evaluation

The Commission will evaluate the effectiveness of its program of continuing judicial education activities in order to:

- ensure that it provides useful assistance and benefits to judicial officers in the performance of judicial duties, and
- provide feedback to presenters to ensure their sessions meet the needs of judicial officers.

Feedback from judicial officers based on specified learning objectives is desirable for each educational activity. Input requested will include:

- whether or not the learning objectives are met
- the program's usefulness and relevance
- the appropriateness of the content of sessions and materials
- the delivery
- suggest improvements for future programs, and
- suggestions for themes or topics for future activities relevant to judicial officers.

Appendix 4

Education Committees 2015–16

EDUCATION COMMITTEES

Standing Advisory Committee on Judicial Education

- The Honourable Justice J Basten, Supreme Court (Chair)
- The Honourable Justice M Walton, Industrial Relations Commission
- The Honourable Justice N Pain, Land and Environment Court (from 22 July 2015)
- The Honourable Justice P Biscoe, Land and Environment Court (until 21 July 2015)
- His Honour Judge P Lakatos SC, District Court
- His Honour Deputy Chief Magistrate C O’Brien, Local Court
- Ms U Doyle, Education Director, Judicial Commission of NSW (Convenor from 9 December 2015)
- Ms R Windeler, Education Director, Judicial Commission of NSW (Convenor until 8 December 2015)

Supreme Court Education Committee

- The Honourable Justice J Basten (Chair)
- The Honourable Justice C Hoeben AM RFD
- The Honourable Justice M Leeming
- The Honourable Justice R White
- The Honourable Justice P Johnson
- The Honourable Justice I Harrison
- The Honourable Justice M Schmidt
- The Honourable Justice P Garling RFD
- The Honourable Justice A Black
- Mr C D’Aeth, Principal Registrar (from 12 October 2015)
- Ms L Murphy, Principal Registrar (until 18 September 2015)
- Ms U Doyle, Education Director, Judicial Commission of NSW (Convenor from 9 December 2015)
- Ms R Windeler, Education Director, Judicial Commission of NSW (Convenor until 8 December 2015)

Industrial Relations Commission Education Committee

- Commissioner I Tabbaa AM (Chair)
- Commissioner P Newall
- Mr J Wiseman, Registrar (until 18 September 2015)
- Ms U Doyle, Education Director, Judicial Commission of NSW (Convenor from 9 December 2015)
- Ms R Windeler, Education Director, Judicial Commission of NSW (Convenor until 8 December 2015)

Land and Environment Court Education Committee

- The Honourable Justice N Pain (Chair from 22 July 2015)
- The Honourable Justice P Biscoe (Chair until 21 July 2015)
- Mr M Craig (from 21 July 2015)
- Commissioner L Pearson
- Commissioner S O’Neill (from 21 July 2015)
- Ms J Gray, Registrar
- Ms U Doyle, Education Director, Judicial Commission of NSW (Convenor from 9 December 2015)
- Ms R Windeler, Education Director, Judicial Commission of NSW (Convenor until 8 December 2015)

District Court Education Committee

- His Honour Judge G Neilson
- His Honour Judge G Woods QC
- Her Honour Judge P Hock (Chair)
- His Honour Judge P Berman SC
- His Honour Judge P Zahra SC
- His Honour Judge P Lakatos SC
- His Honour Judge L Levy SC
- His Honour Judge M Elkaim SC
- Her Honour Judge L Wells SC

- His Honour Judge G Lerve
- Her Honour Judge J Culver
- Mr J Howard, Judicial Registrar
- Ms U Doyle, Education Director, Judicial Commission of NSW (Convenor from 9 December 2015)
- Ms R Windeler, Education Director, Judicial Commission of NSW (Convenor until 8 December 2015)

Local Court Education Committee

- Her Honour Deputy Chief Magistrate J Mottley
- His Honour Deputy Chief Magistrate C O’Brien (Chair)
- His Honour Magistrate M Barnes (from 19 February 2016)
- His Honour Magistrate Dr R Brown RFD (until 18 February 2016)
- His Honour Magistrate H Dillon (from 19 February 2016)
- Her Honour Magistrate J Huber (until 18 February 2016)
- Her Honour Magistrate J Wahlquist (until 7 December 2015)
- His Honour Magistrate D Heilpern
- His Honour Magistrate I Guy
- Her Honour Magistrate J Keogh (from 19 February 2016)
- Her Honour Magistrate F Toose (from 19 February 2016)
- Her Honour Magistrate V Swain (from 19 February 2016)
- Her Honour Magistrate S Freund (until 18 February 2016)
- His Honour Magistrate L Mabbutt (until 18 February 2016)
- Her Honour Magistrate A Viney (from 19 February 2016)
- His Honour Magistrate G Dunlevy (until 18 February 2016)
- Her Honour Magistrate S McIntyre (from 19 February 2016)
- His Honour Magistrate M Allen (from 19 February 2016)
- His Honour Magistrate G Grogin
- His Honour Magistrate M Antrum (from 19 February 2016)
- Her Honour Magistrate C Huntsman (from 19 February 2016)
- His Honour Magistrate P Stewart (from 19 February 2016)
- Ms C Kim, Policy Officer, Courts Strategy, Justice Policy (until 15 October 2015)
- Ms A Passé-de Silva, Policy Officer, Chief Magistrate’s Office (from 26 November 2015)
- Ms U Doyle, Education Director, Judicial Commission of NSW (Convenor from 9 December 2015)
- Ms R Windeler, Education Director, Judicial Commission of NSW (Convenor until 8 December 2015)

Children’s Court Education Committee

- His Honour Judge P Johnstone (Chair)
- His Honour Magistrate G Blewitt AM
- His Honour Magistrate A Sbrizzi
- His Honour Magistrate P Feather
- Ms R Davidson, Executive Officer
- Ms R Kang, Senior Children’s Registrar (from 13 July 2015)
- Ms P Mackay-Sim, Research Associate to the President
- Ms J Northcote, Children’s Registrar (until 10 July 2015)
- Ms U Doyle, Education Director, Judicial Commission of NSW (Judicial Commission Representative from 9 December 2015)
- Ms R Windeler, Education Director, Judicial Commission of NSW (Judicial Commission Representative until 8 December 2015)

Ngara Yura Committee

- The Honourable Justice S Rothman AM, Supreme Court (Chair)
- The Honourable Justice R Pepper, Land and Environment Court
- Acting Commissioner M Davis, Land and Environment Court
- His Honour Judge A Haesler SC, District Court
- Her Honour Deputy Chief Magistrate J Mottley, Local Court
- Her Honour Magistrate T O’Sullivan, Local Court
- Her Honour Magistrate S Duncombe, Local Court
- The Honourable J Allsop AO, Chief Justice, Federal Court of Australia

- Mr T Chenery, Chief Executive Officer, Link-Up (NSW) Aboriginal Corporation
- Ms U Doyle, Education Director, Judicial Commission of NSW (Convenor from 9 December 2015)
- Mr E Schmatt PSM, Chief Executive, Judicial Commission of NSW
- Ms R Windeler, Education Director, Judicial Commission of NSW (Convenor until 8 December 2015)

BENCH BOOK COMMITTEES

Criminal Trial Courts Bench Book Committee

- The Honourable Justice P Johnson
- The Honourable Justice RA Hulme
- His Honour Judge P Lakatos SC
- His Honour Judge D Arnott SC
- The Honourable R Howie QC (Chair)
- Mr H Donnelly, Director, Research and Sentencing, Judicial Commission of NSW (Convenor)

Civil Trials Bench Book Committee

- The Honourable Justice P Garling RFD
- The Honourable Justice F Kunc
- His Honour Judge G Neilson
- His Honour Judge M Elkaim SC
- His Honour Deputy Chief Magistrate C O’Brien
- The Honourable M Campbell QC (Chair)
- Ms F Findlay, Senior Editor, Judicial Commission of NSW (Convenor)
- Mr E Schmatt PSM, Chief Executive, Judicial Commission of NSW

Local Court Bench Book Committee

- Her Honour Deputy Chief Magistrate J Mottley
- His Honour Deputy Chief Magistrate C O’Brien
- Ms C Kim, Policy Officer, Courts Strategy, Justice Policy (until 30 October 2015)
- Ms A Passé-de Silva, Policy Officer, Chief Magistrate’s Office (from 2 November 2015)

Appendix 5

Conference topics 2015–16

ANNUAL CONFERENCES

Supreme Court of NSW Annual Conference, September 2015

- “Keynote Address: The Interaction of Statute and Common Law”, The Honourable Sir Anthony Mason AC KBE GBM.
- “Legislative Facts and Section 144 — A Contemporary Problem?”, The Honourable Justice Peter McClellan AM, Chair, Royal Commission into Institutional Responses to Child Sexual Abuse.
- “Developments in Criminal Law”, The Honourable Justice Robert A Hulme, Supreme Court of NSW.
- “The Law of Penalties after *Andrews v ANZ*”, Professor John Stumbles, Professor of Finance Law, University of Sydney
- “The Ngara Yura Program and Aboriginal Culture”, Ms Joanne Selfe, Judicial Commission of NSW.
- “Torts — Current Issues”
 - “The Civil Liability Act 2002 — Some Continuing Issues”, The Honourable Justice Clifton Hoeben AM RFD, Chief Judge at Common Law, Supreme Court of NSW.
 - “Advocates’ Immunity from Suit”, The Honourable Justice Ian Harrison, Supreme Court of NSW.
 - “Causation and Risk of Harm under the Civil Liability Act 2002”, The Honourable Justice Robert Beech-Jones, Supreme Court of NSW.
- “Statutory Interpretation — A Drafter’s Perspective”, Mr Don Colagiuri SC, NSW Office of Parliamentary Counsel.
- “Extra-judicial Activities – A Constitutional Perspective”, Professor Fiona Wheeler, ANU College of Law.
- “The Accelerating Universe”, Professor Brian Schmidt AC, Research School of Astronomy and Astrophysics, ANU.
- “How Natural is Justice?”, Ms Deborah Glass OBE, Victorian Ombudsman.

