



Judicial Commission
of New South Wales



Judicial Commission of NSW Annual Report

2020–21



Judicial Commission of New South Wales

This annual report summarises the results and performance of the Judicial Commission of NSW for 2020–21 measured against our strategies and targets. We also outline our strategic focus for 2021–22. This and earlier annual reports are available on our public website at www.judcom.nsw.gov.au.

Compliance letter to the Attorney General



Judicial Commission of New South Wales

The Honourable Mark Speakman SC MP
Attorney General
52 Martin Place, Sydney NSW 2000

Dear Attorney

The Judicial Commission of NSW has pleasure in presenting to you the report of its activities for the year ended 30 June 2021.

This report is submitted in accordance with section 49 of the *Judicial Officers Act* 1986 and section 12 of the *Annual Reports (Departments) Act* 1985. It is required to be laid before both Houses of Parliament.

Yours sincerely

The Honourable T F Bathurst AC
Chief Justice of NSW
President
Judicial Commission of NSW
Dated: 25 October 2021

EJ Schmatt AM PSM
Chief Executive
Judicial Commission of NSW

LEVEL 5, 60 CARRINGTON STREET, SYDNEY NSW 2000 GPO BOX 3634, SYDNEY NSW 2001 TELEPHONE: (02) 9299 4421
DX: 886 SYDNEY EMAIL: judcom@judcom.nsw.gov.au WEBSITE: www.judcom.nsw.gov.au

Cover: The imagery depicts the sandstone of Sydney viewed through a semi-abstract rendering of the "J" and "C" initials, referencing the Judicial Commission's name. The abstract shapes create a sense of movement and dynamic flow, while the sandstone imagery registers the bedrock on which Sydney (where the Commission is headquartered) is built as well as a strong reference to the Gadigal/Eora people for whom sandstone is a cultural/spiritual platform. Combined with the ochre colour, this also references the Commission's engagement with First Nations' issues, specifically through the Commission's Ngara Yura Program in this the 30th anniversary year since the Royal Commission into Aboriginal Deaths in Custody Final Report was released.

Contents

Our vision	2
Our values	2

Overview 3



Our structure, strategic direction, services delivery, performance and achievements enable us to promote the highest standards of judicial behaviour, performance and decision making.

About the Commission	4
2020–21 highlights and key events	5
Looking at the last 5 years	6
Our history	7
Overview of the Commission	8
Our services delivery	9
Results in brief and strategic direction	10
Performance results 2019–21 and targets 2020–22	12
President's foreword	14
Chief Executive's message	16
Judicial Commission members	18
Our executive team	21

Program 1: Delivering continuing judicial education 23



Our strategy and education program delivery inform judicial officers about changes to law, court practice and procedure, and community values.

1.1 Performance results 2020–21	24
1.2 Listening to judicial officers	26
1.3 Satisfaction with our continuing judicial education	28
1.4 How we design and deliver continuing judicial education	31

Program 2: Providing legal information 33



Our provision of current, accurate and timely legal and statistical information assists judicial officers in their day-to-day decision making.

2.1 Performance results 2020–21	34
2.2 Listening to feedback	36
2.3 Key focus and challenge for the year	36
2.4 Why we provide legal information and resources	38
2.5 We provide accurate and current legal information	38

Program 3: Examining complaints 45



Our complaints function has efficient and timely procedures to ensure high standards of judicial performance.

3.1 Performance results 2020–21	46
3.2 Why we examine complaints	48
3.3 Complaints received and examined during the year	49
3.4 Identifying complaint patterns 2020–21	50
3.5 How we deal with complaints and enquiries	51

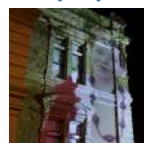
Engaging with our partners and the community 55



We exchange knowledge, expertise and experience with the NSW public, government law agencies and national and international jurisdictions to promote the rule of law.

Performance results 2020–21	56
Listening to our partners and the community	58
We inform the public about what we do and exchange knowledge and expertise with other organisations	58

Our people 65



Our highly skilled staff contribute to our services delivery and support our mission to promote high standards of judicial performance.

Performance results 2020–21	66
Performance and satisfaction	68

Our governance and ethics 75



The Commission consisting of official and appointed members, our independent Audit and Risk Committee and our executive operate within a robust governance framework.

Performance results 2020–21	76
Our governance framework and ethics	78
Approach to human rights	89
Sustainability	90

Our finances 91



Our financial result underpins the performance of our statutory functions.

Performance results 2020–21	92
Financial overview	93
Financial report	94
Financial statements	97
Notes to the financial statements	101

Supplementary materials 117

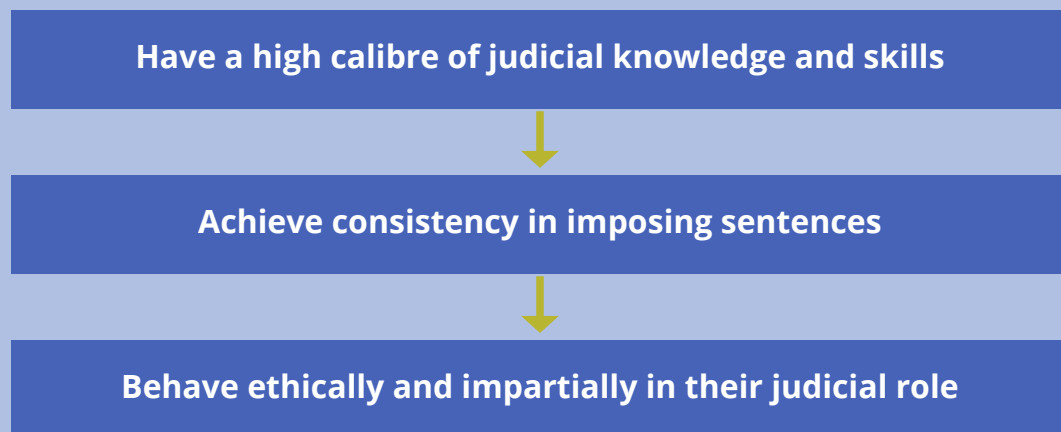


Materials in this chapter set out greater detail of the Commission's activities and assist with navigating the report.

Appendices	118
Table of case studies	132
Table of figures	132
Table of tables	132
Glossary	133
Index	134

Our vision

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



Our values

- 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 and services.
- Interconnection** — to work constructively and cooperatively with our partners.
- Sustainability** — to be aware how our operations and programs impact on people, the environment and the economy.

Overview

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

About the Commission	4
2020–21 highlights and key events	5
Looking at the last 5 years	6
Our history	7
Overview of the Commission	8
Our services delivery	9
Results in brief and strategic direction	10
Performance results 2019–21 and targets 2020–22	12
President’s foreword	14
Chief Executive’s message	16
Judicial Commission members	18
Our executive team	21

About the Commission

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/or a business or corporation. A judicial decision can send a person to gaol or otherwise affect a person's liberty, reputation and family relationships. It can 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 a continuing education program for the judicial officers of NSW.

We also publish information about criminal and civil law, with a focus on 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 vision and values are set out on p 2.

Our governance

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

Committee monitors our risk profile and advises the Chief Executive: see p 81 for details of the committee.

Our mission

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

Our partners and the community

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 and judiciaries.

Our structure

The Commission has 3 operational areas — continuing judicial education, research and sentencing (legal information) and complaints. See our organisational structure on p 8 and our services delivery chart on p 9.

Our resources

Staff — We employed 32 people (29.8 full-time equivalent) as at 30 June 2021 and had a staff turnover rate of 9.38%. See pp 68, 72.

Revenue — \$5.355 million (last year: \$4.907 million) revenue from the NSW Government. See p 93.

Other revenue — \$1.098 million from other revenue including \$1.063 million in self-generated revenues. See p 93.

Meeting the challenges of a global pandemic

Throughout 2020–21, the COVID-19 global pandemic impacted the activities of the Commission far beyond initial expectations. Public health measures continued to be introduced to protect the community, resulting in ongoing changes to the way we worked and performed our functions. We adapted and changed, learning to move seamlessly between the office and work-from-home environment, embracing challenges and finding new ways to deliver our services. Our primary goal was to ensure that judicial officers continued to be well supported, regardless of changes to our circumstances.

However, the disruption also highlighted opportunities for improvement and we can report many positive developments during this time. Delivery of education programs using new mediums, streamlining of processes, and increased flexible work practices have all contributed to improved business outcomes. As an organisation, we have proven ourselves to be agile and adaptable, enabling us to continue promoting the highest standards of judicial behaviour, performance and decision making.

Photo previous page: Pictured is a detail from the grand Victorian-era Goulburn Court House in regional NSW, completed in 1887. The Commission provides contemporary judicial education and legal information to all NSW metropolitan and regional courts.

2020–21 highlights and key events

Delivering continuing judicial education



- 92% judicial satisfaction with the continuing judicial education program. See p 28.
- Supported judicial officers through COVID-19 related disruptions by offering programs using a variety of delivery modes such as webinars and delivering publications online.

Providing legal information



- Continued to maintain a dedicated COVID-19 resource portal on JIRS to collate pandemic-related materials, as well as updating legal information on JIRS and in bench books. See p 36.
- Educated judicial officers on reforms to tendency evidence law and mental health reforms through a co-ordinated and multi-faceted approach. See pp 37, 44.
- Published significant revisions of multiple *Sentencing Bench Book* chapters. See p 36.

Examining complaints



- Examined 72 complaints in reporting period. See p 49.
- Ensured the Commission remained accessible for potential complainants in accordance with COVID-19 public health regulations.

Engaging with our partners and the community



- Continued to share our technical expertise with partners by way of virtual presentations throughout COVID-19 disruptions. See p 59.
- Contributed to the effective operation of COVID-19 related public health orders with efficient coding of offences in Lawcodes database. See p 60.
- Collaborated with Supreme Court judges to create a courtroom booking system to help manage changed workflow due to COVID-19 restrictions. See p 62.

Our people



- High level of staff satisfaction (95%), low turnover and high retention. See pp 68, 72.
- Higher uptake of professional development at a lower cost as staff embraced online learning while working from home in accordance with COVID-19 public health orders. See p 72.
- The Chief Executive was on extended leave for 4 months; the Deputy Chief Executive took on the role of Acting Chief Executive during this time.

Our governance and ethics



- Internal audit on changes to working arrangements that COVID-19 caused found that the Commission's response to the pandemic was effective. See p 77.
- Australasian Reporting Awards recognised the Commission for sustained quality of reporting with 11th consecutive gold award received for *Annual Report 2019–20* and winner of the Best of Industry Sector Award for Public Administration — State Sector. See p 82.



Our finances



- Ended financial year with overall deficit of \$93,000 compared to budgeted deficit of \$110,000. Total expenditure for the reporting period was under budget. See p 92.

Looking at the last 5 years

	2016–17	2017–18	2018–19	2019–20	2020–21	Trend
Delivering continuing judicial education see pp 23–32						
Number of judicial education days each year	667*	1,024	1,191	885	1063	↑
Number of educational events	44	38	41	26	37	↑
Overall satisfaction rating with judicial education events	91%	93%	90%	92%	92%	=
% of attendance by judicial officers at annual conferences	77%	81%	87%	91%	93%	↑
% of attendance at magistrates' induction/orientation programs	100%	100%	100%	100%	100%	=
Average number of training days offered each judicial officer	3.5*	4.7	4.4	3.5	3.7	↑
Average number of training days undertaken by each judicial officer	2.2*	3.7	3.8	2.8	3.3	↑
% of judicial officers who attended at least 2 days of judicial training	77%	71%†	84%†	59%	75%	↑
Number of publications (bench book and handbook updates, bulletins, flyers, journals, videos and podcasts)	31	32	39	43	56	↑
Providing legal information (includes research and sentencing) see pp 33–44						
JIRS usage (average page hits each month)	134,476	136,527	138,531	131,817	123,366	↓
% of JIRS availability	99%	99%	99%	99%	99%	=
Number of enhancements to JIRS	10	7	4	5	4	↓
Timeliness of sentencing material on JIRS						
– Legislation (within days of receipt)	7 days	7 days	7 days	1 day	1 day	=
– Judgments (within days of receipt)	1 day	1 day	1 day	1 day	1 day	=
– Sentencing statistics loaded on JIRS (within months of receipt)	1–4 mths	1–4 mths	1–4 mths	1–4 mths	1–8 mths	↓
Number of <i>Sentencing Trends & Issues</i> papers, <i>Sentencing Snapshots</i> and monographs	2	0	0	1	1	=
Timely updates to the <i>Criminal Trial Courts Bench Book</i> and <i>Sentencing Bench Book</i>	7	6	7	5	8	↑
Lawcodes: % of new and amended offences coded and distributed within 4 days of commencement	100%	100%	100%	95%	98%	↑
Examining complaints see pp 45–54						
% of complaints acknowledged within 1 week of receipt	100%	100%	100%	100%	97%	↓
% of complaints examined within 6 months of receipt	94%	90%	94%	71%	78%	↑
% of complaints examined within 12 months of receipt	99%	100%	99%	100%	94%	↓
Complaints received/referred (number)	75	74	63	57	57	=
Complaints examined (number)	72	62	68	48	72	↑
Our people see pp 65–74						
Staff (number)	40	38	32	33	32	↓
Length of service: 5 years or greater	65%	79%	76%	78%	73%	↓
Our governance and ethics see pp 75–90						
Access to information requests	2	0	0	0	0	=
Environmental sustainability						
Total energy used	278 GJ	291 GJ	311 GJ	267 GJ	281 GJ	↑
% of recycled paper used	100%	100%	100%	100%	100%	=
Our finances see pp 91–116						
Revenue from NSW Government	\$6.766 M	\$5.568 M	\$6.890 M	\$4.907 M	\$5.355 M	↑
Retained revenue (sale of goods & services, investment income, etc)	\$812,000	\$1.041 M	\$1.123 M	\$1.090 M	\$1.098 M	↑
Expenditure	\$6.338 M	\$6.857 M	\$8.020 M	\$6.370 M	\$6.734 M	↑

* The Local Court of NSW Annual Conference was not held in the 2016–17 financial year which accounts for the decline.

† Correction to 2017–18 and 2018–19 reports due to calculation error.