- Ms R Cook, Editor, Judicial Commission of NSW (Convenor) (until 29 April 2016)
- Ms U Doyle, Education Director, Judicial Commission of NSW (Convenor from 2 May 2016)
- Ms P Mizzi, Manager, Research and Sentencing, Judicial Commission of NSW (from 2 May 2016)

Equality before the Law Bench Book Committee

- The Honourable Justice M Beazley AO (Chair)
- The Honourable Justice J Basten
- The Honourable Justice S Rothman AM
- His Honour Judge S Norrish QC
- Dr J Cashmore AO, Associate Professor, Faculty of Law, The University of Sydney
- Ms U Doyle, Education Director, Judicial Commission of NSW (from 9 December 2015)
- Ms K Lumley, Publishing Manager, Judicial Commission of NSW (Convenor)
- Mr E Schmatt PSM, Chief Executive, Judicial Commission of NSW
- Ms R Windeler, Education Director, Judicial Commission of NSW (until 8 December 2015)

Sexual Assault Trials Handbook Committee

- His Honour Judge S Norrish QC
- His Honour Judge R Ellis (Chair)
- Her Honour Judge S Huggett
- Dr J Cashmore AO, Associate Professor, Faculty of Law, The University of Sydney
- Ms P Buckland, Senior Editor, Judicial Commission of NSW (Convenor until 30 October 2015)
- Mr H Donnelly, Director, Research and Sentencing, Judicial Commission of NSW
- Ms U Doyle, Education Director, Judicial Commission of NSW (from 9 December 2015)
- Ms K Lumley, Publishing Manager, Judicial Commission of NSW (from 2 November 2015)
- Ms R Windeler, Education Director, Judicial Commission of NSW (until 8 December 2015)

Industrial Relations Commission of NSW and Queensland Industrial Relations Commission Joint Conference, September 2015

- “Managing the Courtroom”, The Honourable Alan Wilson SC.
- “Evidence Issues”, The Honourable Justice Clifton Hoeben AM RFD, Chief Judge at Common Law, Supreme Court of NSW.
- “Conciliation and Mediation Panel”, The Honourable Justice Monika Schmidt, Supreme Court of NSW and Mr Max Kimber SC, Barrister.
- “Wellness and Resilience on the Bench”, Dr Stephen Allnutt, Consultant Forensic Psychiatrist.
- “Vox Populi – Is Voice a Godsend?”, The Honourable Justice Michael Walton, President, Industrial Relations Commission of NSW.
- “Panel Session: Developments and Innovations in Industrial Relations Practice and Procedure”, The Honourable Acting Justice Peter Kite, Industrial Relations Commission of NSW, Mr Arthur Moses SC, Barrister and Mr James Murdoch QC, Barrister.
- “Trial Management: Who’s the Boss?”, The Honourable Justice Roslyn Atkinson AO, Supreme Court of Queensland.
- “Dealing with Unrepresented Litigants”, The Honourable Justice Robert Benjamin AM, Family Court of Australia.
- “Assessing the Credibility of Witnesses”, Dr Celine van Golde, Associate Lecturer, University of Sydney.
- “New Bullying Powers – Recent Developments”, Mr Adam Hatcher SC, Vice President, Fair Work Commission.
- Land and Environment Court of NSW Annual Conference, May 2016
- “Keynote Address: The Kilmuir Rules and Masterchef — What is the Connection?”, The Honourable Justice Julie Ward, NSW Court of Appeal

Appendix 5: Conference topics *continued*

- “International Framework on Climate Change”, Associate Professor Andrew Macintosh, ANU College of Law, Australian National University
- “Climate Change Law and Policy in Practice: From Kyoto to Paris and Australia’s Position in the Global Climate Landscape”, Mr Martijn Wilder AM, Head of Global Environmental Markets Practice, Baker & McKenzie
- “Some Interesting Recent Developments in Criminal Law”, The Honourable Justice Helen Wilson, NSW Supreme Court
- “Mændz yør pør’ förmäns indikeretørs Ænd midieit mæg’ nıfäsäntly tu”, Professor Laurence Boulle, Faculty of Law and Business, Australian Catholic University
- “Unconscious Bias”, Ms Kate Eastman SC, Barrister
- “The Impact of Climate Change on Future Development/Urban Design”, Associate Professor Rod Simpson, Director, Urban Design + Urbanism Programs, University of Sydney
- “Public Sydney”, Mr Phillip Thalís, Director, Hill Thalís Architecture and Urban Projects and Mr John Cantrill, Architect
- “Transport Planning for Sydney — Challenges and Opportunities”, Associate Professor Garry Glazebrook, Institute for Sustainable Futures, University of Technology Sydney
- “Field Trip: The Australian Botanic Garden, Mount Annan”, Mr Stuart Elder, Supervisor Display Horticulture, and Mr John Siemon, Curator Manager, The Australian Botanic Garden Mount Annan.

District Court of NSW Annual Conference, March 2016

- “Initial Results from the Jury Project”, Her Excellency Professor the Honourable Kate Warner AM, Governor of Tasmania.
- “Health and Well-being of Judges”, Dr Nigel Prior, The Wentworth Clinic.
- “Sharpening Up Your Summing Up”, The Honourable Justice Robert A Hulme, Supreme Court of NSW.
- “Civil Issues”
- “The Tort of Malicious Prosecution”, His Honour Judge Phillip Mahony SC, District Court of NSW.
- “Causation: Section 5D Civil Liability Act”, His Honour Judge Andrew Scotting, District Court of NSW.
- “Recurring Issues in the NSW Court of Appeal”, The Honourable Justice Margaret Beazley AO, President, Court of Appeal.
- “Care Appeals”, His Honour Judge Peter Johnstone, District Court of NSW.
- “What is and isn’t Acceptable Behaviour for a Muslim in Court?”, Imam Shady Alsuleiman, President, Australian National Imams Council.
- “Child Sexual Assault Trials”
- “Recent Developments in Dealing with Child Sexual Assault Trials”, Her Honour Judge Robyn Tupman, District Court of NSW.
- “Sentencing in Child Sex Offence Cases”, Mr Hugh Donnelly, Director, Research and Sentencing, Judicial Commission of NSW.
- “Protected Disclosures/Sexual Assault Communication Privilege”, His Honour Judge Gregory Woods QC, District Court of NSW.

Local Court of NSW Annual Conference, July 2015

- “Criminal Law Update”, The Honourable Justice Robert A Hulme, Supreme Court of NSW.
- “What is and isn’t Acceptable Behaviour for a Muslim in Court?”, Imam Shady Alsuleiman, Secretary, Australian National Imams Council.
- “Intensive Drug and Alcohol Treatment Program”, Mr Ivan Calder, IDATP Director, Corrective Services NSW.
- “Applying the Evidence Act — Practical Examples”, His Honour Judge Peter Berman SC, District Court of NSW, Mr Grant Brady, Barrister and Mr John Pickering SC, Deputy Director of Public Prosecutions.
- “Civil Law Update”, His Honour Judge Michael Elkaim SC, District Court of NSW.
- “Identifying and Managing Cumulative Stress and Vicarious Trauma”, Dr Rob Gordon, Consultant Psychologist.

- “Going Viral – Facebook and Selfies in Evidence”, Ms Julia Virgo, Special Counsel, Clayton Utz.
- “Current Trends in Drugs”, Mr Paul Dillon, Director, Drug and Alcohol Research and Training Australia Pty Ltd.
- “New Global Developments on Judicial Integrity”, The Honourable Michael Kirby AC CMG.
- “Open Forum”, His Honour Judge Graeme Henson, Chief Magistrate of NSW, Her Honour Deputy Chief Magistrate Jane Mottley, Local Court of NSW, His Honour Deputy Chief Magistrate Chris O’Brien, Local Court of NSW and His Honour Magistrate Michael Barnes, State Coroner, Coroner’s Court of NSW.

Local Court of NSW Annual Conference, June 2016

- “Criminal Law Update”, The Honourable Justice Robert A Hulme, Supreme Court of NSW
- “A Framework for Mental Illness and Recovery in the Aboriginal and Torres Strait Islander Population in Australia”, Associate Professor Robert Parker, President, Australian Medical Association Northern Territory; Director of Psychiatry, Top End Mental Health Services, Northern Territory Department of Health
- “Examining Whether Traumatic Brain Injury and Impulsivity Have a Role to Play in Violent Offending”, Professor Tony Butler, Program Head, Justice Health Research Program, The Kirby Institute, University of New South Wales, Professor Peter Schofield, Clinical Director, Neuropsychiatry Service, Hunter New England Area Health Service, and Mr Lee Knight, Clinical Coordinator, Justice Health Research Program, The Kirby Institute, University of New South Wales
- “Civil Law Update 2016”, His Honour Judge Phillip Mahony SC, District Court of NSW
- “Family Law”, His Honour Judge Tom Altobelli, Federal Circuit Court of Australia
- “Tendency and Coincidence Evidence”, The Honourable Justice Geoffrey Bellew, Supreme Court of NSW
- “Ex Tempore Judgments”, Mr Tom Wodak, Retired Judge, County Court of Victoria
- “Judicial Stress and Well-being”, Ms Carly Schrever, Judicial Wellbeing Project Advisor, Judicial College of Victoria
- “Ice and Its Impact and The Impact of the Liquor Accord”, Professor Gordian Fulde, Director of Emergency Department, St Vincent’s Hospital
- “Open Forum”, His Honour Judge Graeme Henson, Chief Magistrate of NSW, Her Honour Deputy Chief Magistrate Jane Mottley, Local Court of NSW, His Honour Deputy Chief Magistrate Chris O’Brien, Local Court of NSW and His Honour Magistrate Michael Barnes, State Coroner, Coroner’s Court of NSW.

OTHER CONFERENCES

Local Court of NSW Southern Regional Conference, March 2016

- “The Vagaries of the Coronial Jurisdiction”, His Honour Magistrate Michael Barnes, State Coroner, Coroner’s Court of NSW.
- “Current Issues in the Children’s Court”, His Honour Judge Peter Johnstone, President, Children’s Court of NSW.
- “Potpourri of Problems”, His Honour Magistrate Douglas Dick, Local Court of NSW.
- “Applications in Chambers”, Her Honour Magistrate Michelle Goodwin, Local Court of NSW.
- “Contracts”, Her Honour Magistrate Lisa Stapleton, Local Court of NSW.
- “Torts Proceedings in the Local Court”, Her Honour Magistrate Jennifer Atkinson, Local Court of NSW.
- “Dealing with Domestic Violence in Court”, Her Honour Magistrate Vivien Swain, Local Court of NSW and His Honour Magistrate Les Mabbutt, Local Court of NSW.
- “Sentencing for Domestic Violence Offences”, Her Honour Magistrate Vivien Swain, Local Court of NSW and His Honour Magistrate Les Mabbutt, Local Court of NSW.

- “Legal Research Tips”, Ms Larissa Reid, Reader Services Librarian, Department of Justice and Mr Holger Aman AALIA, Reader Services Librarian, Department of Justice.
- “JIRS Sentencing Date Calculator”, Mr Murali Sagi PSM, Deputy Chief Executive, Judicial Commission of NSW.

Local Court of NSW Northern Regional Conference, April 2016

- “Issues and Challenges in Coronial Cases”, His Honour Magistrate Hugh Dillon, Deputy State Coroner, Coroner’s Court of NSW.
- “Current Issues in the Children’s Court”, His Honour Judge Peter Johnstone, President, Children’s Court of NSW.
- “Potpourri of Problems”, His Honour Magistrate Douglas Dick, Local Court of NSW.
- “Applications in Chambers”, Her Honour Magistrate Michelle Goodwin, Local Court of NSW.
- “Contracts”, Her Honour Magistrate Lisa Stapleton, Local Court of NSW.
- “Torts Proceedings in the Local Court”, Her Honour Magistrate Jennifer Atkinson, Local Court of NSW.
- “Dealing with Domestic Violence in Court”, Her Honour Magistrate Vivien Swain, Local Court of NSW and His Honour Magistrate Les Mabbutt, Local Court of NSW.
- “Sentencing for Domestic Violence Offences”, Her Honour Magistrate Vivien Swain, Local Court of NSW and His Honour Magistrate Les Mabbutt, Local Court of NSW.
- “Legal Research Tips”, Ms Vanessa Blackmore, Manager, Law Courts Library Services, NSW Department of Justice.
- “JIRS Sentencing Date Calculator”, Mr Murali Sagi PSM, Deputy Chief Executive, Judicial Commission of NSW.

Children’s Court of NSW Section 16 Meeting, October 2015

- “School Attendance Legal Actions”, Mr Danny McVey, Senior Legal Officer, NSW Department of Education and Ms Glenda Rowan, Learning and Engagement Advisor, NSW Department of Education
- “Identity Formation in the Context of Open Adoption”, Professor Marc de Rosnay, Academic Head of Early Start, University of Wollongong, Ms Lynne Moggach, Senior Manager and Executive Specialist Adoption, Barnados Australia and Ms Rosemary Hamill, Senior Manager, Barnardos Australia
- “Discussion Sessions for Magistrates and Registrars”
- “A Care and Protection Hypothetical Scenario”, Her Honour Magistrate Elizabeth Ellis, Children’s Court of NSW and His Honour Magistrate Jeffrey Hogg, Children’s Court of NSW.
- “Care Act Amendments”, His Honour Magistrate Peter Feather, Children’s Court of NSW.
- “Breakout Discussion Sessions for Children’s Magistrates”
- “Sentencing Issues”, His Honour Magistrate Terrence Murphy PSM, Children’s Court of NSW.
- “Other Current Issues”, His Honour Judge Peter Johnstone, President, Children’s Court of NSW.
- “Breakout Discussion Sessions for Children’s Registrars”
- “Current Issues for Dispute Resolution Conferences: Attendance of Potential Witnesses as Support Persons; Adoption and Contact in the Supreme Court”, Ms Juliette Northcote, Children’s Registrar, Children’s Court of NSW and Mr David Croke, Children’s Registrar, Children’s Court of NSW.
- “Mediation and High Conflict People”, Ms Joanne Lynch, Children’s Registrar, Children’s Court of NSW.
- “Reducing Contact between Police and Children in Residential Out-of-Home Care”, Ms Te’res Sia, Senior Solicitor, Legal Aid NSW, Ms Jo Evans, A/Senior Solicitor, Legal Aid NSW, and Mr Steve Kinmond, Deputy Ombudsman, NSW Ombudsman.

Children’s Court of NSW Section 16 Meeting, April 2016

- “Admissions by Children”, Her Honour Judge Dina Yehia SC, District Court of NSW.
- “Coming Home: Jackson’s Story”, Her Honour Magistrate Karen Robinson, Local Court of NSW.
- “Children’s Issues in the Supreme Court”, The Honourable Justice Paul Brereton AM RFD, Supreme Court of NSW.

- “Breakout Discussion Sessions for Children’s Magistrates”
- “Issues Arising in Defended Hearings”, Her Honour Magistrate Elizabeth Ryan, Local Court of NSW and Her Honour Magistrate Karen Robinson, Local Court of NSW.
- “Other Current Issues”, His Honour Judge Peter Johnstone, President, Children’s Court of NSW.
- “Breakout Discussion Session for Children’s Registrars: “How Does the New Science of Epigenetics Relate to the Question of the Best Interests of the Child”, Ms Sue Foley, Director, NSW Children’s Court Clinic and Mr Walter Sponza, Children’s Registrar, Children’s Court of NSW.
- “A Care and Protection Hypothetical Scenario”, Her Honour Magistrate Susan Duncombe, Local Court of NSW and Her Honour Magistrate Tracy Sheedy, Children’s Court of NSW.