Legend = same/no change ↑ increased ↓ decreased

Our history

- ▶ **1985** — Controversies involving judicial officers in Australia were widely reported in the media.
- ▶ **1986** — The NSW Government announced plans to establish a Judicial Commission responding to a perceived crisis in public confidence in the judiciary. The *Judicial Officers Act* 1986 commenced in December. The Commission uniquely combined a complaints function with educational and sentencing functions.
- ▶ **1987** — The *Judicial Officers (Amendment) Act* 1987 made the Commission a statutory corporation, allowing it to be independent of the Executive Government. Operations commenced in October. Of the 220 judicial officers in NSW: 95% are men; 5% are women.
- ▶ **1988** — Conference, seminar and publications programs commenced to provide professional continuing judicial education. Development of Sentencing Information System database commenced to help judicial officers achieve consistency in their approach to sentencing.
- ▶ **1990** — Chief Justice Gleeson, the Commission's President, launched the Sentencing Information System.
- ▶ **1991** — A Conduct Division reported that Parliament consider removal of a magistrate from office. The magistrate resigned before Parliament considered the matter.
- ▶ **1996** — The Sentencing Information System, re-engineered and expanded to include information relevant for all courts, was renamed the Judicial Information Research System (JIRS).
- ▶ **1997** — A Conduct Division reported that Parliament consider removal of a magistrate from office. The magistrate resigned before Parliament considered the matter.
- ▶ **1998** — In a first, a judge addressed Parliament after a Conduct Division reported that Parliament consider his removal from office; Parliament voted not to remove the judge. The *Judicial Officers Amendment Act* 1998 increased lay membership of the Commission from 2 to 4. The Commission provided professional development programs to 251 judicial officers: 85% are men; 15% are women.
- ▶ **2006** — A complete review of the *Judicial Officers Act* was undertaken. One of the most important amendments was to remove the classification of complaints as "minor" or "serious".
- ▶ **2007** — A special reception was held in October at Government House to commemorate 20 years of operations. A brief history "From Controversy to Credibility" of the Commission was published. The *Judicial Officers Amendment Act* 2007 allowed for lay representation on a Conduct Division with a community representative. The Commission provided professional development to 278 judicial officers: 73% are men; 27% are women.
- ▶ **2011** — Two separate Conduct Divisions reported to the Governor that Parliamentary consideration be given to removing 2 magistrates from office. Each magistrate separately addressed Parliament. Parliament voted against removal.
- ▶ **2012** — The *Judicial Officers Amendment Act* 2012 required the Commission to provide information about a complaint against a judicial officer to the Attorney General if requested. The Commission ran the first Community Awareness of the Judiciary Program as a public education strategy. The Commission provided professional development programs to 350^{*} judicial officers: 74% are men; 26% are women.
 - * We changed our method of counting to include acting judicial officers.
- ▶ **2016** — The Commission moved to new premises at 60 Carrington Street, Sydney.
- ▶ **2017** — The Commission celebrated 30 years with a special reception at Government House. The Australian National Imams Council, with the assistance of the Commission, prepared an "Explanatory Note on the Judicial Process and Participation of Muslims".
- ▶ **2019** — Two separate Conduct Divisions reported to Parliament that Parliamentary consideration be given to removing 2 judicial officers (a magistrate and a District Court judge) from office. Both resigned before Parliament considered the matters.
- ▶ **2020** — Majority of the Commission's staff worked offsite from mid-March 2020, in compliance with the public health orders designed to minimise the spread of the COVID-19 global pandemic.
- ▶ **2021** — A staged COVIDSafe return to working in the office started at the end of January 2021 after COVID-19 restrictions eased. As Sydney entered a second pandemic-induced lockdown in June 2021, staff recommenced working from home in compliance with public health orders. Our Ngará Yura Program took on a special focus in recognition of the 30-year anniversary of the release of the Final Report of the Royal Commission into Aboriginal Deaths in Custody.

Overview of the Commission

The Judicial Commission is comprised of 6 official and 4 appointed members. The Chief Executive is responsible for all the Commission's operations. The Audit and Risk Committee provides the Chief Executive with independent advice on governance and risk. See pp 18, 81.

Figure 1. Our organisational structure

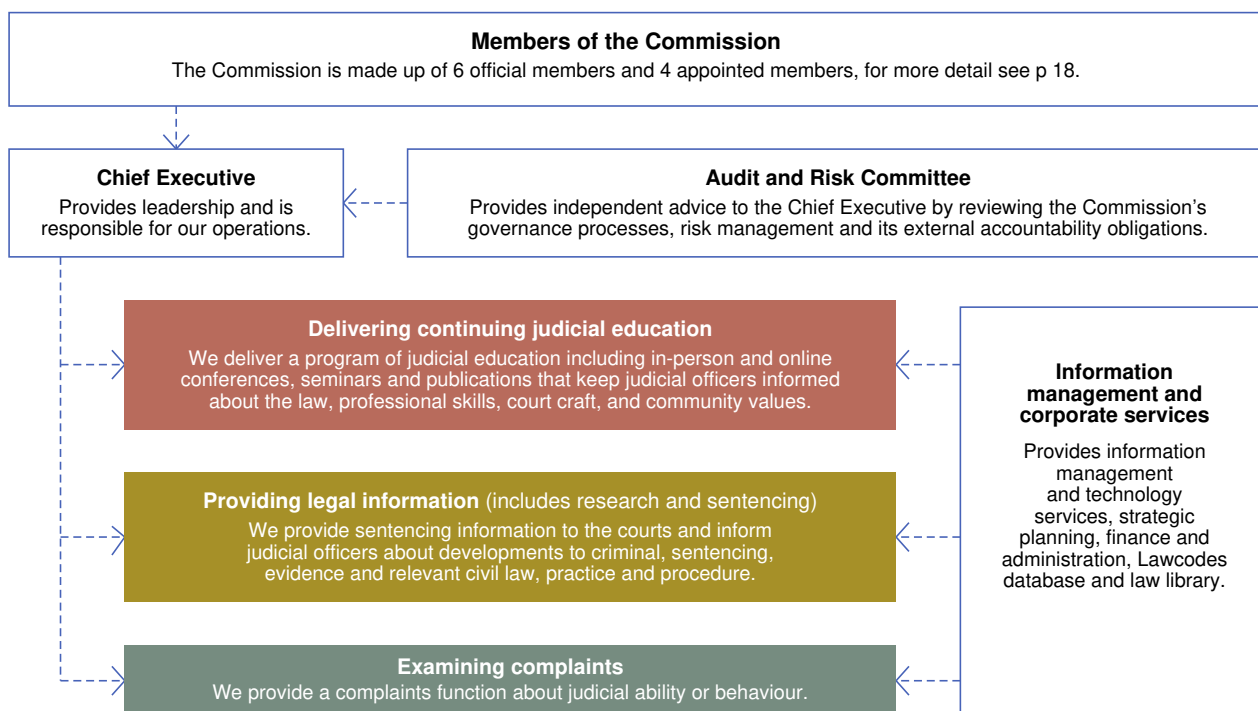
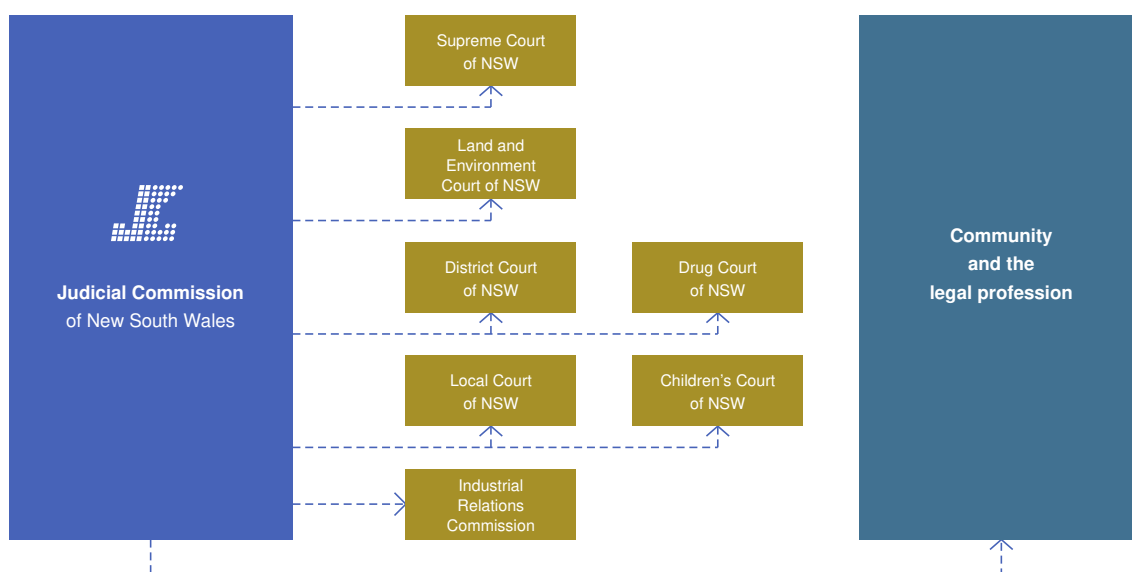


Figure 2. Who we provide our services to in the justice system



Our services delivery

COVID-19 public health regulations directly affected strategies for delivering our services this year.

Delivering continuing judicial education

Result	Strategies			Performance
Judicial officers are updated about changes to the law, court practice and procedure and community values.	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 (subject to COVID-19 public health regulations).	Skills-based workshops, seminars, field trips, webinars and other digital and distance education to enhance judicial skills, attitudes and knowledge.	See pp 23–32 for an overview of our activities this year.
Judicial skills, attitudes and knowledge are enhanced.	First Nations cross-cultural awareness sessions/community visits so judicial officers are informed about First Nations society, traditions and contemporary issues.	Digital and multi-media resources, online and print publications for information and research. JIRS and iPad™ support.	Mentoring.	See pp 23–32 for an overview of our activities this year.

Providing legal information

Result	Strategies			Performance
Judicial officers had access to current law to assist in their day-to-day decision making.	The Judicial Information Research System (JIRS) is an online database to assist day-to-day judicial decision making. The components of JIRS are described on p 40.	Bench books contain major legislation and precedents which apply when conducting criminal and civil trials, procedural guidelines, suggested jury directions, and sample orders.	In-depth research studies.	See pp 33–44 for an overview of our activities this year.
Judicial officers were informed about changes to criminal and sentencing law and practice and procedure.	<i>Recent Law</i> summaries of important legal developments posted on JIRS. A dedicated COVID-19 resources page 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.	See pp 33–44 for an overview of our activities this year.

Examining complaints

Result	Strategies			Performance
People of NSW have an efficient complaints mechanism. Confidentiality and independence of judicial officers are maintained.	Examining complaints efficiently, independently, objectively and effectively.	Informing the complainant and the judicial officer involved of the outcome of the Commission's examination of a complaint.	Information, publications and talks about our role/function while monitoring patterns in complaints and addressing recurring issues in our judicial education program.	See pp 45–54 for an overview of our activities this year.

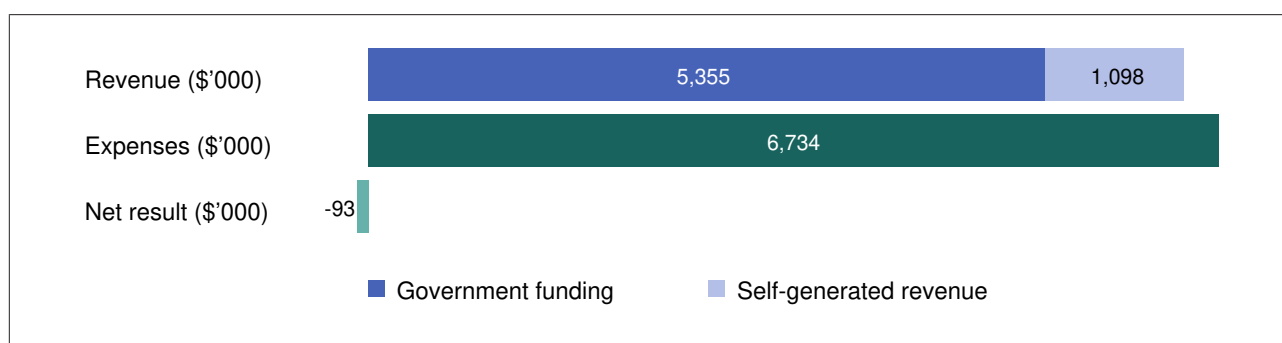
Results in brief and strategic direction

Our programs this year continued to promote the highest standards of judicial behaviour, performance and decision making. Below are our results in brief, key challenges faced this year and our strategic direction for 2021–22.

Our finances

We received an unmodified report for our financial statements from the Auditor-General of NSW. Looking ahead, we will proactively maintain our self-generated income streams. See “Our finances” chapter from p 91.

Figure 3. 2020–21 revenue, expenses and net result



Delivering continuing judicial education

Key results	Key challenges	Strategic direction
Judicial officers rated their satisfaction with the education program at 92%. See p 28. Judicial skills, knowledge and attitudes were enhanced with 37 education events offered. See pp 23–32.	Ensuring judicial officers were supported with education programs and publications while complying with COVID-19 public health regulations. See p 31.	Continue to transition our programs and publications online, harnessing the opportunities brought about by improved delivery platforms and technology.

Providing legal information

Key results	Key challenges	Strategic direction
56 publications to inform judicial officers about changes to the law, court practice and procedure and community values. See p 39. Judicial officers had access to current law on the Judicial Information Research System (JIRS) to assist in their day-to-day decision making. JIRS had 1.480 million page hits (6.4% decrease). See p 39.	Providing judicial officers, the legal profession and the public with current and accurate information relating to the COVID-19 pandemic. See p 36. Providing accurate and reliable guidance to complex and important areas of the law. See p 38.	Ensuring publications are best fit for purpose by incorporating recent significant reforms and conducting whole-of-publication reviews. Maintaining focus on processes and workflows that drive the way legal information is presented and published.



Examining complaints

Key results	Key challenges	Strategic direction
<p>72 formal complaints examined. Examination of 94% of complaints finalised within 12 months of receipt. 97% of complaints acknowledged in writing within 5 days.</p> <p>No complaints referred to head of jurisdiction. No complaints referred to a Conduct Division. See pp 49–50.</p>	<p>Ensuring that the impact of the COVID-19 pandemic did not compromise the accessibility and operation of the complaints function.</p> <p>Explaining to complainants why their complaint was dismissed under statutory criteria in the <i>Judicial Officers Act 1986</i>. See p 51.</p>	<p>Continue to examine all complaints efficiently, effectively, independently and objectively.</p>

Engaging with our partners and the community

Key results	Key challenges	Strategic direction
<p>Efficiently coded rapidly-changing public order offences in the Lawcodes database and distributed them to agencies in the justice system. See p 60.</p> <p>Published the results of a survey of judicial officers as part of our work on vicarious trauma research in partnership with the University of NSW. See p 27.</p> <p>Collaborated with Supreme Court judges to create a courtroom booking system to help manage changed workflow due to COVID-19 restrictions. See p 62.</p> <p>Responded to requests for research assistance from government departments and agencies, and members of the legal profession. See p 60.</p>	<p>Maintaining positive engagements with our partners and the public within the constraints imposed by COVID-19 public health regulations.</p> <p>Managing the impact of the Bureau of Crime Statistics and Research advising they were no longer able to provide particular sentencing data required by the Commission to discharge its core function of assisting the courts to ensure consistency in sentencing. See p 61.</p> <p>Balancing our core work with requests for research assistance and capacity-building projects. See p 41.</p>	<p>Continue to engage with our partners and the community using a hybrid of communication methods and technologies in the wake of COVID-19 public health regulations.</p>

Our people

Key results	Key challenges	Strategic direction
<p>95% staff satisfaction as measured in our yearly staff survey. See p 68.</p>	<p>Supporting staff as they worked remotely, and through the transition to a hybrid model of working from home and the office.</p> <p>Supporting all facets of staff wellbeing through a period of significant disruption due to physical distancing requirements of COVID-19 public health regulations.</p>	<p>Apply lessons learned from remote working experience to enhance efficiency and adaptability.</p>

Our governance and ethics

Key results	Key challenges	Strategic direction
<p>10 Commission and 4 Audit Risk Committee meetings held, ensuring robust governance. See pp 80, 84.</p> <p>We complied with the requirements of NSW Treasury Policy Paper TPP 20-08 directed to internal audit and risk management policy for the NSW public sector. See p 84.</p>	<p>Maintaining business continuity in the face of significant challenges and uncertainties created by the COVID-19 global pandemic. See p 77.</p>	<p>Refining and keeping to our strategic direction while maintaining effective policies that ensure safety, security, confidentiality, access, availability, equity, risk management, integrity, compliance and assurance.</p>

Performance results 2019–21 and targets 2020–22

Result	Measure	2019–20 result
Delivering continuing judicial education		
Judicial officers informed about changes to the law, community values, court practice and procedure	Maintain/increase number of publications	43 publications
	Maintain/increase number of specialised education events offered	26 education events
	Education events assisted judicial officers to reach the national standard of 5 judicial education days each year, see Note 1	3.5 days offered 2.8 days undertaken
Judicial skills, attitudes and knowledge enhanced	Maintain/increase ratings that our services provide judicially relevant and stimulating education and information	86% of participants satisfied that events relevant and applicable and 85% satisfied that events enhanced knowledge and capability
Judicial officers satisfied with their education	Maintain/improve satisfaction rates from last year	92% overall satisfaction
Providing legal information		
Judicial officers had access to current law to assist in decision making	Maintain/increase use of Judicial Information Research System (JIRS)	131,817 average 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"> • 245 <i>Recent Law</i> items posted on JIRS • 138 summaries of select appeal decisions published on JIRS • 3 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 Information Principles and Practices component of JIRS	2 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 60 summaries of significant appeal decisions in the <i>Judicial Officers' Bulletin</i>
Information about sentencing communicated	Maintain/increase publication of sentencing trends, sentencing snapshots and research papers	1 <i>Sentencing Trends & Issues</i> paper
	Provide information in response to requests for specific sentencing issues	50 research requests
Judicial officers informed about sentencing options and rehabilitation facilities for offenders	Maintain current information in the Diversionary Programs database on JIRS	Done
JIRS improved to meet judicial officers' needs	Maintain/increase number of improvements to JIRS	5 enhancements
Examining complaints		
Timely acknowledgment and completion of preliminary examination of complaints	Maintain/decrease time taken to conduct preliminary examination of complaints	Examine 71% within 6 months; 100% within 12 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 heard during the year, see Note 4	377 judicial officers in NSW heard more than 700,000 court matters in 2019–20 56 complaints about 48 judicial officers made, 1 complaint referred by the Attorney General
	Compare number of complaints dismissed under section 20 of the <i>Judicial Officers Act</i> 1986 with complaints that require further action	94% of complaints were summarily dismissed under section 20 of the <i>Judicial Officers Act</i> 1986 0 complaints referred to Conduct Division, 3 complaints referred to head of jurisdiction
	Maintain accessible information about complaints process	Information about the complaints process and how to make a complaint was provided in the annual report, our website, and in brochure form
		Responded to 385 requests for information
Independence of judicial officers maintained	Complaints process demonstrates integrity of complaints function, see Note 4	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, see Note 4	30 of 57 complaints received/referred arose from allegations of failure to give fair hearing (53%) and 9 of 57 complaints from allegations of an apprehension of bias (16%)

Note 1. 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 and national and State judicial education bodies, see Appendix 3.