ORIENTATION PROGRAMS

National Judicial Orientation Program, February 2016 (joint program with National Judicial College of Australia, Judicial College of Victoria and the Australian Institute of Judicial Administration)

- “Familiarisation”, Ms Una Doyle, Education Director, Judicial Commission of New South Wales, and Ms Annabel Mornement, Acting Director, Education, Judicial College of Victoria
- “Judicial Conduct In and Out of Court”, The Honourable Chief Justice Wayne Martin AC, Supreme Court of Western Australia and The Honourable Chief Justice Helen Murrell, Supreme Court of Australian Capital Territory.
- “Managing your Time and Resources”, The Honourable Justice John Byrne AO RFD, Supreme Court of Queensland and Chief Judge Geoff Muecke, District Court of South Australia.
- “Maintaining Psychological and Physical Health”, The Honourable Chief Justice Diana Bryant AO, Family Court of Australia.
- “Court Craft – The Trial from Hell”, The Honourable Alan Wilson, Supreme Court of Queensland (rtđ), The Honourable Justice Roslyn Atkinson AO, Supreme Court of Queensland and The Honourable John McKechnie QC, Commissioner, Crime and Corruption Commission, Western Australia, and The Honourable Justice Robert A Hulme, Supreme Court of NSW.
- “Unconscious Judicial Prejudice”, The Honourable Keith Mason AC QC, New South Wales Court of Appeal (rtđ) and Dr Hayley Bennet, Barrister.
- “Lifestyle Choices”, Ms Karen Inge, Dietitian, Institute of Health and Fitness Victoria
- “Assessing the Credibility and Reliability of Witnesses”, His Honour Judge Michael Boylan, District Court of South Australia and Dr Kristy Martire, University of New South Wales.
- “Judgment Writing”, The Honourable Justice Debra Mullins, Supreme Court of Queensland and Mr Tom Wodak, County Court of Victoria (rtđ).
- “Indigenous Justice”, Justice John Sulan, Supreme Court of South Australia, Ms Joanne Selfe, Ngara Yura Project Officer, Judicial Commission of NSW, and Mr Paul Tanner, Senior Aboriginal Justice Officer, Magistrates Court Port Augusta.
- “Cultural Barriers in the Courtroom/Interpreters”, Ms Maria Dimopoulos, Myriad Consultants, Victoria, Professor Sandra Hale, University of NSW, and Mr Harry Patsouris (Interpreter), Principal, Patsouris and Associates.
- “Courtroom Control including Contempt in the Face of the Court”, His Honour Judge Graham Anderson, County Court of Victoria, The Honourable Justice Simon Whelan, Supreme Court of Victoria, Court of Appeal and the Honourable Justice Emiliós Kyrou, Supreme Court of Victoria.
- “Resilience, Wellbeing and Mindfulness Practice”, Dr Craig Hassed, Monash University.
- “Litigants in Person”, The Honourable Justice Robert Benjamin, Family Court of Australia and Dr Grant Lester, Victorian Institute of Forensic Mental Health.
- “The Exercise of Discretions”, The Honourable Justice Monika Schmidt, Supreme Court of New South Wales and The Honourable Justice Glenn Martin AM, Supreme Court of Queensland.

Local Court of NSW Magistrates’ Orientation Program, November 2015

- “Adult Learning Principles, Learning Styles and Learning Preferences”, Ms Ruth Windeler, Education Director, Judicial Commission of NSW.
- “Judicial Attributes”, His Honour Magistrate David Heilpern.
- “Self-represented Litigants”, His Honour Magistrate Ian Guy.
- “Judicial Attitudes”, His Honour Magistrate David Heilpern.
- “Sentencing Principles”, His Honour Deputy Chief Magistrate Chris O’Brien.
- “Judicial Practice”, Her Honour Deputy Chief Magistrate Jane Mottley.
- “Judicial Communication”, Ms Ruth Windeler, Education Director, Judicial Commission of NSW.
- “Decision Making/Judgments”, His Honour Deputy Chief Magistrate Chris O’Brien.
- “Oral Judgments Workshop”, His Honour Deputy Chief Magistrate Chris O’Brien.
- “Group Sentencing Exercise 1”, His Honour Magistrate David Heilpern and His Honour Magistrate Ian Guy.
- “Stress Management”, His Honour Magistrate David Heilpern.
- “Court Craft in Practice”, Her Honour Deputy Chief Magistrate Jane Mottley, His Honour Magistrate David Heilpern, His Honour Magistrate Ian Guy and Ms Ruth Windeler, Education Director, Judicial Commission of NSW.
- “Commonwealth Sentencing”, His Honour Magistrate Ian Guy.
- “Boiling the Frog”, Her Honour Deputy Chief Magistrate Jane Mottley.
- “Managing Child Witnesses”, Dr Judy Cashmore AO, Associate Professor, Faculty of Law, University of Sydney.

- “Group Sentencing Exercise 2”, His Honour Magistrate David Heilpern and His Honour Magistrate Ian Guy.
- “Group Sentencing Exercise 3”, His Honour Deputy Chief Magistrate Chris O’Brien.
- “Everything You Wanted to Know But Were Afraid to Ask”, His Honour Deputy Chief Magistrate Chris O’Brien.
- “Concluding Remarks”, Her Honour Deputy Chief Magistrate Jane Mottley.

District Court Pre-Bench: Child Sexual Assault, 20–21 August 2015

- “Child Sexual Assault Matters in Court”, Dr Rita Shackel, Associate Professor, Sydney Law School, University of Sydney.
- “Overcoming Communication Difficulties in the Courtroom”, Ms Mary Woodward, Senior Speech Pathologist.
- “Child Victims of Sexual Assault”, Ms Caroline Knight and Ms Calli Goninan, Senior Social Workers, Child Protection Unit, Children’s Hospital Westmead.
- “Sentencing Patterns for Child Sexual Assault”, Mr Hugh Donnelly, Research Director, Judicial Commission of NSW
- “Resources available on JIRS”, Mr Hugh Donnelly, Research Director and Mr Murali Sagi, Director, Information Management and Corporate Services, Judicial Commission of NSW
- “Key Sexual Assault Directions”, Justice Helen Wilson, Supreme Court of NSW
- “The Evidence Act/Jury Management”, Judge Sarah Huggett, District Court of NSW
- “CCTV Demonstration”.
- “Court Demonstration Session”, Judge Robyn Tupman and Judge Sarah Huggett, District Court of NSW.
- “Child Sexual Assault Proceedings: Practical Issues”, Judge Robyn Tupman, District Court of NSW

Local Court of NSW

- Local Court of NSW Metropolitan Seminar Series II, 9–13 November 2015
 - “Dealing with Domestic Violence in Court”, Magistrate Les Mabbutt, Local Court of NSW and Magistrate Vivien Swain, Local Court of NSW.
 - “Legal Research Tips”, Ms Vanessa Blackmore, Manager, Law Courts Library Services, NSW Department of Justice, Ms Larissa Reid, Reader Services Librarian, Department of Justice, Mr Michael Unwin, Reader Services Librarian, Department of Justice and Mr Holger Aman AALIA, Reader Services Librarian, Department of Justice.
 - “JIRS Sentencing Date Calculator”, Mr Murali Sagi PSM, Deputy Chief Executive, Judicial Commission of NSW.
 - “Sentencing for Domestic Violence Offences”, Magistrate Les Mabbutt, Local Court of NSW and Magistrate Vivien Swain, Local Court of NSW.
- “Civil Law”, His Honour Deputy Chief Magistrate Chris O’Brien, Local Court of NSW and Her Honour Magistrate Joanne Keogh, Local Court of NSW, Twilight Seminar, 17 November 2015.
- Local Court of NSW Metropolitan Seminar Series I, 15–19 February 2016
 - “Applications in Chambers”, Her Honour Magistrate Michelle Goodwin, Local Court of NSW.
 - “Contracts”, Her Honour Magistrate Lisa Stapleton, Local Court of NSW.
 - “Torts Proceedings in the Local Court”, Her Honour Magistrate Jennifer Atkinson, Local Court of NSW.
 - “Potpourri of Problems”, His Honour Magistrate Doug Dick, Local Court of NSW.

Ngara Yura Program

- “Communicating with Aboriginal People in Court”, Dr Diana Eades, Adjunct Professor, Fellow of the Australian Academy of the Humanities, University of New England, Twilight Seminar, 24 September 2015.
- “Bathurst”, Field Trip, 17–18 October 2015.
- “Ngara Yura Program: Site Visit to Kamay Botany Bay National Park”, Field Trip, 14 May 2016.
- “Who Speaks for Country in NSW?”, Acting Commissioner Norman Laing, Land and Environment Court of NSW, Twilight Seminar, 25 May 2016.

Cross-jurisdictional

- “Cross-jurisdictional Seminar: The Rise of the Digital Natives: Communicating with Juries”, Dr Jacqueline Horan, Senior Lecturer and Member of the Victorian Bar (academic), University of Melbourne and Professor James Ogloff AM, Director, Swinburne University of Technology and Forensicare, Twilight Seminar, 20 October 2015.
- “Correctional Visit: Dillwynia Correctional Centre and the Outer Metro Multi Purpose Centre”, Field Trip, 4 November 2015.
- “Cross-jurisdictional Seminar: Giving Juries Written Directions”, His Honour Judge Tom Ingram, Judge, District Court of New Zealand, Twilight Seminar, 18 November 2015.

Appendix 6

Judicial education seminars, workshops and field trips 2015–16

Supreme Court of NSW

- “The Role of the NSW Civil and Administrative Tribunal”, The Honourable Justice Robertson Wright, Supreme Court of NSW, Twilight Seminar, 16 March 2016.
- “Inmate Classification, Placement and Case Management”, Mr Mac La’ulu, A/Director, Inmate Classification and Placement, Corrective Services, Twilight Seminar, 20 April 2016.

Industrial Relations Commission of NSW

- “Collaborative Employment Relations”, Professor Paul Gollan, Director of Australian Institute of Business and Economics (AIBE), University of Queensland and Mr Glenn Patmore, Senior Lecturer, Melbourne Law School, University of Melbourne, Twilight Seminar, 5 August 2015.
- “Online Legal Research”, Twilight Seminar, 29 June 2016.

Land and Environment Court of NSW

- “Novel Ecosystems as Future Heritage: Policy and Practice in Managing Landscapes”, Professor Peter Bridgewater, Visiting Fellow, Centre for Museums and Heritage, The Australian National University, Twilight Seminar, 15 July 2015.
- “Site Visit to the Museum of Contemporary Art”, Twilight Seminar, 3 November 2015.
- “Field Trip to Barangaroo Reserve”, Ms Sonya Errington, Director, Barangaroo Development Authority, Mr Joe Clayton, Community Manager, Barangaroo Development Authority and Mr Clarence Slockee, Team Leader, Barangaroo Development Authority, Field Trip, 10 February 2016.
- “Resolution Processes in NCAT”, Her Honour Magistrate Nancy Hennessy, Deputy President, NCAT, Twilight Seminar, 9 March 2016.
- “Administrative Law”, Dr Greg Weeks, Senior Lecturer, Faculty of Law, University of New South Wales, Twilight Seminar, 13 April 2016.

- “Sentencing in the Land and Environment Court”, Mr Hugh Donnelly, Director, Research and Sentencing, Judicial Commission of NSW and Mr Michael Cain, Consultant, Judicial Commission of NSW, Twilight Seminar, 2 June 2016.

District Court of NSW

- “Expert Evidence”, Professor Gary Edmond, Director of Post Graduate Research, University of New South Wales, Dr Kristy Martire, Senior Lecturer, University of New South Wales, Associate Professor Richard Kemp, University of New South Wales, Associate Professor Jason Tangen, The University of Queensland and Dr Kaye Ballantyne, Senior Research and Development Officer, Victoria Police Forensic Services Department, Twilight Seminar, 10 February 2016.
- “Witness Intermediaries”, Professor Penny Cooper, Twilight Seminar, 17 February 2016.
- “Witness Intermediaries”, Professor Penny Cooper, Twilight Seminar, 22 February 2016.
- “Train-the-Trainer: Witness Intermediaries”, Professor Penny Cooper, Twilight Seminar, 23 February 2016.
- “Dealing with Applications for Third Party Access to Documents in Court”, The Honourable Justice Lucy McCallum, Supreme Court of NSW, Twilight Seminar, 2 March 2016.
- “Witness Intermediaries”, Professor Penny Cooper, Twilight Seminar, 10 March 2016.
- “Witness Intermediaries”, Professor Penny Cooper, Twilight Seminar, 23 March 2016.
- “Costs Appeals and Costs Orders”, The Honourable Justice Paul Brereton AM RFD, Supreme Court of NSW and Her Honour Judge Judith Gibson, District Court of NSW, Twilight Seminar, 4 May 2016.
- “The Impact of Child Sexual Abuse”, The Honourable Justice Peter McClellan AM, Chair, Royal Commission into Institutional Responses to Child Sexual Abuse, Twilight Seminar, 7 June 2016.

Appendix 7

Articles that we published

JOB: *Judicial Officers’ Bulletin*

TJR: *The Judicial Review*

- M Arden, “Magna Carta and the judges: realising the vision” (2015) 27(6) JOB 49
- J Basten, “The overriding purpose of the Civil Procedure Act 2005” (2015) 27(7) JOB 59
- TF Bathurst, “The nature of the profession; the state of the law” (2016) 28(2) JOB 13
- TF Bathurst, “Counting ceorls and eorls” (2015) 12(3) TJR 327
- MJ Beazley, “Judgment writing in final and intermediate courts of appeal: “a dalliance on a curiosity”” (2015) 27(9) JOB 79
- VM Bell, “Keeping the criminal law in “serviceable condition”: a task for the courts or the Parliament?” (2016) 12(4) TJR 407
- R Brading and J Rollason, “Gambling, counselling and treatment programs in NSW” (2016) 28(3) JOB 27
- J Goodman-Delahunty, A Cossins and N Martschuk, “National jury research published” (2016) 28(5) JOB 45
- PD McClellan and A Doyle, “Legislative facts and section 144 — a contemporary problem?” (2016) 12(4) TJR 421
- J Dyson, “Delay too often defeats justice” (2015) 12(3) TJR 285
- D Eades, “Judicial understandings of Aboriginality and language use” (2016) 12(4) TJR 471
- D Eades, “The adolescent brain: implications for understanding young offenders” (2016) 28(3) JOB 23

- RS French, “Ethics and public office: Sir Zelman Cowen Memorial Oration” (2016) 12(4) TJR 393
- RA Hulme, “Criminal law highlights in 2015” (2016) 28(1) JOB 1
- PL Johnstone, “Emerging developments in juvenile justice: the use of intervention, diversion and rehabilitation to break the cycle and prevent juvenile offending” (2016) 12(4) TJR 455
- P Keane, “The idea of the professional judge: the challenges of communication” (2015) 12(3) TJR 301
- MD Kirby, “The UN Report on North Korea: how the United Nations met the common law” (2015) 27(8) JOB 69
- K Lewison, “Metaphors and legal reasoning” (2016) 12(4) TJR 375
- K Lumley and J Selfe, “Ngara Yura program: community visit to Bathurst” (2015) 27(11) JOB 99
- AF Mason, “The interaction of statute law and common law” (2015) 27(10) JOB 87
- N Mostyn, “The craft of judging and legal reasoning” (2015) 12(3) TJR 359
- D Neuberger of Abbotsbury, “Magna Carta and the Holy Grail” (2015) 12(3) TJR 267
- H Winkelmann, “Access to justice: who needs lawyers?” (2015) 12(3) TJR 341
- H Wood, “Cultural diversity: reflections on the role of the judge in ensuring a fair trial” (2016) 28(4) JOB 35

Appendix 8

Publications list

Education Monographs

- 1. Fragile Bastion: Judicial Independence in the Nineties and Beyond, 1997
- 2. A Matter of Judgment: Judicial decision-making and judgment writing, 2003
- 3. The Role of the Judge, 2004
- 4. Statutory Interpretation: Principles and pragmatism for a new age, 2007
- 5. A matter of fact: the origins and history of the NSW Court of Criminal Appeal, 2013

Research Monographs

- 1. The Use of Custodial Sentences and Alternatives to Custody by NSW Magistrates, 1990
- 2. Community Service Orders: Views of Organisers in NSW, 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. The evidence of children, 1995
- 11. Judicial views about pre-sentence reports, 1995
- 12. Sentenced homicides in New South Wales 1990–1993, 1995
- 13. The Sentencing Act 1989 and its effect on the size of the prison population, 1996
- 14. Sentencing disparity and the gender of juvenile offenders, 1997
- 15. Magistrates’ attitudes to drink-driving, drug-driving and speeding, 1997
- 16. Child sexual assault, 1997
- 17. Periodic detention revisited, 1998
- 18. Sentencing disparity and the ethnicity of juvenile offenders, 1998
- 19. Apprehended Violence Orders: A Survey of Magistrates, 1999
- 20. Sentencing drug offenders: Analysis of sentences imposed in the higher courts of New South Wales, 1 January 1992–31 December 1997, 1999
- 21. Sentencing dangerous drivers in New South Wales: Impact of the Jurisic guidelines on sentencing practice, 2002
- 22. Circle Sentencing in New South Wales: A Review and Evaluation, 2003
- 23. Sentenced Homicides in New South Wales 1994–2001, 2004
- 24. MERIT: Magistrates Early Referral Into Treatment Program: A Survey of Magistrates, 2004
- 25. Sentencing Offenders Convicted of Child Sexual Assault, 2004
- 26. Crown Appeals Against Sentence, 2005
- 27. The Nexus Between Sentencing and Rehabilitation in the Children’s Court of NSW, 2005
- 28. Partial Defences to Murder in NSW 1990–2004, 2006
- 29. Full-time imprisonment in New South Wales and other jurisdictions: A national and international comparison, 2007
- 30. Sentencing Robbery Offenders since the Henry Guideline Judgment, 2007
- 31. Diverting mentally disordered offenders in the NSW Local Court, 2008
- 32. Achieving consistency and transparency in sentencing for environmental offences, 2008
- 33. The impact of the standard non-parole period sentencing scheme on sentencing patterns in New South Wales, 2010
- 34. Sentencing offenders convicted of child pornography and child abuse material offences, 2010
- 35. Conviction appeals in New South Wales, 2011
- 36. Sentencing for common offences in the NSW Children’s Court: 2010, 2012
- 37. Sentencing in fraud cases, 2012
- 38. Sentencing Commonwealth drug offenders, 2014
- 39. Sentencing in NSW: A cross-jurisdictional comparison of full-time imprisonment, 2015