Note 2. It is not possible to determine a target number of *Recent Law* items, summaries, and bench book updates as these items are responsive to court and legislative developments. As variables external to the Commission, they are outside the Commission's control. All *Recent Law* items, summaries and bench book updates are produced because they address relevant changes to the law.



2020–21 target	2020–21 result	Status	2021–22 target
34 publications	56 publications	↑	34 publications
34 education events	37 education events	↑	34 education events
n/a, see Note 1	3.7 days offered 3.3 days undertaken	✓	n/a, see Note 1
80% of participants satisfied that events relevant and applicable and 70% satisfied that events enhanced knowledge and capability	78% of participants satisfied that events relevant and applicable and 80% satisfied that events enhanced knowledge and capability	↓ ↑	80% of participants satisfied that events relevant and applicable and 70% satisfied that events enhanced knowledge and capability
85% overall satisfaction	92% overall satisfaction	↑	85% overall satisfaction
125,000 average page hits each month	123,366 average hits each month	↓	125,000 average page hits each month
See Note 2 See Note 2 as required for <i>Criminal Trial Courts Bench Book</i> , see Note 2	<ul style="list-style-type: none"> 239 <i>Recent Law</i> items posted on JIRS 133 summaries of select appeal decisions published on JIRS 5 updates to <i>Criminal Trial Courts Bench Book</i> 	✓	See Note 2 See Note 2 as required for <i>Criminal Trial Courts Bench Book</i> , see Note 2
update as required for <i>Sentencing Bench Book</i> , see Note 2	3 updates to <i>Sentencing Bench Book</i>	✓	update as required for <i>Sentencing Bench Book</i> , see Note 2
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
1–4 months	Sentencing data received, audited and loaded on JIRS generally within 4 months of receipt, 2 exceptions within 8 months due to changes in data provided by BOCSAR	↓	1–4 months
as required	Published 68 summaries of significant appeal decisions in the <i>Judicial Officers' Bulletin</i>	✓	as required
as required, see Note 3	1 <i>Sentencing Snapshots</i>	✓	as required, see Note 3
as required, see Note 3	41 research requests	✓	as required, see Note 3
as required	Done	✓	as required
5 enhancements	4 enhancements	↓	5 enhancements
Examine 90% within 6 months; 100% within 12 months	Examine 78% within 6 months; 94% within 12 months	↓ ↓	Examine 90% within 6 months; 100% within 12 months
100% of complaints received acknowledged within 5 working days	97% of complaints received acknowledged within 5 working days	↓	100% of complaints received acknowledged within 5 working days
n/a, see Note 4	384 judicial officers in NSW heard around 700,000 court matters in 2020–21 57 complaints about 46 judicial officers made, 0 complaints referred by the Attorney General	✓	n/a, see Note 4
n/a, see Note 4	100% of complaints were summarily dismissed under section 20 of the <i>Judicial Officers Act 1986</i> 0 complaints referred to Conduct Division, 0 complaints referred to head of jurisdiction	✓	n/a, see Note 4
n/a, see Note 4	Information about the complaints process and how to make a complaint was provided in the annual report, our website, and in brochure form	✓	n/a, see Note 4
n/a, see Note 4	Responded to 319 requests for information	✓	n/a, see Note 4
n/a, see Note 4	Commission examined all complaints according to statutory criteria and established protocols	✓	n/a, see Note 4
n/a, see Note 4	28 of 57 complaints received arose from allegations of failure to give fair hearing (49%) and 12 of 57 complaints from allegations of an apprehension of bias (21%)	✓	n/a, see Note 4

Note 3. Publication of sentencing trends, sentencing snapshots and research papers, and responding to specific requests for information, are dependent on external variables, ie changes to the law, which cannot be predicted for quantitative target setting.

Note 4. The measure of these targets is qualitative, ongoing, and subject to external variables to which the Commission can only respond. As such, no numerical measure is articulated.

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



President's foreword

I am pleased to present the foreword to the Judicial Commission's Annual Report for 2020–21.

The Judicial Commission is a vital institution for the proper administration of justice in our state. It works to maintain public confidence in the judiciary and in our legal system generally. It does this in many ways, including by providing continuing judicial education programs, promoting consistency and impartiality in decision-making, and examining complaints against judicial officers.

This report details the Commission's activities and performance over the past year in furthering its aims of education and accountability. It has a particular focus on the challenges brought by the COVID-19 pandemic, and outlines the Commission's strategic focus into the future.

COVID-19 pandemic has continued to be a major challenge

It will come as no surprise that the Commission has continued to grapple with disruptions thrown up by the COVID-19 pandemic. It has done so with resilience, continuing to deliver its essential programs despite many challenges.

Throughout the year, it adapted the performance of its functions, initially moving towards a hybrid of webinars and face-to-face programs, then back to webinars as stay-at-home orders were reintroduced in June 2021.

Public access to the Commission was modified but maintained throughout the reporting period in response to the public health orders. A phone system

with Interactive Voice Response (IVR) technology was in place to allow potential complainants to ring the Commission and access information, day or night, via a voice response system of pre-recorded messages.

Continuing judicial education

Judicial education offerings increased from last year, as face-to-face programs were possible between February and June 2021. In addition, the Commission continued to offer the programs in both a virtual and in-person format, having regard to the COVID-19 restrictions in place at the time. This dual-mode practice is now embedded in the education system, allowing for greater flexibility and accessibility of the programs.

I was pleased to note that overall judicial satisfaction was at 92% for the continuing education program. The Commission also continued to conduct induction and orientation sessions for newly appointed judicial officers.

The Ngara Yura Program had a special focus on the 30th anniversary of the release of the Final Report of the Royal Commission into Aboriginal Deaths in Custody. Judicial officers who attended Ngara Yura events reported a high level of satisfaction with the program and that the events enhanced their knowledge and capability.

Another special focus was the publication of an article in the *Judicial Officers' Bulletin* which explained the results of research into judicial trauma and work-related stress. This study was conducted by researchers from the University of NSW in partnership with the Commission.



Legal resources

The Commission's mission is, as always, to promote the highest standards of judicial behaviour, performance and decision-making. In furtherance of this goal, the Commission provides regular notification and analysis of legal developments (via the JIRS platform), regular updates to bench books, statistical information, and research assistance to judicial officers when required.

In particular, the Commission kept judicial officers up to date on reforms to mental health laws and tendency evidence laws which commenced during the year.

A compilation of COVID-19 related material continued to be available to judicial officers on the JIRS portal. This included legislation, public health orders and information about penalties. Further, the Commission again worked swiftly to create new Lawcodes to facilitate the operation of COVID-19 related offences. This was done often on short notice outside of standard business hours. I commend the Commission for its commitment and tireless work.

Community and international engagement

Due to the COVID-19 pandemic, the Commission was unable to host overseas delegations. Nonetheless, despite disruptions it continued to provide capacity-building assistance to Papua New Guinea by maintaining its sentencing database and criminal case management system, a system developed and hosted by the Commission. It also continued to share information and technical expertise with other domestic and international judicial education bodies.

Closer to home, the Commission joined a taskforce to develop and implement responses to the recommendations made by the *Family is Culture* independent inquiry into Aboriginal children and young people in out-of-home care.

The Supreme Court of NSW and the Commission also worked together closely to develop a courtroom booking system for criminal trials. This system has ensured that courtroom usage conforms to the current COVID-19 physical distancing restrictions. This has been of great assistance in maintaining the safe and efficient operation of the Supreme Court during the pandemic.

I am also glad to note that the Commission continued to provide free-to-view current information on its website for public education.

Governance and operations

Despite changing circumstances, the Commission continued to hold regular meetings of the audit and risk committee and the Commission itself. This minimised disruptions and preserved the integrity of the Commission's functions and governance processes.

The Commission has again been recognised for its high-quality reporting at the Australasian Reporting Awards (ARA), receiving its 11th consecutive gold

award for its Annual Report and the inaugural Best of Industry Sector Award for Public Administration — State. The Commission's Annual Report was also a finalist for the Governance Reporting Award (Public and Not-for-Profit Sectors) and Report of the Year Award. I congratulate the Commission on these achievements and for its consistently high quality of work.

Future direction

As the Commission looks to the future, it has a blueprint for continuing to deliver its programs in a flexible and agile manner with increased digital connection as necessitated by COVID-19. The Commission will continue to offer hybrid modes of delivering education sessions and will explore new opportunities to engage with its partners and the community.

Next year, a particular focus will be on developing resources aimed to promote and support judicial wellbeing, in partnership with other judicial education providers. The wellbeing of judicial officers is vital for a healthy justice system.

The Commission will also continue to uphold its mission to provide the resources necessary for judicial officers to work to the highest standards and thereby maintain the confidence of the public.

My thanks

As this foreword makes clear, the Commission has done an exceptional job of continuing its vital work despite many disruptions and at times unpredictable setbacks caused by the COVID-19 pandemic. In what has been an exceptionally difficult year for so many, I would like to recognise all those who have worked diligently and creatively to ensure that the Commission can continue to exercise its functions to the best of its abilities.

I would particularly like to acknowledge and thank Ernest Schmatt AM PSM, Chief Executive; Murali Sagi PSM, Deputy Chief Executive; Una Doyle, Director, Education; and Pierrette Mizzi, Director, Research and Sentencing.

Beyond these specific votes of thanks, I would also like to extend my warmest gratitude to all those involved in the Commission's valuable work, including the Commission's staff and judicial officers. The Commission would simply not function without your tireless support.

The Honourable T F Bathurst AC
Chief Justice of NSW
President, Judicial Commission of NSW



Chief Executive's message

I am very pleased to present my report on the Judicial Commission's results for 2020–21.

Impact and challenges of a global pandemic

The COVID-19 pandemic and attendant public health measures have continued to significantly alter delivery of the Commission's programs and our daily operations. We have not compromised however on our core functions which continue to promote the highest standards of judicial behaviour, performance and decision making throughout the reporting period.

Despite considerable pandemic disruptions, our dedicated staff have worked productively and seamlessly to deliver our programs. Along with the challenges, the pandemic has brought benefits and innovations, such as the development of new skills and increased familiarity with a range of technologies.

A significant challenge, particularly, for the legal information team, has been to manage fluctuating work loads due to the continuing impact of the pandemic on the work of the courts and Parliament.

Delivering continuing judicial education

The Commission delivered 37 events this year, a substantial increase from last year as we have adapted to delivering our education program through a variety of modes of delivery to address public health order requirements. We continued to enhance judicial skills and knowledge by offering the option to attend in-person (prior to the 2021 lockdown) or online, and expanding the scope of our program to interstate and overseas presenters via webinars. Judicial officers' satisfaction with the program is high at 92%, equal to last year's satisfaction rate.

A special focus for the Ngarra Yura Program this year has been on the 30-year anniversary of the Royal Commission into Aboriginal Deaths in Custody. To raise judicial awareness of the ongoing legacy of this Report, we commissioned commemorative articles. We also offered a webinar on unconscious bias with a focus on First Nations people and a webinar on "The Colonial Frontier Massacre Map Project" to explain the hidden history of colonisation and its intersection with the legal system over two centuries.

Providing legal information

While the use of JIRS remained relatively high, overall usage decreased slightly by 6.4% compared with last year due to the on-going impact of COVID-19 on the justice system. Local Court magistrates' use increased significantly, whereas use declined from other judicial officers as well as other JIRS users.

A new "Intergenerational Trauma Resources" component has been developed and published on JIRS, and our higher court statistics have undergone significant improvements in processing to enable legislative changes to be incorporated more efficiently. Various enhancements to improve the search capabilities of JIRS have also been implemented.

A major focus this year has been responding to the NSW Government's reforms to mental health laws and tendency evidence laws. Significant legislative changes commenced in these areas throughout the year. We responded to these with a multi-faceted approach to ensure judicial officers were informed about the reforms in a timely manner through webinars, conferences, publications and updating of bench books.



Our publishing output increased to 56 publications, including updates to bench books, journals, bulletins and videos. We produced a new pilot computer-generated publication, *Sentencing Snapshots: Domestic Violence Offences in the Local Court*, illustrating sentencing patterns derived from our JIRS sentencing statistics.

Our independent research skills and expertise remain in high demand. We responded to 41 research requests this year from judicial officers, various government departments and agencies and legal practitioners.

Examining complaints

Of the 72 complaints the Commission examined in 2020–21, all were summarily dismissed following the Commission's independent preliminary examinations. No complaints were referred to the relevant head of jurisdiction. There were no referrals to a Conduct Division this year.

Engaging with our partners and the community

The Commission has long had a focus on strengthening the rule of law within the region and globally through sharing our knowledge and expertise with our partners and the broader community. We continued to provide ongoing capacity-building assistance to the PNG law and justice sector throughout the year. We also collaborated with courts and worked with Australian and international judicial education providers. A range of virtual meetings and presentations were held this year as we were unable to host overseas delegations due to the ongoing global pandemic.

Lawcodes

Our role in maintaining the Lawcodes database meant that we had an important part to play in the administrative emergency measures put in place to deal with the COVID-19 pandemic. Particularly in response to new outbreaks, there were often rapid changes to public health orders. Our committed staff were available to code new offences whenever they were issued, including outside of business hours.

Our people

Despite the challenges of the pandemic, our people have proved to be resilient and hard-working with staff continuing to express a high level of satisfaction in their work. The NSW Government 2020 *People Matter Employee Survey* also showed that 100% of staff who responded felt that the Commission quickly adapts and responds during major events such as COVID-19 and are proud to tell others they work for the Commission.

We continue to enjoy high retention and low turnover rates. Over half of our people have 10 or more years' service at the Commission.

Our governance and ethics

The Judicial Commission met 10 times during the year to examine complaints, monitor our strategic direction and approve budgets and publications. Four audit and risk committee meetings were held.

An internal audit was conducted to assess the Commission's response to the pandemic. This found that our response was effective and also led to efficiencies and improvements. A COVID Safe return to the office was planned and implemented in late January 2021.

I am proud to report that the consistent high quality of the Commission's annual reporting was acknowledged this year in the Australasian Reporting Awards (ARA). Our annual report for the 2019–20 year was awarded the Commission's 11th consecutive gold award, as well as receiving the inaugural Best of Industry Sector Award for Public Administration — State Sector. The report was also a finalist for both the Governance Reporting Award (Public and Not-for-Profit Sectors) and Report of the Year Award.

Financial result

Our financial result for the year was a deficit of \$93,000, slightly less than the forecast deficit \$110,000. Our total income was \$6.453 million, of which \$5.355 million was government funding. The Commission's self-generated revenue of \$1.098 million was slightly higher than last year's result. This is derived primarily through contractual arrangements for goods and services for computerised case management, software development and educational services.

We received an unmodified audit report for our financial statements from the Auditor-General of NSW.

Strategic direction 2021–22 and beyond

The once-in-a-century pandemic has highlighted the need for resilience, agility and new modes of delivering our services to the judicial officers of NSW, the public and our partners. We will continue a combination of online and face-to-face delivery, COVID-19 permitting, of our continuing judicial education program. We will continue the transition to online delivery of our publications so that judicial officers can access accurate and current legal information in a timely way.

Next year, a major focus will be on working closely with the courts to ensure that judicial officers are supported and provided with timely information about significant reforms to consent laws in sexual assault proceedings, expected to commence in early 2022.

In 2020, we published the results of ground-breaking research into judicial trauma and work-related stress that the University of NSW conducted in partnership with the Commission. Next year, we plan to develop further programs and resources, including an online portal, to support judicial officers and promote their wellbeing.

My thanks

The Commission's successful performance this year, in difficult circumstances, could not have been achieved without the dedicated effort and support from many people. This includes the Commission members who provide invaluable leadership and the many judicial officers who give their time and expertise to serve on our education and bench book committees. I also thank the Commission's diligent and skilful staff who through their efforts deliver high quality services for the judicial officers and people of NSW.

Ernest Schmatt AM PSM
Chief Executive, Judicial Commission of NSW

Judicial Commission members

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 4 courts and the Industrial Relations Commission as well as the President of the Court of Appeal of NSW are official members. The Chief Justice of NSW is the Judicial Commission's President.

Appointed members

The Governor of NSW appoints 4 people. The Attorney General nominates 4 people who have high standing in the community. One is a legal practitioner appointed following consultations between the Attorney General and the Presidents of the Law Society of NSW and the Bar Association of NSW.

Figure 4 on p 22 illustrates the relationship between the Commission members and the executive team.

President



The Honourable Tom Bathurst AC
Chief Justice of NSW — commenced 1 June 2011

Chief Justice Bathurst was admitted as a solicitor in NSW in 1972 and called 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. In October 2016 the Chief Justice was elected as an Honorary Benchers of Middle Temple.

Official members



The Honourable Justice Andrew Bell
President of the Court of Appeal of NSW — commenced 28 February 2019

Justice Bell was called to the NSW Bar in 1995, appointed Senior Counsel in 2006 and appointed President of the NSW Court of Appeal in February 2019. Prior to joining the Bar, his Honour completed undergraduate degrees in Arts and Law at the University of Sydney, both with First Class Honours and the University Medal, and then a Bachelor of Civil Law (for which he was awarded the Vinerian Scholarship) and a Doctor of Philosophy at the University of Oxford. His Honour has served as Senior Vice-President (2018–19) and Treasurer (2017–18) of the NSW Bar Association. His Honour was also the Editor of Bar News from 2005 to 2012. His Honour has published extensively and held a number of academic positions, including as Adjunct Professor at the University of Sydney Law School. In 2012, his Honour was named a Fellow of the Australian Academy of Law.



The Honourable Justice Brian Preston

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

Justice Preston was called to the Bar in 1987 and appointed Senior Counsel in 1999 and Chief Judge of the Land and Environment Court of NSW in 2005. He is a Fellow of the Australian Academy of Law, Fellow of the Royal Society of NSW and Honorary Fellow of the Environment Institute of Australia and New Zealand. He was awarded an honorary Doctor of Letters by Macquarie University in 2018. He has lectured in post-graduate environmental law for over 30 years. He is currently an Adjunct Professor at the University of Sydney, Western Sydney University and Southern Cross University. He has authored over 140 publications on environmental, administrative and criminal law. His Honour has been involved in numerous capacity-building programs for the judiciaries in Asia, Africa and Europe. He is a member of various international environmental law committees and advisory boards, including Chair of the Environmental Law Committee of the Law Association for Asia and the Pacific (LAWASIA) and member of the Interim Governing Committee for the Global Judicial Institute on the Environment.



The Honourable Justice Derek Price AO

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 Chief Judge of the District Court of NSW and President of the Dust Diseases Tribunal of NSW on 8 August 2014 and remains a judge of the Supreme Court of NSW and continues to sit in the Court of Criminal Appeal. His Honour became a Member of the Order of Australia in 2010 and in June 2020 he became an Officer in the General Division.



His Honour Judge Graeme Henson AM

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

Judge Henson was called to the Bar in 1980 and served as Deputy Solicitor for Public Prosecutions in the Office of the Director of Public Prosecutions (NSW) from 1987 to 1988. 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. He is also a Member of the Advisory Committees, Faculty of Law, of the Australian Catholic University and the University of Wollongong. In 2017, Judge Henson became a Member of the Order of Australia.



Chief Commissioner Nichola Constant

Industrial Relations Commission of NSW — commenced 2 March 2020

Chief Commissioner Constant was admitted as a solicitor in NSW in 2000. She was appointed a Commissioner of the NSW Industrial Relations Commission in July 2018 and appointed Chief Commissioner on 2 March 2020. Prior to her appointment to the Industrial Relations Commission, Chief Commissioner Constant was the Assistant Crown Solicitor/Director for Employment Law at the Crown Solicitor's Office. Over her career, she has held a number of roles in private sector law firms and banking, and was a member of the NSW Workers Compensation and Work Health and Safety Council. Chief Commissioner Constant holds degrees from the University of Sydney and the University of New England.

Appointed members



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

Appointed 1 December 2004; reappointed 19 August 2009 for 3 years; reappointed 7 November 2012 for 3 years; reappointed 9 December 2015 for 3 years; reappointed 9 December 2018 for 3 years

Dr Cashmore is Professor of Socio-Legal Research and Policy, and Professorial Research Fellow in the School of Education and Social Work at the University of Sydney. She has chaired or served on numerous non-government and State and Commonwealth government committees concerning child sexual assault, child protection and children in out-of-home care, 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 concerning their care and protection, adoption, and the prosecution of child sexual abuse. 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; reappointed 30 October 2016 for 3 years; reappointed 30 October 2019 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 the Boards of the Clinical Excellence Commission and the Agency for Clinical Innovation, and was appointed to the Board of the Chris O'Brien Lifehouse Cancer Centre. 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; reappointed 9 December 2018 for 3 years

Mr 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 that area of 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 OAM BA

Appointed 28 October 2015 for 3 years; reappointed 28 October 2018 for 3 years

Mr Miller has worked at board and senior management level for over 20 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. 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. In 2017, Mr Miller was awarded the Medal of the Order of Australia.

Our executive team

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



Chief Executive

Mr Ernest Schmatt AM PSM Dip Law (BAB)

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 became a member of the Order of Australia in 2018 for his significant service to the law in the field of legal education and review, and through the use of technology to assist the judiciary. He 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 Organization for Judicial Training (IOJT) in 2009 and appointed to the IOJT Board of Executives in 2011. He was reappointed to this position in 2013, 2015, 2017 and 2019. In June 2021 he was appointed Deputy Secretary General of the IOJT. He has been a member of the Advisory Board of the Commonwealth Judicial Education Institute since 1994, a member of the Executive Committee of the Asia Pacific Judicial Educators Forum and has served on the management committee of the Asia Pacific Judicial Reform Forum. Mr Schmatt was also an Honorary Associate of the Graduate School of Government, the University of Sydney (2003–2017). He has been involved in judicial capacity-building programs in China, Indonesia, West Bank and Gaza, Cambodia, Sri Lanka, Malaysia, the Philippines, Turkey and Papua New Guinea.



Deputy Chief Executive

Mr Murali Sagi PSM BEng GradCertPSM MBA FACS MIEAust Dip Law (LPAB)

Mr Murali Sagi works in close partnership with the Chief Executive, providing leadership and ensuring that internal governance, planning, policies and systems enhance the Commission's capability and capacity. He contributes to the development and implementation of strategic decisions and provides guidance as a member of the Executive, to achieve the Commission's objectives and service outcomes. In addition, he is responsible for information management, corporate services 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 Commission, particularly in the provision of information technology. He was also named the "Chief Information Officer — Government" of the year at the 2003 National IT&T awards and is a Fellow of the Australian Computer Society. Mr Sagi has been invited as a guest speaker to deliver the Occasional Addresses to new graduates at University of Wollongong and Western Sydney University. He has also been requested by the University of Sydney and the University of Technology Sydney to provide mentoring for their students.



Director, Education

Ms Una Doyle BCL (University College Cork and National University of Ireland), LLM (Syd)

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 Director, Education since December 2015. She has worked for over 25 years in legal education. Prior to joining the 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 a Past President of ACLEA, the International Association for Continuing Legal Education, and is a current co-chair of ACLEA's International Committee. She was President of the Continuing Legal Education Association of Australasia from 2005–2007, and has served as a member of its Executive for 8 terms.

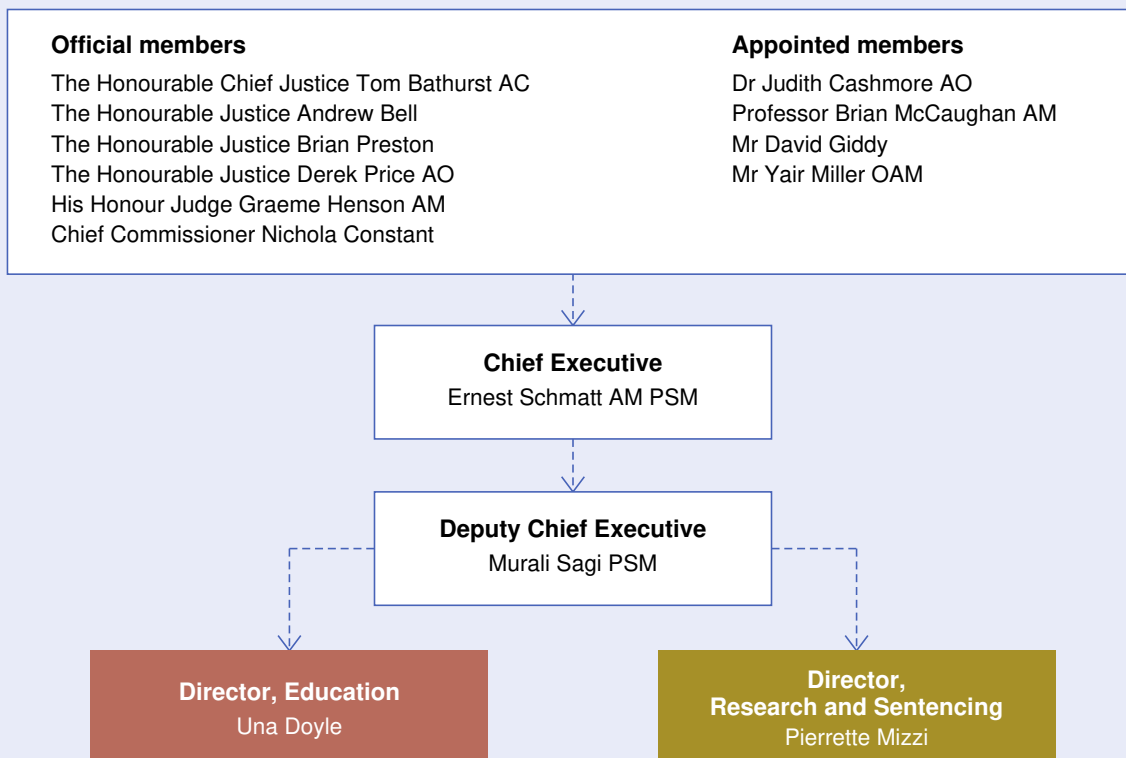


Director, Research and Sentencing

Ms Pierrette Mizzi LLB (University of Technology Sydney)

Ms Pierrette Mizzi is responsible for the Commission's research program and the content on the Judicial Information Research System (JIRS). Ms Mizzi was appointed Director, Research and Sentencing in May 2018. Ms Mizzi was admitted as a legal practitioner in 1996 and her prior experience includes nine years as a Principal Legal Officer at the Commonwealth Director of Public Prosecutions, and eight years as Manager of the Commission's Research and Sentencing Division. Ms Mizzi is the author of several publications on sentencing law, including *Sentencing for the offence of sexual intercourse with a child under 10* (2016), *Sentencing Commonwealth drug offenders* (2014) and *Sentencing offenders convicted of child pornography and child abuse material offences* (2010). She is also the author of a number of articles concerning recent areas of legislative reform.

Figure 4. Commission members and executive team as at 30 June 2021



Program 1

Delivering continuing judicial education

Judicial officers were informed about changes to the law, court practice and procedure, and community values through 37 education events held in 2020–21. Our 2020–21 education program was delivered via a combination of online and in-person, in keeping with COVID-19 restrictions.

1.1 Performance results 2020–21	24
1.2 Listening to judicial officers	26
1.3 Satisfaction with our continuing judicial education	28
1.4 How we design and deliver continuing judicial education	31





1.1 Performance results 2020–21

An assessment of the results shown in Table 1 demonstrates that our continuing judicial education program performed well in 2020–21 notwithstanding the impact of the COVID-19 pandemic. Table 1 shows the evidence for each identified result as well as details of each measure we have put in place to achieve our objectives, program highlights, challenges, and forward direction.

Table 1. Results for delivering continuing judicial education

Results	Measures	Target
Judicial officers were informed about changes to the law, community values, court practice and procedure	Maintain or increase number of reviewed publications, in response to major legislative reforms Maintain or increase number of specialised education events offered Education sessions assisted judicial officers to reach the national standard* of 5 judicial education days each year	34 publications 34 education events
Judicial skills, attitudes and knowledge were enhanced	Maintain or increase ratings that our services provide judicially relevant and stimulating education and information Provide relevant number of skills-based workshops and content Information in the <i>Equality before the Law Bench Book</i> is current and addresses access and diversity issues	80% of participants who provide feedback are satisfied that events were relevant and applicable and 70% of participants satisfied that events provided enhanced knowledge and capability
Judicial officers were satisfied with our education program	Maintain or improve satisfaction rates Maintain or increase voluntary attendance rates*	85% overall satisfaction from participants who provide feedback
We responded to concerns about judicial performance raised in the complaints process	Design education events based on specific concerns raised in complaints	

* 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 New Zealand and national and State judicial education bodies. Our continuing judicial education program is not compulsory. Given the education days are voluntary, the Commission does not set targets but is guided by the standard. See Appendix 3 for more information.