Sentencing Trends & Issues

- 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. Sentencing homicide: The effect of legislative changes on the penalty for murder, June 1994
- 7. Common offences in the higher courts, July 1994
- 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 Offences) 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
- 23. Sentencing mentally disordered offenders: The causal link, September 2002
- 24. Bail: An examination of contemporary issues, November 2002
- 25. Sentencing methodology: Two-tiered or instinctive synthesis?, December 2002
- 26. Sentencing trends for armed robbery and robbery in company: The impact of the guideline in R v Henry, February 2003
- 27. Sentencing drink-driving offenders in the NSW Local Court, March 2003
- 28. Common offences in the Local Courts 2002, September 2003
- 29. Suspended Sentences in New South Wales, November 2003
- 30. Common Offences and the Use of Imprisonment in the District and Supreme Courts in 2002, March 2004
- 31. The Use and Limitations of Sentencing Statistics, December 2004
- 32. Pre-sentence Custody and Other Constraints on Liberty, May 2005
- 33. Trends in the Use of s 12 Suspended Sentences, June 2005
- 34. Successful Completion Rates for Supervised Sentencing Options, June 2005
- 35. Impact of the High Range PCA Guideline Judgment on Sentencing Drink Drivers in NSW, September 2005
- 36. Trends in the use of full-time imprisonment 2006–2007, November 2007
- 37. Common offences in the NSW Local Court: 2007, November 2008
- 38. Sentencing in complicity cases — Part 1: Joint criminal enterprise, June 2009
- 39. Sentencing in complicity cases — Abettors, accessories and other secondary participants (Part 2), February 2010
- 40. Common offences in the NSW Local Court: 2010, May 2012
- 41. Common offences in the NSW higher courts: 2010, December 2012
- 42. Special circumstances under s 44 of the Crimes (Sentencing Procedure) Act 1999, June 2013
- 43. Environmental planning and protection offences prosecuted in the NSW Local Court, November 2014
- 44. Sentencing for the offence of sexual intercourse with a child under 10, July 2015
- 45. Sentencing for domestic violence, June 2016

Brochures

- 1. Judicial Commission of New South Wales, 1997
- 2. Sentencing Information System: An invitation to subscribe, 2001
- 3. Disabilities information, 2001
- 4. Pro-bono schemes in NSW, 2004
- 5. Judicial Information Research System, 2005
- 6. Presentation pointers: Getting started and getting through your presentation, 2008

Appendix 9

Ngara Yura Program

The Judicial Commission is committed to promoting Aboriginal cultural awareness. We established a program in 1992 which was renamed the Ngara Yura Program in 2008. This program is designed to inform judicial officers about Aboriginal society, customs and traditions and promote an exchange of ideas and information. It is based on Recommendations 96 and 97 (reproduced here) of the Royal Commission into Aboriginal Deaths in Custody, *National Report*, 1991, Vol 5, Australian Government Printing Service, Canberra.

“Recommendation 96:

That judicial officers and persons who work in the court service and in the probation and parole services and whose duties bring them into contact with Aboriginal people be encouraged to participate in an appropriate training and development program, designed to

- 7. From controversy to credibility: 20 years of the Judicial Commission of New South Wales, 2008
- 8. Complaints against judicial officers, 2013

DVDs

- 1. The role of the judge, 2004
- 2. Concurrent evidence: New methods with experts, 2005
- 3. Circle Sentencing in New South Wales, 2009
- 4. The Bail Act 2013: Selected Scenarios, 2014

explain contemporary Aboriginal society, customs and traditions. Such programs should emphasise the historical and social factors which contribute to the disadvantaged position of many Aboriginal people today and to the nature of relations between Aboriginal and non-Aboriginal communities today. The Commission further recommends that such persons should wherever possible participate in discussion with members of the Aboriginal community in an informal way in order to improve cross-cultural understanding.”

“Recommendation 97:

That in devising and implementing courses referred to in Recommendation 96 the responsible authorities should ensure that consultation takes place with appropriate Aboriginal organisations, including, but not limited to, Aboriginal Legal Services.”

Appendix 10

Assistance to other jurisdictions and organisations

In 2015–16 the Commission provided assistance advice and shared information and experience with the following:

Judicial education

- Asia Pacific Judicial Reform Forum (APJRF): The APJRF aims to advance judicial reform in the Asia Pacific Region. The Commission is a member of the APJRF Secretariat together with the High Court of Australia and the Supreme Court of NSW, which is working to develop practical tools to assist member countries to implement judicial reform programs.
- Rule of Law Institute Australia: the Rule of Law Institute, founded in 2009, provides educational resources for students and aims to promote discussion on the importance of the principles which underpin the rule of law. During the year, the Commission conducted seminars for high school students and provided free access to the Judicial Information Research System.
- Commonwealth Judicial Education Institute (CJEI): The CJEI was established in 1994 and is a network of Commonwealth judicial educators with an interest in judicial reform. The CJEI was established to provide support and linkages among Commonwealth judicial education bodies and to encourage the sharing of information and interaction among judges and jurisdictions.
- The Commonwealth Secretariat: This London-based organisation has 53 voluntary member countries and aims to promote democracy, the rule of law, human rights, good governance and social and economic development. The Commission signed an MoU with the Secretariat on 4 March 2014 to share best practice, knowledge, ideas and expertise with member countries’ justice agencies and institutions.
- International Organization for Judicial Training (IOJT): The IOJT was established in 2002 to promote the rule of law by supporting the work of judicial education institutions around the world. The Chief Executive was elected to the IOJT’s Board of Governors in 2009 and the Executive Committee in November 2011, re-elected and re-appointed in November 2013, and re-elected to the Board of Executives and re-appointed as a Governor in November 2015 at the 7th International Conference on the Training of the Judiciary. At the Board of Executives meeting, the Chief Executive was appointed Joint Editor-in-Chief of the IOJT Journal with Judge Rainer Hornung of Germany.
- Judicial Council on Cultural Diversity: The Council was formed under the auspices of the Council of Chief Justices in 2014. The Commission is a member of the Cultural Diversity Working Group and we have been working with members to develop an online cultural diversity training

- template specifically designed for judicial officers. Topics include barriers to inter-cultural communication and strategies, non-verbal communication, assessing the need for interpreting assistance and how to work effectively with interpreters. It is anticipated that the online training program will be available in early 2017.
- Asia Pacific Judicial Educators Group: during the year met twice with judicial education institutes from Australia, New Zealand, Papua New Guinea and Singapore to exchange information about programs.
- The Judicial Commission of Indonesia: The Commission signed an MoU with the Judicial Commission of Indonesia on 2 December 2015 in Jakarta. The MoU is in general terms and does not create any legal or contractual relationship and is consistent with the Commission’s functions. The MoU is directed to reinforcing mutual co-operation and to enable the sharing of expertise and experience in the areas of judicial education, information technology and complaint handling processes. It will also enable capacity-building in the form of exchange visits of personnel.

Judicial support and case management systems

- Drug Court Case Management System: we continue to host, maintain and support case management systems for the NSW Drug Court and the Compulsory Drug Treatment Correctional Centre.
- Queensland Sentencing Information Service (QSIG): we continue to host, maintain and support QSIG. The Commission signed an MoU on 10 September 2013 with the Supreme Court Library which took over responsibility for QSIG from 1 July 2013.
- Commonwealth Sentencing Database (CSD): we continue to host, maintain and support the CSD which is a joint project with the National Judicial College of Australia and the Commonwealth Director of Public Prosecutions.
- Forum Administration System (FAS): we continue to host, maintain and support the case management system for the Forum Sentencing Program for the NSW Department of Justice.
- Papua New Guinea Sentencing Database (PNGSD): we continue to host, maintain and support the PNGSD for the National Courts of PNG.
- Papua New Guinea Pilot Integrated Criminal Case System Dastabase (ICCDs): we commenced work on developing the pilot ICCDS further to an MoU signed on 16 May 2016.
- The Australian Capital Territory Sentencing Database (ACTSD): we continue to host, maintain and support the ACTSD for the Justice and Community Safety Directorate of the ACT Government.

Appendix 11

Working with other organisations

Our officers represent the Commission on a number of committees and steering groups. Details of their involvement are:

Mr Ernest Schmatt PSM, Chief Executive

Member of:

- Board of Executives and the Board of Governors of the International Organization for Judicial Training
- Advisory Board to the Commonwealth Judicial Education Institute, Halifax, Canada
- Asia Pacific Judicial Reform Forum Secretariat
- Asia Pacific Judicial Educators Group
- Honorary Associate in the Graduate School of Government, University of Sydney
- National Judicial Orientation Program Steering Committee, National Judicial College of Australia
- Judicial Council on Cultural Diversity.

Mr Murali Sagi PSM, Deputy Chief Executive

Member of:

- Justice Sector Chief Information Officers' Committee
- Justice Sector Information Exchange Co-ordinating Committee
- Joined-up-Justice Governance Committee

Chair — NSW Fellows Committee, Australian Computer Society.