Performance	Status	
<p>56 publications, including 25 bench book and handbook updates, 1 <i>Sentencing Snapshots</i>, 11 bulletins, 1 <i>Recent Law</i> flyer (comprised of 11 issues), 1 journal issue, 17 videos: see p 39</p> <p>Monthly Judicial Commission meetings and/or bench book committees and experts reviewed publications</p> <p>Increased to 37 events offering the option to attend online or in-person to address the ongoing COVID-19 pandemic: see pp 28, 29</p> <p>3.7 education days offered, 3.3 days undertaken: see p 31</p> <p>HIGHLIGHT We increased the number of our educational offerings utilising a variety of modes of delivery, thereby continuing to ensure that judicial officers were supported during very challenging times. We expanded the scope of our program as we had greater access to interstate and overseas presenters via webinars</p>	<p>↑</p> <p>↑</p> <p>✓</p>	<p>Challenges 2020–21</p> <ul style="list-style-type: none"> The ongoing global pandemic continued to impact delivery of our education program. Where possible, in-person programs were re-configured for online delivery, with staff quickly adapting to new platforms and software programs. Postponement and cancellation of large programs necessitated renegotiation of contracts with venues and service providers. In addition, adherence to frequently changing public health regulations had to be carefully managed. In line with public health advice, publishing and programs staff worked from home, requiring technology upskilling for many, especially in a changed working environment. Although all of our publications are available online, we needed to revise how we provided hard copy to ensure we maintained this service, where health regulations permitted.
<p>78% satisfied that events were relevant and applicable and 80% satisfied enhanced knowledge and capability: see p 28</p> <p>4 skills-based workshops: see p 28</p> <p><i>Equality before the Law Bench Book</i> was updated to include a revised chapter on “Women”, incorporating information about sexual harassment and contemporising terminology about gender</p> <p>HIGHLIGHT We progressed development of a comprehensive new online handbook, designed to inform judicial officers about a range of contemporary and emerging topics</p>	<p>↓</p> <p>↑</p> <p>✓</p> <p>✓</p>	
<p>Evaluations of all education sessions show satisfaction with our continuing education program was 92%: see p 28</p> <p>Attendance rates increased to 3.3 average training days undertaken by each judicial officer, with the option to attend online or in-person due to COVID-19 restrictions: see p 31</p> <p>HIGHLIGHT We commenced work on our response to the <i>Family Is Culture Review Report: Independent Review of Aboriginal Children and Young People in OOHC</i>, scoping and implementing the recommendations</p>	<p>↑</p> <p>↑</p>	<p>Judicial education expenditure:</p> <p>\$3.6 million as at 30 June 2021 (53.5% of overall expenditure).</p> <p>Looking ahead 2021–22</p> <ul style="list-style-type: none"> Build on the work we have done throughout 2020 to enhance the scope of our programs, using new delivery platforms and technology we have acquired. Working with courts to ensure that judicial officers are supported during the expected implementation of significant reforms to consent laws in 2021–22. Continue to update bench books in time to capture high volume, significant reforms. Respond to the findings of our joint research initiative into vicarious trauma by developing appropriate web resources and programs. Publish our new <i>Handbook for judicial officers</i>.
<p>Programs held addressed appropriate judicial behaviour, implicit bias, DNA technology, and climate bonds: see Appendix 5 for list of topics</p> <p>HIGHLIGHT We published the outcomes of the vicarious trauma research project, in partnership with UNSW: see case study on p 27</p>	<p>✓</p>	

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



1.2 Listening to judicial officers

Judicial officers' feedback shows how relevant they find our programs.

"Excellent presentation. Very accessible and beautiful integration of relevancies for different fields including for the natural environment/ecological conservation."

Land and Environment Court of NSW Annual Conference, June 2021

"A lively engaging and empathic presenter who presented and lead discussion of a difficult but important topic extremely well."

Land and Environment Court of NSW Annual Conference, June 2021

"Highly relevant and useful in tailoring mediation and conciliation training in the particular context of the court."

Land and Environment Court of NSW Webinar: Mediation and the Land and Environment Court, June 2021

"Outstanding conference. Highly interesting and relevant topics and engaging presenters."

District Court of NSW Annual Conference, April 2021

"Thank you, Judicial Commission, for the amazing work you do and for all your support."

District Court of NSW Annual Conference, April 2021

"This was one of the best presentations I have ever seen. The content was excellent, and the topic is so current, this is a big issue for magistrates, each and every day. The session was also fantastic as the presenter was extremely engaging, interesting and I thoroughly enjoyed it."

Local Court of NSW Southern/Northern Regional Conference, March 2021

"Excellent presentation. The content was extremely good, as was the delivery of the presentation."

Local Court of NSW Southern/Northern Regional Conference, March 2021

"Excellent and engaging presentation. This is a very current topic affecting our work every day and it was great to hear about authorities ... Thank you for this great presentation."

Local Court of NSW Southern/Northern Regional Conference, March 2021

"The conference was fabulous. Thank you especially to the Judicial Commission for making AVL available at short notice. I was flood affected and attended via AVL. All the presentations were excellent, current and useful information that we can apply every day, the presentations focused on current issues, and contained lots of practical tips."

Local Court of NSW Southern/Northern Regional Conference, March 2021

"The Judicial Commission officers were as always, helpful and welcoming."

Local Court of NSW Southern/Northern Regional Conference, March 2021

"JIRS is great — the presentation highlighted features very useful to use all in our day-to-day work. So thank you!"

Local Court of NSW Metropolitan Series I, February 2021

"I really appreciated the session and despite COVID, would like to have more sessions on zoom or webinar in the future."

Ngara Yura Program Webinar: Making the Past Visible: The Colonial Frontier Massacre Map Project and the Legacies of Frontier massacres, November 2020

"The program is fabulous and thought-provoking. I learnt so much and will be making changes to how I approach things."

Local Court of NSW Magistrates' Orientation Program, September 2020

"I would just like to say that the webinar format is a great medium to reach Judicial Officers in the country or would otherwise be unable to attend a face to face presentation."

Cross-jurisdictional Webinar: An introduction to the Bugmy Bar Book Project, July 2020



Case study

Increasing focus on judicial wellbeing

In the context of increasing workloads for judicial officers, high levels of trauma and stress, and the release of coronial findings into suicides of Victorian magistrates, we have renewed our focus on how we can better support judges and magistrates. This is an incredibly important topic on a global scale and one which will continue to make headlines. In 2020, the American Bar Association published a national study of judicial stress “Stress and Resiliency in the U.S. Judiciary”.

In 2018, the Commission partnered with the University of NSW to develop a research project into the effect of vicarious trauma on judicial officers. The draft findings of this ground-breaking research were released in October 2020 and published in our *Judicial Officers' Bulletin* in February 2021 in an article entitled “A fragile bastion”. The UNSW study reveals alarmingly high levels of psychological distress among respondents and the findings enable comparisons to be drawn between courts. Compared to judges in the higher courts, magistrates reported qualitatively and quantitatively different experiences, including significantly higher levels of trauma-related symptoms.

These UNSW findings into the prevalence and impact of traumatic stress in judicial officers are in line with Australia’s first empirical research into judicial stress, conducted by Ms Carly Schrever, Judicial Wellbeing Advisor, Judicial College of Victoria. This was released in 2018 and her subsequent research “Where stress presides: predictors and correlates of stress among Australian judges and magistrates” in May 2021.

Since the release of the findings of the joint research initiative in October 2020, we have been working to develop appropriate educational responses. In addition to the existing pressures of judicial office, new challenges for the judicial community emerged during the COVID-19 pandemic. To assist judicial officers in responding to these challenges, we held a webinar with Ms Carly Schrever and Ms Sally Ryan from the Judicial College of Victoria on the topic of “2020 Interrupted — judicial wellbeing in trying times” (November 2020).

To coincide with the publication of “A fragile bastion” in February 2021, we recorded an interview with authors Dr Kevin O’Sullivan and Professors Jill Hunter, Richard Kemp and Prue Vines of UNSW. The interview, available on JIRS, unpacks the findings of the study that examined NSW judicial officers’ survey responses regarding the prevalence and impact of traumatic stress.

Prior to this we had made available a selection of relevant resources for judicial officers on the topic of coronavirus and judicial wellbeing (with the kind permission of the Judicial College of Victoria) via our JIRS database. The web-resource was designed to assist judicial officers to understand the anticipated risks to wellbeing through the coronavirus period.

Throughout 2020–21 we have continued to implement a structured mentoring program for new magistrates to facilitate the transition into their judicial roles and to support them as they take up regional postings.

More broadly, we considered the impact of working in a high-stress environment on colleagues and peers in an educational session at our Land and Environment Court Annual Conference, June 2021. Increased stress can lead to heightened tensions both inside and outside the courtroom and the session was designed to explore some strategies to help remain calm and defuse conflict.

Looking ahead, we will continue to develop further programs and resources, including an online portal to assist judicial officers.



Screenshot from the “A fragile bastion” presentation, available on JIRS. In this presentation, Dr Kevin O’Sullivan and Professors Jill Hunter, Richard Kemp and Prue Vines of UNSW, unpacked the findings of the UNSW study that examined NSW judicial officers’ survey responses regarding the prevalence and impact of three kinds of traumatic stress.



1.3 Satisfaction with our continuing judicial education

92% judicial satisfaction with the 37 events that comprised the education program in 2020–21.

Evaluating our continuing judicial education program

Our mission is to promote the highest standards of judicial behaviour, performance and decision making. The education program we offer is tailored to enhance judicial skills, knowledge and attitudes. So that we know what judicial officers need from our program, we invite feedback on each education event offered, including its professional and practical benefits. The Commission's complaints process also provides the people of NSW the opportunity to raise concerns about the ability or behaviour of a judicial officer. The number of complaints we receive each year is very low compared to the high volume of matters that judicial officers hear. This attests to the high standard of judicial ability and performance in NSW: see p 49 for details about complaints made during the year.

On an overall measure of satisfaction, judicial officers who provided feedback on events were 92% satisfied with the continuing education program (last year: 92%), which comprised 37 discrete events. Programs offered in 2020–21 were delivered in many ways, due to the COVID-19 pandemic and in line with public health regulations. Seventy-eight per cent of respondents agreed that the education sessions were applicable to their work and 80% agreed that they enhanced their knowledge and capability. There was 98% satisfaction rating for support received from Commission staff.

Satisfaction remains high with annual conference program

Judicial officers who provided feedback on events were 90% satisfied (last year: 87%) with their annual conference as shown in Figure 5. Usually, an annual conference is held for each of the State's courts, however in 2020–21 only three court conferences could be held due to the pandemic. The education committee of each court, working with the Director, Education, developed specialised sessions for the specific needs of the court and invited suitable judicial or expert presenters to facilitate these. Based on evaluations received, judicial officers from courts who were able to proceed with an annual conference, feel that their education needs continue to be met through these events which also promote court collegiality. The full list of sessions offered at the three annual conferences is found in Appendix 5.

High satisfaction with seminar program

Seminars and webinars are offered throughout the year to address the specific educational needs of judicial officers identified through the education design process. As shown in Figure 6, participants who provided feedback on events were 90% satisfied (last year: 92%) with the seminar program. Discrete sessions were held during the year that covered a

range of educational topics for judicial officers. Due to the pandemic we offered a combination of online and in-person programs throughout the reporting period. A full list of topics can be found in Appendix 6.

High satisfaction maintained with skills-based workshops

Magistrates who provided feedback remained highly satisfied (95%) with their workshops as shown in Figure 7. Four workshops were held this year (last year: 5). In some instances, skills workshops for judicial officers are now held in partnership with other judicial education organisations to avoid duplication of offerings.

Figure 5. Satisfaction with annual conference program 2016–21

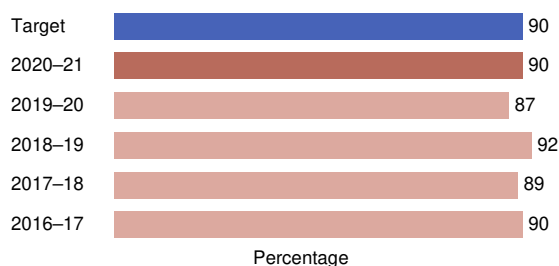


Figure 6. Satisfaction with seminars and gaol/forensic visits 2016–21

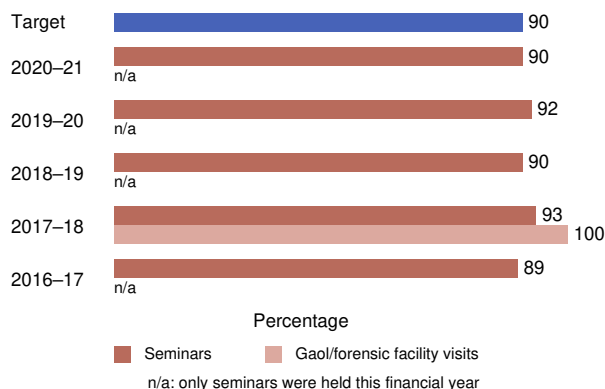


Figure 7. Satisfaction with workshops 2016–21

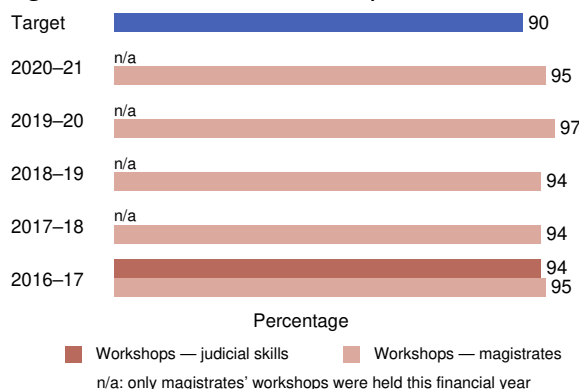
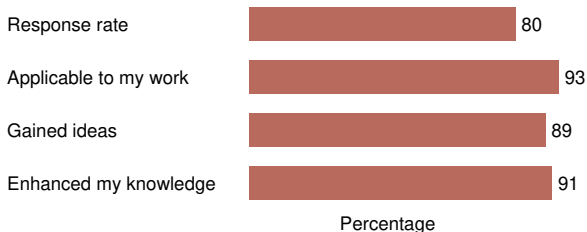




Figure 8 shows that the majority of magistrates who provided feedback were satisfied with the professional and practical benefits of these sessions with 93% finding the workshop was applicable to their work (last year: 98%) and 91% finding the session enhanced their knowledge and capability (last year: 90%).

Figure 8. Rating of professional and practical benefits of 2020–21 workshops



We do not set quantitative targets for these ratings.

Increased online offerings

Throughout 2020–21 we continued to offer programs online and by webinar. Historically, judicial officers in regional and metropolitan areas have benefited the most from programs delivered online. However, the value of this medium for delivering education was highlighted throughout the reporting period when the COVID-19 pandemic necessitated the cancellation of most in-person events.

In addition, judicial officers who are unable to participate in live education sessions can catch up with videos of select sessions available on the Judicial Information Research System (JIRS) (see p 38 for information about JIRS). During the past year we published 17 videos and podcasts (last year: 7) on a range of topics including judicial wellbeing, DNA and tendency evidence.

We also maintain a program materials database, a rich, educational resource where all available papers and presentations from our conference and seminar program are published. During the year, we published 45 new papers and presentations on this database.

We continue to offer interactive learning applications to Apple™ and Google Android™ devices, based on gaming technology. These enable judicial officers to hone their decision-making skills using an interactive learning application.

Conducting induction and orientation sessions for new judicial officers

During the year, we provided 13 judicial orientation packages (last year: 21), access to the Judicial Information Research System (JIRS) and computer support (if required) for new judicial officers.

In partnership with the Local Court, we provided 5 pre-bench sessions (last year: 5) and a week-long orientation program to assist new magistrates in their transition to judicial office. The program had a focus on knowledge and fundamental judicial skills about court craft, decision making, sentencing, judicial administration and judicial conduct. All attendees reported that the program had enhanced their knowledge and capability and as a result, expected

to make changes to the way they work. We also continued to assist with administering the Local Court's structured mentoring scheme.

The Commission also held 4 pre-bench sessions for newly appointed District Court judges (last year: 1), providing an opportunity for them to benefit from the knowledge and experience of senior judges.

We again delivered training sessions on JIRS to Supreme Court tipstaves to assist them with providing research support to judges. Mr Mark Zaki, Managing Lawyer, Research and Sentencing, delivered a well-received training session in February 2021, via webinar. JIRS logins are also issued to tipstaves to assist them with supporting judges.

The National Judicial Orientation Program (NJOP), conducted with our national partners, is a week-long induction and orientation program for newly-appointed judges. The NJOP addresses the significant requirements of the judicial role as well as the personal implications of becoming a judicial officer and standards of behaviour required. Due to travel restrictions necessitated by the pandemic, the October 2020 program was postponed to April 2021 (Brisbane). The program received positive feedback: of the participants who provided feedback, 96% rated the program's usefulness and relevance as excellent or very good. The Judicial Commission assisted the National Judicial College of Australia to present this program.

Continuing support of Ngara Yura Program

Participation in our First Nations cultural competency program remains steady and satisfaction is high. Participants who provided feedback were 93% satisfied (last year: 87%) as shown in Figure 9. The Ngara Yura Program is offered to raise judicial awareness about First Nations history and culture, First Nations interactions with the criminal justice system, and to provide an opportunity for judicial officers to meet and exchange ideas with First Nations people.

Our Aboriginal project officer works with the Ngara Yura committee to develop and implement a range of strategies, including tailored education activities. The Ngara Yura Program adopts a multi-faceted approach, with partnerships, community visits, seminars and publications designed to promote inter-cultural communication and understanding. The program is based on Recommendations 96 and 97 of the Royal Commission into Aboriginal Deaths in Custody (see Appendix 9 and at www.judcom.nsw.gov.au/education/ngara-yura-program/ngara-yura-committee-terms-of-reference/). See case study on p 32.

Throughout 2020–21 we continued to implement our strategic plan for the Ngara Yura program. Due to restrictions imposed by the pandemic, we were unable to hold our regular joint programs with the NSW Bar Association and the Law Society of NSW. However, we proceeded to offer a range of webinars on significant topics.

In September 2020, we hosted a live virtual tour of the Linear Exhibition, held at the Museum of Applied Arts and Sciences (MAAS). Judicial officers were able to watch a special “showing” of this unique exhibition, which explores line and lineage within Indigenous cultural narratives and practices across science, technology, design and aesthetics.

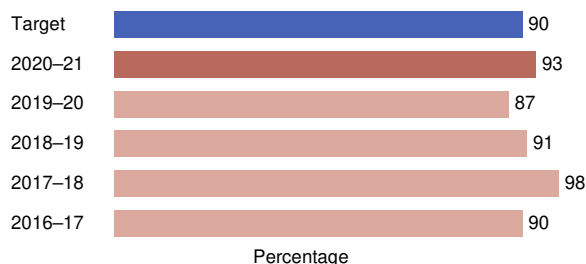
In October 2020, we facilitated a webinar on a research project “Bias against Indigenous Australians” and in March 2021, judicial officers heard from the Victorian County Koori Court about the role of a specialist court in contributing to a reduction in the number of incarcerated First Nations people. Both of these programs were live streamed and recordings made available for viewing after the event.

Although a planned visit to the La Perouse community in May was cancelled due to COVID-19 concerns, we were able to host a community visit to WEAVE in April 2021. Judicial officers were able to learn about the “Creating Futures Justice Program”. This program was established in response to community needs and developed to address the over-representation of First Nations people in the criminal justice system. See case study below.

More information about the program is found on our public website and committee membership is listed in Appendix 4.

Of the judicial officers who attended the community visit and webinars held throughout the year and provided feedback, 86% found that the sessions enhanced their knowledge and capability and 87.5% found they provided opportunities for reflection on cultural values, beliefs and attitudes and how they impact on interaction with First Nations cultures.

Figure 9. Satisfaction with Ngara Yura Program 2016–21



Case study

Ngara Yura Visit to WEAVE, Waterloo, 29 April 2021

Part of our First Nations cultural awareness training for judicial officers (the Ngara Yura Program) is to organise community visits. In April 2021, judicial officers visited WEAVE, a not-for-profit organisation established in 1976. WEAVE provides programs supporting First Nations children, young people, families and communities.

We were joined by Chair of the Board, Dr Peggy Dwyer, the CEO, Siobhan Bryson and Daniel Daylight, Coordinator of the Creating Futures Team, who gave a full-to-capacity room an overview of the programs that WEAVE offers.

The team played the short film “Always Was, Always Will Be” (available on weave.org.au) the theme of which, connecting to land and place, runs through the WEAVE programs and services. These are designed to help tackle issues related to poverty, drugs, alcohol and mental health, homelessness, domestic violence, family breakdown and isolation.

Daniel Daylight spoke about the achievements of the Creating Futures Justice Program established in response to community needs to address the over-representation of First Nations people in the criminal justice system. This is designed to help and empower First Nations and other people exiting prison, and give them every chance to create a positive future for themselves.

Discussion also included how judicial officers could utilise WEAVE in early intervention strategies to avoid future custodial sentences.



Judicial officers visited WEAVE as part of our First Nations cultural awareness training.



1.4 How we design and deliver continuing 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 initially 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 continuing judicial education program is voluntary and the level of voluntary attendance is a good measure of how well judicial officers accept the need for continuing professional development and how relevant they find the education sessions to their judicial role.

The national benchmarking standard is 5 days a year. The Council of Chief Justices of Australia and New Zealand and national and State judicial education bodies have adopted the standard. In addition to attending our programs, judicial officers can also meet this standard by attending other continuing judicial education providers' programs or by self-directed professional development.

As the restrictions imposed by COVID-19 continued throughout 2020, suspension of our in-person program offerings continued. However, we increased our online offerings and consequently we offered 3.7 days of education for each judicial officer compared with 3.5 days last year. The overall average attendance rate of 3.3 judicial education days a year (last year: 2.8 days) is also reflective of this.

Our Continuing Judicial Education Policy is published on the Commission's website: see Appendix 3.

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

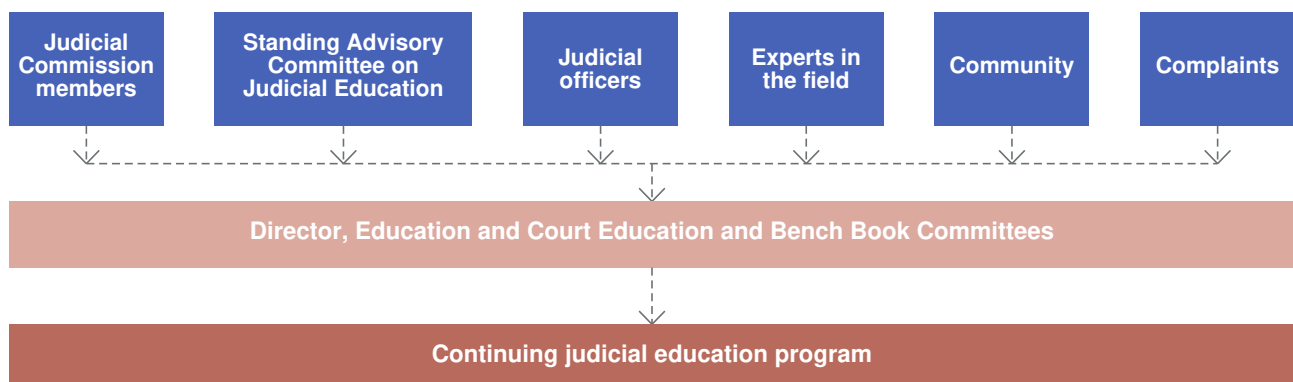
Services delivered during the year include:

- induction and orientation sessions for new judicial officers
- annual conferences for three NSW courts
- skills-based workshops
- seminars
- webinars
- field trips
- distance education including videos and live web streaming
- First Nations cultural competency sessions and community visits (the Ngara Yura Program)
- digital and multi-media resources
- online and print publications. See p 39 for details about our published legal information program
- technology training and support
- a regular e-newsletter advising judicial officers about upcoming seminars, conferences, and recent conference and seminar papers available to download.

Leveraging judicial expertise

The Director, Education and her team work with 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 designing courses to their delivery. Figure 10 below shows how this process works and Appendix 4 gives details about our current committees. Judicial officers who serve on these committees generously give their time and expertise. Concerns raised in the complaints process also inform the design of the continuing education program. Judicial involvement ensures that the program is relevant and acceptable to judicial officers and maintains the need for judicial independence.

Figure 10. Delivering continuing judicial education design process





Case study

Looking back but moving forward: reflecting on the 1991 Royal Commission into Aboriginal Deaths in Custody

The 30-year anniversary of the release of the Final Report of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) occurred in April 2021. The Commission acknowledged this milestone by publishing a special First Nations issue of our monthly *Judicial Officers' Bulletin*. Professor Marcia Langton AM wrote the lead article *"Thirty years on from the Royal Commission, what needs to change?"*. His Honour Judge Stephen Norrish QC, who was Senior Counsel assisting the Royal Commission, contributed a reflective piece entitled *"Thirty years on from the RCIADIC Final Report, what can judicial officers do?"*.

In spite of the passage of time, the work, findings and many of the recommendations of the RCIADIC remain relevant. In his Opening of Law Term Address (February 2021), Chief Justice Tom Bathurst AC noted that "the Black Lives Matter movement has highlighted the distrust of many towards the ability of our justice system to in fact deliver justice for Australia's First Nations People". Matters of concern still remain either unresolved or not addressed and they underpin much of our thinking as we work to design judicial education programs to better inform judicial officers.

The Judicial Commission's Ngara Yura Program was established in 1992 in direct response to the recommendations of the Royal Commission. The primary aim remains to increase awareness among judicial officers about contemporary First Nations social and cultural issues, and their effect on First Nations people in the justice system. The RCIADIC also led to the establishment of a dedicated position within the Judicial Commission's Education department, that of the Ngara Yura Project Officer, to support the work of the program.

The work of the program's committee has inevitably changed since its formation. For example, in 1991, when the findings of the Royal Commission were handed down, there were few First Nations staff in identified positions employed within the courts. This severely limited the exposure of judicial officers and court staff to information about First Nations customs, culture, traditions and society, something the program sought to address. Almost 30 years on we have seen a significant increase in the number of First Nations people employed within the justice sector and correspondingly, a noticeable improvement in the level of cultural awareness and knowledge that judicial officers have.

Following a review of the Ngara Yura Program in 2017, we sought to explore new ways to diversify our program and also address one of the Committee's key responsibilities, being "to provide advice to the Judicial Commission regarding trends and emerging issues associated with First Nations people before the courts and criminal justice system matters". The plan was developed with the following key factors in mind: the changing nature of the delivery of education and information; changes to community expectations; and a changing First Nations community. The plan was completed this year and, pleasingly, has met almost all of the goals we set out.

COVID-19 has led to changes in how we deliver our program

Although the COVID-19 pandemic necessitated a change to our program's delivery methods, particularly with the cancellation of in-person events, it also offered new opportunities to increase our online offerings. An excellent example of this was a live virtual tour of the Linear Exhibition on 24 September 2020. Linear was held at the Museum of Applied Arts and Sciences (MAAS) and explored line and lineage within Indigenous cultural narratives and practices across science, technology, design and aesthetics. In partnership with the MAAS, using Zoom Enterprise, judicial officers were able to connect to the Powerhouse Museum and take part in a virtual showing, hosted by Ngara Yura Committee Members Justice Rachel Pepper and Mr Jason Behrendt.

In October, the program tackled the challenging topic of unconscious bias, with a spotlight on First Nations people. A webinar "Implicit Bias against Indigenous Australians" discussed research findings by the Australian National University's Sir Roland Wilson Scholar, Mr Siddharth Shirodkar.

Another Ngara Yura webinar addressed a confronting subject, being that of frontier massacres. "The Colonial Frontier Massacre Map Project" explained the brutal history of these events and their intersection with the legal system over the years.

In March, as the 30th Anniversary of RCIADIC drew closer, we highlighted over-representation of First Nations people in our prisons by focusing on a solutions-based program — exploring the role of a specialist court. The County Koori Court of Victoria was introduced to help contribute to reducing the rate of recidivism amongst First Nations accused people by providing a culturally sensitive court environment aimed at reducing the First Nations prison population. NSW judicial officers had the opportunity to "listen and learn" as Judge Irene Lawson and Ms Terrie Stewart explained how the court operates.

Although 2020–21 was a challenging year, it gave us unexpected opportunities. We still have much work to do, however we believe we have demonstrably increased our level of engagement with external organisations, facilitated the sharing of judicial knowledge in respect to First Nations people, and enhanced opportunities for First Nations people to learn about the judicial process.

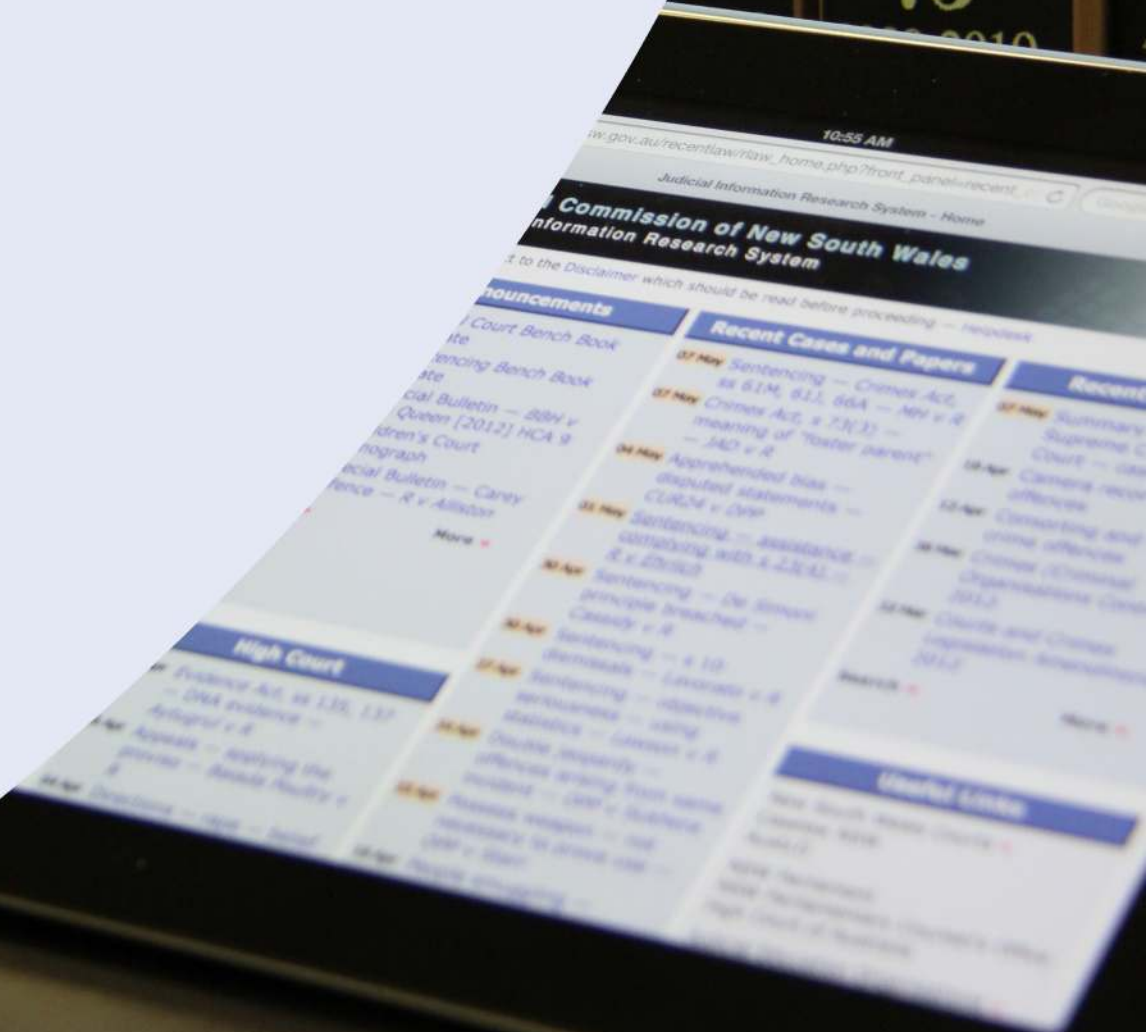
Looking ahead, through our Ngara Yura program, we will continue to remind judicial officers of their important responsibility to "listen, learn and lead" when dealing with First Nations Australians who come before them.

Program 2

Providing legal information

We provided current, timely and accurate legal information using web-based technology to promote the highest standard of judicial performance.

2.1 Performance results 2020–21	34
2.2 Listening to feedback	36
2.3 Key focus and challenge for the year	36
2.4 Why we provide legal information and resources	38
2.5 We provide accurate and current legal information	38





2.1 Performance results 2020–21

An assessment of the results shown in Table 2 demonstrates that our legal information program performed well in 2020–21. Table 2 shows the evidence for each identified result as well as details of each measure we have put in place to achieve our objectives, program highlights, challenges, and forward direction.