Ms Una Doyle, Education Director (from December 2016)

Member of:

- Executive Committee of the Association for Continuing Legal Education (ACLEA)
- Australia New Zealand Judicial Educators (ANZJE)
- Asia Pacific Judicial Educators
- National Judicial Orientation Program Steering Committee, National Judicial College of Australia
- Continuing Legal Education Association of Australasia (CLEAA)
- Judicial Council on Cultural Diversity — Cultural Diversity Working Group
- Apprehended Violence Legal Issues Coordinating Committee (AVLICC) — with Ms Antonia Miller as alternate.
- Domestic Violence Evidence in Chief (DVEC) Reforms Implementation and Monitoring Group (which reports to the Domestic Violence Justice Strategy Senior Executive Committee) — (with Ms Antonia Miller as alternate)

Appendix 12

Visitors to the Commission

Visitors:

- Chief Justice Mohamed Othman, Chief Justice of Tanzania, 27 July 2015
- Judge Taku Okada of the Osaka District and Family Court, 9 December 2015
- Professor Wenhua Shan, Assistant President of the Xi'an Jiaotong University, China and Editor-in-Chief of the Chinese Journal of Comparative Law, 16 March 2016

Ms Ruth Windeler, Education Director (until November 2015)

Member of:

- National Judicial Orientation Program Steering Committee, National Judicial College of Australia
- Australia New Zealand Judicial Educators (ANZJE)
- Asia Pacific Judicial Educators Group
- Continuing Legal Education Association of Australasia (CLEAA)
- Apprehended Violence Legal Issues Coordinating Committee (AVLICC) — (with Ms Antonia Miller as alternate)
- Domestic Violence Evidence in Chief (DVEC) Reforms Implementation and Monitoring Group (which reports to the Domestic Violence Justice Strategy Senior Executive Committee) — (with Ms Antonia Miller as alternate).

Mr Hugh Donnelly, Director, Research and Sentencing

Member of:

- Criminal Justice Working Group, Royal Commission into Institutional Responses to Child Sexual Abuse
- Forensic Patients in the Correctional System, Office of the Director of Public Prosecutions (NSW)
- Sexual Assault Review Committee, Office of the Director of Public Prosecutions (NSW).

Ms Kate Lumley, Publishing Manager

Adjudicator — Australasian Reporting Awards.

Ms Antonia Miller, Senior Legal Editor

Member of:

- Apprehended Violence Legal Issues Coordinating Committee (AVLICC) — (as alternate to Ms Ruth Windeler)
- Domestic Violence Evidence in Chief (DVEC) Reforms Implementation and Monitoring Group (which reports to the Domestic Violence Justice Strategy Senior Executive Committee) — (as alternate to Ms Ruth Windeler)

Adjudicator — Australasian Reporting Awards.

Ms Maree D'Arcy, Librarian

Member of:

- NSW Justice Consortium.

Delegations:

- Sir Salamo Injia, Kt GCL Chief Justice of Papua New Guinea, the Registrars and Secretaries of the court, and the organisational consultants of the Papua New Guinea National and Supreme Courts, 16 May 2016
- Judge Tan Boon Heng, Executive Director of the Singapore Judicial College and Judge Foo Chee Hock, Dean of the Singapore Judicial College, 14 March 2016
- Judge Douglas Yau, District Judge, Ms Shrina Daswani, Counsel to the Judicial Institute and Ms Carol Fung, Senior Judiciary Executive to Judiciary Hong Kong, 15–17 June 2016

Appendix 13

Overseas visits

- On 7–12 November 2015, the Commission's Chief Executive, Mr Ernest Schmatt PSM, as a member of the Board of Executives of the International Organization for Judicial Training (IOJT) participated in the 7th International Conference on the Training of the Judiciary, which was held in Recife, Brazil. Mr Schmatt presented a paper on judicial education and technology and attended the IOJT Board of Executives meeting. The cost of attendance was covered by the IOJT and the Judicial Commission.
- On 24–28 August 2015, the Commission's Deputy Chief Executive, Mr Murali Sagi PSM, travelled to Port Moresby, Papua New Guinea to undertake a feasibility study on the development of an Integrated Criminal Case System Database (ICCSDB) and for the establishment of a pilot ICCSD. The cost for Mr Sagi was covered by the Supreme and National Courts of PNG.

- On 25–28 November 2015, the Commission's Deputy Chief Executive, Mr Murali Sagi PSM, travelled to Port Moresby, Papua New Guinea to demonstrate the Papua New Guinea Sentencing Database and a prototype of the proposed Pilot Integrated Criminal Case System Database to PNG judicial officers and other law and justice agency executives. The cost for Mr Sagi was covered by the Supreme and National Courts of PNG.
- On 30 November–3 December 2015, the Commission's Chief Executive, Mr Ernest Schmatt PSM, and the Deputy Chief Executive, Mr Murali Sagi PSM, participated in discussions in Jakarta, Indonesia with the Judicial Commission of Indonesia and signed a Memorandum of Understanding between the Judicial Commission of Indonesia and the Judicial Commission of New South Wales. The cost of the visit was covered by the Australia Indonesia Partnership for Justice.

Appendix 14

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 2015–16, the Commission had discussions and exchanged information with the following organisations:

Australian

- Attorney-General's Department (Cth)
- Australian Bureau of Statistics
- Australian Institute of Criminology
- Australasian Institute of Judicial Administration
- Bar Association of New South Wales
- Bureau of Crime Statistics and Research
- Centre for Democratic Institutions (ACT)
- Civil and Administrative Tribunal
- College of Law
- Office of Commonwealth Director of Public Prosecutions
- Continuing Legal Education Association of Australasia
- Corrective Services NSW
- Council of Australasian Tribunals
- Department of Aboriginal Affairs
- Department of Justice (NSW)
- Department of Justice and Attorney-General (Qld)
- Department of Premier & Cabinet
- Department of Foreign Affairs and Trade
- Federal Court of Australia
- High Court of Australia
- Independent Commission Against Corruption
- Judicial College of Victoria
- Judicial Conference of Australia
- Judicial Council on Cultural Diversity
- Law and Justice Foundation of NSW
- Law Society of NSW
- Legal Aid NSW
- Multiculturalism NSW
- National Judicial College of Australia
- NSW Law Reform Commission
- NSW Police Force

- NSW Sentencing Council
- Office of the Director of Public Prosecutions (NSW)
- Office of the Director of Public Prosecutions (Qld)
- Ombudsman NSW
- Parliamentary Counsel's Office
- Public Defenders (NSW)
- Royal Commission into Institutional Responses to Child Sexual Abuse (Cth)
- Roads and Maritime Services
- Sentencing Advisory Council (Vic)
- Supreme Court of Western Australia
- University of New South Wales, Faculty of Law
- University of Sydney, Faculty of Law
- University of Western Australia
- University of Wollongong, Faculty of Law
- Workers Compensation Commission

International

- American Judicature Society
- Asia Pacific Judicial Reform Forum
- Canadian Association of Provincial Court Judges
- Commonwealth Judicial Education Institute, Halifax, Canada
- Commonwealth Magistrates' and Judges' Association, United Kingdom
- High Court of Malaya
- High Court of Sabah and Sarawak
- Institute of Judicial Studies, New Zealand
- International Association of Women Judges
- International Organization for Judicial Training
- Judicial Education Reference, Information and Technical Transfer (JERITT) Project, Michigan, USA
- Judicial College, (England and Wales)
- Magisterial Service of Papua New Guinea
- Supreme and National Courts of Papua New Guinea
- National Association of State Judicial Educators, Michigan, United States of America
- National Judicial Institute, Canada
- Philippine Judicial Academy, Manila
- PNG Centre for Judicial Excellence
- State Courts of Singapore
- Supreme Court of Indonesia
- Supreme Court of the Philippines
- Supreme Court of Singapore
- Supreme Court of the Solomon Islands
- Supreme People's Court, Beijing, China

Appendix 15
Commission officers’ presentations 2015–16

- Mr H Donnelly, “Using JIRS effectively”, presentation at Indictable Appeals Unit of the Legal Aid Commission 10 July 2015
- Mr M Sagi PSM, “Judicial Information Research System” presentation for Chief Justice Othman of Tanzania, Judicial Commission of NSW, 27 July 2015
- Mr E Schmatt PSM, “The Judicial Commission and its Place in the Justice System of New South Wales”, presentation to the Community Awareness of the Judiciary Program, Sydney, 23 September 2015
- Mr E Schmatt PSM, “The Judicial Commission of New South Wales”, presentation to the Rotary Club of Epping, 26 October 2015
- Mr E Schmatt PSM, “The Role of Technology in Improving Judicial Education: the Judicial Commission of New South Wales Experience”, presentation to the 7th International Conference on the Training of the Judiciary, Recife Brazil, 11 November 2015
- Ms U Doyle (with Ms Annabel Mornement, Acting Director, Education, Judicial College of Victoria), “Familiarisation” presentation at the National Judicial Orientation Program, Glenelg, 21 February 2016
- Mr E Schmatt PSM, “The Judicial Commission and its Place in the Justice System of New South Wales”, presentation to the Rule of Law Institute: Law Day Out, 3 March 2016
- Mr M Sagi PSM, “JIRS Sentencing Date Calculator”, presentation at the Local Court Southern Regional Conference, Kiama, 4 March 2016
- Mr H Donnelly, “Sentencing in child sex offence cases”, presentation at the District Court Annual Conference, 30 March 2016
- Mr M Sagi PSM, “JIRS Sentencing Date Calculator”, presentation for District Court Associates, Sydney, 30 March 2016
- Mr M Sagi PSM, “Judicial Information Research System”, presentation for officers of the Commonwealth Director of Public Prosecutions, Judicial Commission of NSW, 8 April 2016
- Mr M Sagi PSM, “JIRS Sentencing Date Calculator”, presentation at the Local Court Northern Regional Conference, Coffs Harbour, 29 April, 2016
- Mr H Donnelly with Mr M Sagi PSM, “Recent enhancements to JIRS”, presentation at Legal Aid Annual Conference, 13 May 2016
- Mr E Schmatt PSM, “The Judicial Commission and its Place in the Justice System of New South Wales”, presentation to the Rule of Law Institute: Law Day Out, 31 May 2016
- Mr M Sagi PSM, “Judicial Information Research System” presentation at the Legal Aid Criminal Law Conference, Sydney, 1 June, 2016
- Mr E Schmatt PSM, “The Work of the Judicial Commission and the Judicial Information Research System”, presentation for a delegation from the Hong Kong Judiciary, 15 June 2016
- Mr M Sagi PSM, “Judicial Information Research System”, presentation and other discussions with the delegation from the Judiciary or Hong Kong, Judicial Commission of NSW, Sydney, 15–17 June, 2016
- Mr E Schmatt PSM, “The Judicial Commission and its Place in the Justice System of New South Wales”, presentation to the Rule of Law Institute: Law Day Out, 28 June 2016

Appendix 16
Access to government information

Table A: Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	0	0	0	0	0	0	0
Members of the public (other)	0	0	0	0	0	0	0	0

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

Table B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	0	0	0	0	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

* A **personal information application** is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table C: Invalid applications

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the Act)	0
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

Appendix 16: Access to government information *continued*

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial Code of Conduct	0
Aboriginal and environmental heritage	0

* More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

Table F: Timeliness

	Number of applications
Decided within the statutory time frame (20 days plus any extensions)	0
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	0

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by ADT	0	0	0
Total	0	0	0

* The Information Commissioner does not have the authority to vary decisions, but can make recommendation to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

Table I: Applications transferred to other agencies under Division 2 of Part 4 of the Act (by type of transfer)

	Number of applications transferred
Agency-initiated transfers	0
Application-initiated transfers	0

Appendix 17

Other compliance matters

Application for extension of time	No extension applied for.
Code of Conduct	The Code of Conduct is available to all staff on the Commission’s intranet. As no amendments were made in 2015–16, the Commission is not required to reproduce the Code of Conduct.
Controlled entities, disclosure of	The Commission has no controlled entities.
Community Relations Commission, agreements with	No agreements have been entered into.
Credit card certification	Refer to p 99.
Disability Plan	The Commission is only required to report on a triennial basis.
Digital information security policy attestation	Refer to p 92.
Events with a significant effect on the succeeding year after the balance date	Not applicable.
Executive officers, performance and numbers	Performance not reported because the Commission’s executive officers are not employed under the <i>Government Sector Employment Act 2013</i> but under the <i>Judicial Officers Act 1986</i> . Numbers are reported on p 80.
Funds granted to non-government community organisations	None.
Heritage management	Not applicable.
Implementation of price determination	Not applicable.
Land disposal	The Commission does not own and did not dispose of any property.
Major assets	The Commission does not own any major assets.
Multicultural Policies and Services Program	Refer to p 93.
Public interest disclosure (PID)	No public interest disclosures made.
Requirements arising from employment arrangements	Not applicable.
Responses to reports of parliamentary committees and Auditor General	No significant matters requiring a response were raised.
Subsidiaries, disclosure of	The Commission has no subsidiaries.
Waste	Refer to p 96 for our sustainability reporting.
Work Health and Safety	Refer to p 92.

Glossary

AIJA	— Australasian Institute of Judicial Administration Incorporated.
Appointed member	— A non-judicial member of the Judicial Commission of NSW: 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.
Helpdesk	— A telephone service for judicial officers that provides assistance with all aspects of computer usage.
JIRS	— Judicial Information Research System.
Judicial Commission	— An independent statutory organisation established by the <i>Judicial Officers Act 1986</i> .
	— 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 <i>Judicial Officers Act 1986</i> : <ul style="list-style-type: none">• a judge or associate judge of the Supreme Court of NSW• a member (including a judicial member) of the NSW Industrial Relations Commission• a judge of the Land and Environment Court of NSW• a judge of the District Court of NSW• the President of the Children’s Court of NSW• a magistrate• the President of the Civil and Administrative Tribunal. The definition of judicial officer includes acting appointments to a judicial office, but does not include arbitrators, registrars, assessors, members of tribunals, legal representatives, retired judicial officers or federal judicial officers.
Ngara Yura Program	— Aboriginal cultural awareness program for judicial officers.
NJCA	— National Judicial College of Australia.
Official member	— A judicial member of the Judicial Commission of NSW.
Pre-bench training	— An induction program for newly-appointed magistrates to assist them with their transition to the Bench.
Vexatious complainant	— The <i>Judicial Officers Act 1986</i> empowers the Judicial Commission of NSW to declare as a vexatious complainant a person who habitually and persistently, and mischievously or without any reasonable grounds, makes complaints about judicial officers. The effect of the declaration is that the Commission may disregard any further complaint from the complainant.

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Looking at the last 5 years

	2011–12	2012–13	2013–14	2014–15	2015–16	
Providing judicial education						
Number of judicial education days each year	870*	1,232	1,168	1,075	1,452	↑
Number of educational sessions	34	38	32	39	43	↑
Overall satisfaction rating with judicial education sessions	95%	92%	89%	92%	93%	↑
% of attendance by judicial officers at annual conferences	77%	90%	87%	85%	87%	↑
% of attendance at magistrates' induction/orientation programs	100%	100%	100%	100%	100%	–
Average number of training days offered each judicial officer	4	5	4.6	4.3	5.8	↑
Average number of training days undertaken each judicial officer	3.0*	4	4	3.7	5	↑
% of judicial officers who attended at least 2 days of judicial training	82%	90%	87%	67%	78%	↑
Number of publications (including bench book updates, bulletins, journals, education monographs and training DVDs)**	21	36	35	34	34	–
Providing research and sentencing information						
JIRS usage (average page hits each month)	99,172	113,666	123,338	127,302	136,324	↑
% of JIRS availability	99%	99%	99%	99%	99%	–
Number of enhancements to JIRS	11	12	5	6	14	↑
Timeliness of sentencing material on JIRS						
– Recent law items posted on JIRS	2 wks	2 wks	2 wks	2 wks	2 wks	–
– Judgments (within number of days of receipt)	1 day	1 day	1 day	1 day	1 day	–
– Summaries of important judgments (within number of weeks of receipt)	6 wks	5 wks	5 wks	5 wks	5 wks	–
– Sentencing statistics loaded on JIRS (within number of months of receipt)	1–4 mths	1–4 mths	1–4 mths	1–4 mths	1–4 mths	–
Number of <i>Sentencing Trends & Issues</i> papers and monographs	2	4	1	3	2	↓
Timely updates to the <i>Criminal Trial Courts Bench Book</i> and <i>Sentencing Bench Book</i> **	6	8	6	6	8	↑
Lawcodes: % of new and amended offences coded and distributed within 4 days of commencement: NSW jurisdiction***	100%	100%	100%	100%	100%	–
Examining complaints						
% of complaints acknowledged within 1 week of receipt	100%	100%	100%	100%	100%	–
% of complaints examined within 6 months of receipt	68%	78%	87%	100%	93%	↓
% of complaints examined within 12 months of receipt	100%	98%	100%	100%	100%	–
Complaints received (number)	110	71	48	59	44	↓
Complaints examined (number)	90	85	61	56	40	↓
Our people						
Staff (number)	40	39	39	41	41	–
Length of service: 5 years or greater	58%	64%	67%	67%	77%	↑
Our governance, policies and processes						
Access to information requests	0	0	0	0	0	–
Environmental sustainability						
Total energy used	478 GJ	475 GJ	472 GJ	463 GJ	449 GJ	↓
% of recycled paper used	100%	100%	100%	100%	100%	–
Our finances						
Revenue from NSW Government	\$5.215 M	\$5.321 M	\$4.976 M	\$5.247 M	\$3.755 M	↓
Retained revenue (sale of goods & services, investment income, etc)	\$673,000	\$709,000	\$1.037 M	\$883,000	\$726,000	↓
Expenditure	\$5.870 M	\$6.008 M	\$5.963 M	\$6.173 M	\$5.840 M	↓

* The Local Court of NSW Annual Conference was not held in the 2011–12 financial year.

** We changed our measure to include *Criminal Trial Courts Bench Book* updates in Research and sentencing.

*** Where a proclamation date is provided; Commonwealth jurisdiction.

Cost:	External cost of \$1,260.00 was incurred in the production of this report
Format:	The annual report is also available on the Commission's website: www.judcom.nsw.gov.au
Writers:	Kate Lumley and Antonia Miller
Graphic designer:	Lorraine Beal
Proofreading:	Maree D'Arcy, Phillip Byrne, Ian MacKinnell and Roslyn Cook
Photography:	Alan Pryke and archived photos



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ISSN 2204-4310