Table 2. Results for providing legal information

Results	Measures	Target
Judicial officers and JIRS users had access to current law to assist in their day-to-day decision making	Maintain or increase use of Judicial Information Research System (JIRS) Maintain access to current law in JIRS	125,000 page hits each month JIRS available 99% of the time
Judicial officers and JIRS users were promptly informed about changes to criminal law and criminal practice and procedure, and changes to sentencing law and practice	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 Maintain legal accuracy of Sentencing Information Principles and Practice component of JIRS	See Note 1 below, update as required for <i>Criminal Trial Courts Bench Book</i> and <i>Sentencing Bench Book</i> Sentencing principles in <i>Sentencing Bench Book</i> linked to new cases and legislation <i>Note 1:</i> It is not possible to determine a target for <i>Recent Law</i> items, summaries and bench book updates as these are responsive to outcomes delivered by the courts or by Parliament as a result of government reform. As external variables, they are outside the Commission's control.
Accurate sentencing information was available to judicial officers	Maintain sentencing statistics on JIRS showing range and frequency of penalties imposed for particular offences Maintain information that explains why a sentence was passed Maintain information about sentences that other judicial officers have given in similar circumstances	1–4 months As required As required
Information about sentencing was communicated	Publish information and update our online and loose-leaf services to advise judicial officers about sentencing and sentencing law reform Maintain/increase publication of <i>Sentencing Trends & Issues</i> , <i>Sentencing Snapshots</i> and research papers Provide information in response to requests for specific sentencing issues	As required, see Note 1 above As required, see Note 2 below As required, see Note 1 above <i>Note 2:</i> Publication of <i>Sentencing Trends & Issues</i> , <i>Sentencing Snapshots</i> and research papers, and responding to specific requests for information, are dependent on external variables, ie changes to the law, which cannot be predicted for quantitative target setting.
Judicial officers were informed about sentencing options and rehabilitation facilities for offenders	Maintain current information about service providers in Diversionary Programs database on JIRS	As required
JIRS was improved to meet judicial officers' needs	Maintain/increase number of improvements to JIRS	5 enhancements

Photo previous page: The iPad™ shows the home page of our Judicial Information Research System (JIRS). This world-leading database keeps our judicial officers up to date with current and accurate legal reference material.



Performance	Status	Challenges 2020-21
123,366 average hits each month: see p 39	↓	<ul style="list-style-type: none"> Managing the continuing impact of the COVID-19 pandemic which affected the rate and volume at which legal information was produced by courts and legislature. Maintaining the use of JIRS at levels consistent with that of previous years. Managing the impact of, and finding a solution to, BOCSAR no longer being able to provide the Commission with particular sentencing data required by the Commission to discharge its core function of assisting the courts to achieve consistency in sentencing.
JIRS was available 99% of the time	✓	
Updating demonstrated by: <ul style="list-style-type: none"> 239 <i>Recent Law</i> items posted on JIRS throughout the year 133 summaries of select appeal decisions published on JIRS <i>Recent Law</i> flyer sent monthly to judicial officers 5 updates published to the <i>Criminal Trial Courts Bench Book</i> 3 updates published to the <i>Sentencing Bench Book</i> 5 updates published to the <i>Local Court Bench Book</i> Revised commentary in bench books linked to new cases and legislation	✓	
HIGHLIGHT We maintained our dedicated COVID-19 resources on JIRS, collating all pandemic-related material and published <i>Recent Law</i> items for cases addressing impacts of COVID-19: see p 36		Legal information expenditure: \$2.5 million as at 30 June 2021 (37.2% of overall expenditure).
Sentencing data received, audited and loaded on JIRS generally within 1-4 months of receipt, two exceptions within 8 months due to changes in data provided by BOCSAR: see p 40	↓	Looking ahead 2021-22 <ul style="list-style-type: none"> Continue the systematic revision of <i>Sentencing Bench Book</i> and <i>Criminal Trial Courts Bench Book</i> to review information for currency and accessibility, given increased complexity of criminal law, and introduce an automated notification system for future updates where possible. Planning for the commencement of the consent reforms being introduced in NSW Parliament in the second half of 2021 which will include re-writing sections of the <i>Criminal Trial Courts Bench Book</i>, drafting an article in the <i>Judicial Officers' Bulletin</i>, and further large-scale education/programs about these reforms. Publish a <i>Sentencing Trends & Issues</i> on the impact of recent sentencing reforms for domestic violence offences in the Local Court, including analysis of the sentences for particular domestic violence offences and the impact on sentences of District Court appeals. Continue to collaborate across teams within the organisation to improve the presentation of legal information on JIRS, including sentencing statistics. Continue to engage with judicial officers to ensure JIRS meets their needs and liaise with the legal profession to keep them informed of developments in the presentation of the sentencing statistics on JIRS.
Access provided to case details from sentencing graphs, including judgments in all appeal cases and sentencing reasons in District Court cases published on Caselaw site. These provide detailed information as to why the specific sentence was imposed	✓	
Published 133 summaries of significant appeal decisions on JIRS and 68 in the <i>Judicial Officers' Bulletin</i> : see p 39	✓	
HIGHLIGHT We worked with other government agencies to develop a Privacy Code of Practice to be able to receive prior offending and ATSI status data for sentencing statistics on JIRS: see p 61		
We communicated information about specific criminal and sentencing law, for example, by: <ul style="list-style-type: none"> updating commentary, publishing <i>Recent Law</i> and <i>Judicial Officers' Bulletin</i> articles, and conducting programs about the mental health reforms: see case study on p 44 updating commentary and suggested jury directions in <i>Criminal Trial Courts Bench Book</i> to address reforms to tendency evidence law: see case study on p 37 1 <i>Sentencing Snapshots</i> published: see p 41	✓	
Responded to 41 research requests: see p 41	✓	
HIGHLIGHT We rewrote a number of chapters of the <i>Sentencing Bench Book</i> as part of our program for the systematic review of that book and its content: see p 36		
Information and contact details in the Diversionary Programs database regularly monitored, updated and hyperlinked throughout the year	✓	
4 major enhancements were made to JIRS to respond to feedback: see p 41	↓	

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



2.2 Listening to feedback

Our programs and publications are regarded as relevant, informative and helpful.

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

"I would like to express my gratitude to the authors and others involved with the preparation and dissemination of this publication. I have been looking at it today and it will be an invaluable tool for me to use and will save me a great deal of time. Thank you to everyone involved."

Magistrate's feedback on *Sentencing Trends & Issues 47: Navigating the Bail Act 2013*, July 2020

"I have had two very difficult bail decisions in the last 10 days and on both occasions I used the trends ... It is superb because it collects many first instance and appellate decisions about the Bail Act and puts them in statutory order. I do my best keeping up and the Local Court Bench Book is also important for me. But this publication is refreshing in that it lays out the structural and definitional tensions in the Act. There is a discipline in the writing. ... Well done anything on the Bail Act is well received."

Magistrate's feedback on *Sentencing Trends & Issues 47: Navigating the Bail Act 2013*, August 2020

"It was a pleasure to be involved in reviewing such a wonderful resource. I was so impressed with the degree of detail and data and research — I'm sure it will be a great resource for the Bench and practitioners alike."

Re Women's chapter in *Equality before the Law Bench Book*, Principal Solicitor, Women's Legal Service NSW, October 2020

"It is an extremely useful publication."

Magistrate's feedback on the *Judicial Officers' Bulletin*, February 2021

We received positive feedback about our Judicial Information Research System (JIRS):

"I wish I had more time to spend on JIRS. It is an invaluable resource."

Magistrate's feedback on *A JIRS Refresher* session at the Local Court of NSW Metropolitan Series I, February 2021

"My research thesis has been greatly aided by this tool ... the database is amazingly interesting and useful!"

Student at the University of Melbourne undertaking a legal research thesis, 18 May 2021

2.3 Key focus and challenge for the year

The COVID-19 pandemic and its impacts continued to be a key focus and challenge in this reporting period for the Commission. We undertook the following activities to provide legal information specifically in relation to the pandemic:

- published *Recent Law* items for cases addressing impacts of the COVID-19 pandemic on court processes and the administration of justice usually within 2 days of receiving judgments
- maintained a separate section on the Judicial Information Research System (JIRS) where all pandemic-related material was available for ready access
- published articles in the *Judicial Officers' Bulletin*: P Doyle Gray, "Remote justice in the time of COVID-19 and beyond" (2020) 32 *JOB* 65; C D'Aeth "Virtual courts in the time of coronavirus" (2020) 32 *JOB* 83; T Spohr, "Criminal practice during a pandemic: a defence lawyer's experience" (2020) 32 *JOB* 85.

Another challenge concerned implementing our program to substantially review and rewrite content of the *Sentencing Bench Book*. This was impacted by the resignation of one of the senior legal research staff who was called to the NSW Bar in the early part of this reporting year. A project of this kind is resource intensive as it requires careful consideration of how particular legal issues have developed and changed over time and the associated rewriting that results. Notwithstanding the resource impact, we rewrote a number of chapters of the Book including those related to: the purposes of sentencing, setting terms of imprisonment, parity, sentencing Commonwealth offenders and the offence of dangerous driving.

In relation to other legal information, a major focus was on providing guidance on the new *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*, which repealed the *Mental Health (Forensic Provisions) Act 1990* and introduced a new legislative scheme



providing for persons with a mental health or cognitive impairment appearing before a NSW court: see case study on p 44.

We published two articles on this topic in the *Judicial Officers' Bulletin*: M Ierace, "Introducing the new Mental Health and Cognitive Impairment Forensic Provisions Act 2020" (2021) 33 *JOB* 15 and J Sanders, "Diversion under the new Mental Health and Cognitive Impairment Forensic Provisions Act 2020" (2021) 33 *JOB* 18.

We also delivered several presentations including:

- JIRS training for Supreme Court tipstaves in March 2021
- a talk about using comparable cases in sentencing proceedings and statistical information in March 2021, as part of the Law Society of NSW's continuing legal education program, and
- multiple presentations about optimising the use of JIRS for magistrates of the Local Court of NSW in February and March 2021.

Case study

Informing judicial officers about reforms to tendency evidence law

The Royal Commission into Institutional Responses to Child Sexual Abuse made recommendations to reform the way tendency and coincidence evidence is admitted in trials and how joint trials are conducted in child sexual assault matters. This year, the *Evidence Act* 1995 and the *Criminal Procedure Act* 1986 were amended in response to these recommendations. Amendments included broadening the scope of tendency and coincidence evidence, changing the test for determining when such evidence cannot be used, and creating a presumption that offences be heard together in particular circumstances. A jury direction concerning the standard of proof for tendency and coincidence evidence was also introduced.

To prepare for the implementation of these complex reforms, the Judicial Commission worked with the NSW Department of Communities and Justice to ensure we had sufficient time to prepare and inform judicial officers before the reforms commenced. We published information about the reforms in our monthly publication, the *Judicial Officers' Bulletin* and on the Judicial Information Research System (JIRS) database in advance. This included two detailed Recent Law legislation items summarising the amendments and an article written by Pierrette Mizzi, Director, Research and Sentencing, and the Honourable Justice RA Hulme titled "Reforming the admissibility of tendency and coincidence evidence in criminal trials" in the *Judicial Officers' Bulletin*, published in December 2020.

The process of educating judicial officers about the reforms required a multi-pronged approach. Commission staff from our Research and Education teams worked collaboratively, saving resources and optimising efficiency and impact. We developed educational events concerning the reforms to support judicial officers. This included a twilight webinar for the District Court, "Admissibility of tendency and coincidence evidence in criminal trials", with the Honourable Justice RA Hulme, the Honourable Justice Button and her Honour Judge Sweeney. The webinar was very well received, with 88% of those who attended finding it to be highly useful and relevant. One judicial officer commented: "[This is probably the most complex and common of areas that trial judges have to deal with and so this seminar was really important](#)". Another stated: "[This seminar did extremely well in preparing us all for what is ahead](#)." The panel discussion was recorded and made available to view on JIRS for those judicial officers unable to attend.

We also updated our resources, including the *Criminal Trial Courts Bench Book*, *Sexual Assault Trials Handbook* and *Civil Trials Bench Book* so they contained material addressing the new law.

The Commission's *Criminal Trial Courts Bench Book* contains a number of suggested jury directions for criminal trials. Given the complexity, and constantly evolving nature of tendency and coincidence law, the commentary and directions in the Book were revised by our Director, Research and Sentencing, in consultation with the judicial officers who serve on the Criminal Trial Courts Bench Book Committee. Existing case law needed to be assessed in light of the new legislative provisions. The collaboration between Committee members combines their extensive expertise and ensures the material in our publications is legally accurate and easy to comprehend. The commentary and suggested directions in the *Criminal Trial Courts Bench Book* benefits significantly from the practical experience of the Committee members, who regularly conduct criminal trials, and from their thorough understanding of the operation of the law. The insights and contributions of the Bench Book Committee are highly valued and we appreciate that the work done by Committee members in assisting us with bench books is additional to their day-to-day duties as judicial officers.



2.4 Why we provide legal information and resources

Under the *Judicial Officers Act*, we are required to assist the NSW courts to achieve consistency in imposing sentences and to provide for the continuing education and training of judicial officers.

Legal information published on our online database, the Judicial Information Research System (JIRS), 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 or summary hearings and sentence convicted offenders. We achieve this without interfering with a judicial officer's discretion by:

- sending email alerts to judicial officers advising of significant legal changes
- posting *Recent Law* items on JIRS when there are important changes to the law
- providing summaries of legal and procedural changes and specialist articles in the *Judicial Officers' Bulletin*
- incorporating new criminal, civil, sentencing or evidence law changes into the relevant bench book
- publishing sentencing statistics on JIRS

- publishing studies about complex areas of the law or analysing sentencing trends for particular types of offences
- providing information about sentencing and rehabilitation options on JIRS.

When a person pleads not guilty to an offence, the criminal trial must be conducted according to law, ensuring fairness to the accused person. The suggested directions in the *Criminal Trial Courts Bench Book* assist judicial officers in preparing directions appropriate to an individual case which reflect the relevant law. When a court sentences a person convicted of a criminal offence, it must follow settled principles and apply those principles consistently. The *Sentencing Bench Book* summarises the relevant principles across a range of areas related to this complex area.

2.5 We provide accurate and current legal information

Judicial officers and other users of the Judicial Information Research System (JIRS) are promptly advised via electronic means of important decisions and relevant legislation to criminal law.

Subject to resourcing, case summaries of appeal decisions and *Recent Law* news items are prepared as soon as possible after a decision is handed down or when Parliament assents to or proclaims legislation. Items of particular importance are also published in the monthly *Judicial Officers' Bulletin*. This 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 include:

- all significant criminal High Court decisions and other relevant 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 with the potential to affect the conduct of criminal trials
- the majority of cases where the standard non-parole provisions were applied
- other selected appeals which involved discussion of a sentencing principle
- cases with an impact on the work of magistrates in the Local and Children's Courts
- all legislation which affects criminal practice and procedure.

Legal practitioners appearing before the courts regularly use the case summaries of appeal decisions published on JIRS. By providing access to this content, we help equip practitioners to best present their cases and to assist the court to avoid appealable error.

Recent Law items and case summaries feed into the online and loose-leaf bench books that assist judicial officers to conduct trials and sentence proceedings. Bench books are constantly updated compendiums of relevant legislation, case law, sentencing principles, procedural guidelines, suggested jury directions and sample orders. They promote a consistent judicial approach to trials and sentencing proceedings which helps reduce the risk of error. Committees or our in-house researchers update and review the bench books to ensure that important changes are reported quickly and accurately.

Guidance on the sentences that other judicial officers have given in similar circumstances is also provided by publishing sentencing statistics on JIRS. While it is not possible for the Commission to audit all the sentencing information provided by the NSW Bureau of Crime Statistics and Research, great care is taken to provide statistical information that is accurate, verified and easy to access. Enhancing how the statistics are accessed and used regarding cases before the various courts is another major part of our research and sentencing program.



Review of our legal information program for 2020–21

We published 56 publications (last year: 43) as well as standalone *Recent Law* items and case summaries on JIRS. We published:

- 25 updates to the bench books and handbooks (last year: 22), including significant updates on reforms to tendency evidence law and mental health reforms: see case studies on pp 37, 44
- 239 *Recent Law* items on JIRS to explain important cases and legislation
- 133 summaries of significant sentence appeal decisions on JIRS, 68 of which also appeared in the *Judicial Officers' Bulletin*
- 11 issues of the *Judicial Officers' Bulletin*. This is published monthly to inform judicial officers of important developments to case law and legislation and current legal issues
- 1 *Recent Law* flyer (comprised of 11 issues)
- 1 issue of *The Judicial Review*, a peer-reviewed journal bringing together articles and papers to inform readers of technical and topical matters, court craft, and social context issues
- 1 *Sentencing Snapshots: Domestic Violence Offences in the Local Court*.

We partnered with the International Organization for Judicial Training (IOJT) to publish Issue 7 of the journal *Judicial Education and Training* in July 2020.

We revised and updated online information about diversionary services and rehabilitation facilities on JIRS.

We also published 17 videos on JIRS:

- 4 on Aboriginal issues
- 3 on building certification and defects
- 2 on judicial wellbeing
- 2 on climate and environmental issues
- 1 on judgment writing
- 1 on forensic DNA testing
- 1 on the *Bugmy* Bar Book Project
- 1 on sexual harassment in the workplace
- 1 on tendency and coincidence evidence, and
- 1 overview of topics covered at the National Judicial College of Australia Sentencing Conference.

More details of these publications are found in Appendix 8.

Delivering information through JIRS

Figure 11 on p 40 visually depicts the components of our online database JIRS and shows how the information flow works to support independent 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 hyperlinked-text resource that provides modules of reference material for judicial officers presiding over trials or sentencing.

Maintaining JIRS

JIRS is constantly updated so that judicial officers and other JIRS users have access to current and accurate case law, legislation, and materials on practice and procedure. We continually monitor the law and update the database to keep judicial officers and JIRS users informed of current law to assist in their decision making. We have automated systems which check the currency of all legislation on JIRS. Developments in case law, legislation and government policy are monitored on a daily basis. These require analysis and assessment by our experienced legal staff before being added to our database and publications. To ensure the integrity of our statistics, we conduct targeted audits of higher courts' sentencing data received from the NSW Bureau of Crime Statistics and Research (BOCSAR).

Use of JIRS

The use of JIRS remained affected by the COVID-19 pandemic. Over the year the number of page hits was down by 6.4% (last year: 4.8% decrease). However, usage is only one measure and the feedback we receive may be a more reliable indicator of the value of the information we provide. We respond to feedback as swiftly as possible, using this as part of the basis of our JIRS enhancement program.

Judicial officers and their support staff in the Supreme, District and Local Courts accounted for 41.4% of the use of JIRS in 2020–21. Magistrates on their own accounted for 28.7%. Despite the impact of the pandemic on overall use of JIRS, usage actually increased significantly among magistrates and Local Court staff by 17.5% during 2020–21.

In a similar vein, the 16.8% decrease in the use of JIRS by Government agencies (including the Office of the Director of Public Prosecutions, the Public Defenders, and Legal Aid NSW, as well as the Aboriginal Legal Service) may be a result of government agency staff still being required to work from home and needing individual JIRS accounts, rather than having access to a single corporate account where staff are automatically logged into JIRS when they access it. A number of lawyers at government agencies requested their own accounts — an indication of the importance of JIRS to government lawyers as they prepare submissions for court. However, on returning to the office, some staff may have continued with their working from home practices using other resources, including the Commission's public website where there is no need for a login. The 32.9% decrease in the use of JIRS by professional associations may also reflect the need for users to stay at home rather than being able to conduct research in libraries.

Table 3 on p 41 shows the overall trends, how the use of JIRS is split and the change in use over a 5-year period. This year, in addition to reporting on JIRS usage, we have included usage of some of our key legal information components on JIRS in Table 4 on p 41. This table shows that while the key components continue to prove popular, their usage

has declined over the last year, which we attribute to the slowdown in court activities due to COVID-19. See also Figure 12 on p 41.

All published judgments from NSW courts and the High Court are automatically loaded onto JIRS on receipt. We generally met our target (of within 1–4 months) to load sentencing statistics on JIRS for all courts. The two exceptions to this during the reporting

period were associated with delays caused by the NSW Bureau of Crime Statistics and Research (BOCSAR) advising they were no longer able to provide certain data and extra time was required to implement a workaround solution. See p 61 for more details. While the timeliness and quality of sentencing data received from the courts has improved, we are still required to selectively audit the data received to ensure its accuracy before loading onto JIRS.

Figure 11. 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 changes extract core principles of case law and legislation and post online prepare and distribute monthly <i>Recent Law</i> flyer. 	Announcements and <i>Recent Law</i>
Statistics on the range and frequency of penalties imposed in similar cases.	<ul style="list-style-type: none"> receive sentencing data from NSW Bureau of Crime Statistics and Research (BOCSAR) audit data process 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 the 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, District Court of NSW and Local Court of NSW post judgments within 1 day of receipt prepare and publish <i>Recent Law</i> items as quickly as our resources permit for important decisions prepare important NSWCCA case summaries for sentence appeals as quickly as our resources permit link cases and summaries to sentencing principles and practice component and the Criminal Trial Courts and Civil Trials Bench Books. 	Case law
Concise commentary on sentencing principles.	<ul style="list-style-type: none"> summarise sentencing principles from new cases and legislation and post as <i>Recent Law</i> items link principles in bench book to case law and legislation. 	Sentencing principles and practice (<i>Sentencing Bench Book</i>), <i>Recent Law</i>
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 particular bench book bench book committees consider content and draft amendments publish updates on JIRS and selected hard copy. 	Bench books
All NSW and Commonwealth Acts, Regulations and Rules.	<ul style="list-style-type: none"> receive legislation from NSW Parliamentary Counsel's Office and Commonwealth Attorney-General's Department process and load legislative changes within 24 hours of receipt alert users to commencement date of criminal legislation via <i>Recent Law</i> items link legislation to relevant case law and sentencing statistics verify currency of legislation weekly. 	Legislation
<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 area commission author edit and typeset manuscript publish online and in hard copy. 	Publications
Essential information on treatment options and rehabilitation facilities.	<ul style="list-style-type: none"> identify relevant service providers maintain currency of information. 	Diversory Programs



Providing high-level research assistance

Judicial officers, the courts, government agencies and the legal profession have a high regard for JIRS and our independent research. This can be partly measured through specific requests for research assistance. We responded to 41 research requests (last year: 50) and gave 6 presentations about our research program at conferences, seminars, and to individual judicial officers upon request, which the judicial and legal community responded to favourably.

Information about these presentations is found in Appendix 15.

Improving JIRS

Enhancements to JIRS were made during the year in response to feedback from our users. Improvements include:

- the Higher Court statistics have undergone significant improvements in processing. They are now integrated with the Commission's Lawcodes database, to enable legislative changes to be incorporated more efficiently
- a new computer-generated publication, *Sentencing Snapshots: Domestic Violence Offences in the Local Court*, illustrating sentencing patterns, was produced from our sentencing statistics
- a new "Intergenerational Trauma Resources" JIRS component was developed, and
- improvements to assist in searching for program materials, judgments, legislation and legal phrases were made.

Looking ahead

We will be reviewing the presentation of particular content on JIRS in consultation with key stakeholders. A revised Bail page will be published this year as part of that review.

We are considering different means of presenting the content of our bench books to improve accessibility to legal information in an online environment.

We are continuing to expand our preliminary work in producing computer-generated summaries illustrating sentencing patterns from our sentencing statistics. Two new *Sentencing Snapshots* publications are planned for next year.

We are also working on introducing the ability to download suggested directions from selected bench books to editable Microsoft Word documents, to facilitate the process of drafting trial directions for juries as well as annotating the bench books with *Recent Law* developments to be added to those books.

Figure 12. Number of JIRS pages accessed 2016–21

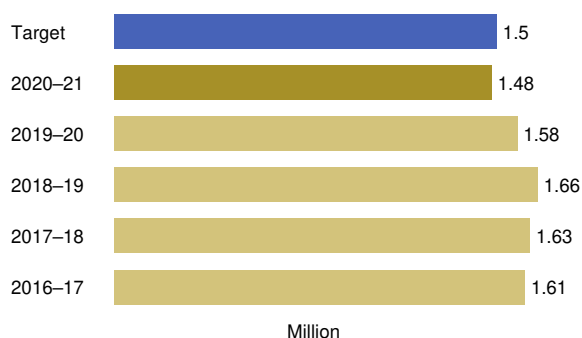


Table 3. Overall JIRS use 2016–21 (hits per year)

Users	2016–17 hits	JIRS %	2017–18 hits	JIRS %	2018–19 hits	JIRS %	2019–20 hits	JIRS %	2020–21 hits	JIRS %	Change %
Supreme Court	25,446	1.6	28,090	1.7	24,181	1.5	25,002	1.6	23,816	1.6	-4.7 ↓
District Court	146,172	9.1	151,650	9.3	175,292	10.5	184,477	11.7	164,156	11.1	-11.0 ↓
Local Court	373,497	23.1	440,373	26.9	402,682	24.2	362,074	22.9	425,291	28.7	+17.5 ↑
Land and Environment Court	409	0.0	1,512	0.1	232	0.0	1,100	0.1	331	0.0	-69.9 ↓
Government agencies*	721,568	44.7	672,548	41.1	701,745	42.2	630,785	39.9	524,632	35.4	-16.8 ↓
Professional associations†	39,017	2.4	36,122	2.2	33,753	2.0	27,243	1.7	18,285	1.2	-32.9 ↓
Other subscribers‡	307,605	19.1	308,019	18.8	324,376	19.5	351,097	22.2	323,886	21.9	-7.8 ↓
Total	1,613,715	100.0	1,638,327	100.0	1,662,376	100.0	1,581,806	100.0	1,480,397	100.0	-6.4 ↓

* Includes staff of the NSW and Cth DPP, Department of Communities and Justice, Legal Aid NSW, NSW Police Prosecutors, and other state or federal public sector agencies, excluding judicial officers and their associates.

† The NSW Bar Association and Law Society of NSW libraries.

‡ Includes barristers, law firms, universities, libraries and community organisations.

Table 4. Key legal information component usage on JIRS 2016–21 (hits per year)

JIRS component	2016–17	2017–18	2018–19	2019–20	2020–21	Change %
Sentencing statistics	179,853	175,110	195,666	196,262	177,464	-9.6 ↓
Recent law articles	62,436	65,416	69,729	73,354	65,817	-10.3 ↓
Summaries of judgments	13,212	14,535	17,908	13,976	6,019	-56.9 ↓

Interactive learning resource app on JIRS

We have developed an interactive mobile/tablet learning app based on gaming technology. An automated way of generating scenarios from the bench books has been developed and is being used with the suggested jury directions and other parts of the bench books. We have received informal feedback from judicial officers who find the app useful.

Use of our publications on JIRS continues at a high level

With the impact of COVID-19, the total number of pages of our publications viewed on JIRS has decreased 2.6% from 2019–20, with some publications increasing in use while others decreased or stayed the same, as is shown in Table 5 below. There has also been a decrease in PDF downloads of our publications as shown in Table 6 below.

Table 5. Use of our publications on JIRS 2016–21 (hits per year)

Publication	2016–17	2017–18	2018–19	2019–20	2020–21	Change %
Local Court Bench Book	41,612	45,810	48,941	47,053	46,916	-0.3 ↓
Criminal Trial Courts Bench Book	42,786	44,976	48,752	42,160	46,086	+9.3 ↑
Sentencing Bench Book	43,782	38,568	45,514	42,145	33,558	-20.4 ↓
Civil Trials Bench Book	3,402	3,329	3,279	3,263	3,607	+10.5 ↑
Sexual Assault Trials Handbook	3,137	2,548	3,525	2,689	3,121	+16.1 ↑
Judicial Officers' Bulletin	2,375	2,149	2,511	2,087	2,462	+18.0 ↑
Children's Court of NSW Resource Handbook	1,511	1,398	1,491	1,351	1,411	+4.4 ↑
Equality before the Law Bench Book	431	373	529	527	447	-15.2 ↓
The Judicial Review*	217	409	182	206	261	+26.7 ↑
Total	139,253	139,560	154,724	141,481	137,869	-2.6 ↓

* Only available to judicial officers and Office of the Director of Public Prosecutions (NSW).

Table 6. PDF downloads of publications from JIRS, public website and JIRS Resources app 2016–21 (hits per year)*

Publication	2016–17	2017–18	2018–19	2019–20†	2020–21	Change %
Research monographs‡	8,241	12,613	14,657	27,814	26,969	-3.0 ↓
Civil Trials Bench Book	4,138	9,361	10,893	10,630	6,234	-41.4 ↓
Criminal Trial Courts Bench Book	6,666	7,370	8,228	8,420	6,123	-27.3 ↓
Sexual Assault Trials Handbook	5,585	8,693	8,351	7,362	6,053	-17.8 ↓
Sentencing Trends & Issues‡	2,765	4,433	5,115	5,271	5,862	+11.2 ↑
Sentencing Bench Book	4,260	5,621	5,789	4,668	3,474	-25.6 ↓
Local Court Bench Book	2,922	3,354	2,827	3,610	2,901	-19.6 ↓
Equality before the Law Bench Book	1,826	2,079	2,504	3,105	1,861	-40.1 ↓
Children's Court of NSW Resource Handbook	552	286	374	2,702	1,892	-30.0 ↓
Total	36,955	53,810	58,738	73,582	61,369	-16.6 ↓

* **Important note:** in late December 2018 the Commission's website was relocated to a remote host on the Internet. This move resulted in our usage data for six months of 2018–19 and the first month of 2019–20 being incomplete. The usage of JIRS and the JIRS app were not affected by this change, only the usage of the Commission's website (www.judcom.nsw.gov.au). As a consequence, we have estimated the usage of the Commission's website resources for the financial years 2018–19 and 2019–20 on a pro rata basis using the data available.

† Correction to totals from 2019–20 report: counting methods changed for Research monographs to include monographs 1–19 from the Commission's website, which were not available on JIRS, and for *Children's Court of NSW Resource Handbook* to include downloads from the Commission's website.

‡ Not available via JIRS Resources app.



Impact of our online publications

Access to our online legal information is through JIRS. Our publications can also be downloaded in PDF directly from JIRS, our website or by using the JIRS Resources app on Apple™ and Google Android™ devices. Table 6 on p 42 shows PDF downloads have generally decreased for our publications. *Sentencing Trends & Issues* increased on account of the release of *Navigating the Bail Act 2013* in June 2020. Select publications are also provided in hard copy to judicial officers and are available for purchase from the Commission.

The impact of our online publications is measured by:

- JIRS use (judicial officers and the legal profession) (see Table 5 on p 42)
- Informit viewings (academic use)
- website use (public viewing) (see Table 6 on p 42 and Table 7 below).



Veronica Roby and Ian MacKinnell from our Information Technology team work on many of the technical components of JIRS including a new computer-generated publication released in June this year, *Sentencing Snapshots: Domestic Violence Offences in the Local Court*.

Informit viewings of our publications increased

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 these publications saw an increase of 12.9% in total viewings from the previous year (last year: 6.2% increase). The most popular articles accessed concerned First Nations issues including intergenerational trauma, law enforcement during COVID-19, and artificial intelligence.

Public website usage of our publications declined

The total number of pages viewed decreased from 143,998 per month in 2019–20 to 122,581 per month in 2020–21, a decrease of 14.9% in the use of our publicly available online resources: see Table 7 below. We attribute the drop in publications use over the past year on our website to the general slowdown in activities due to COVID-19.

The most accessed resources were the *Civil Trials Bench Book*, the *Sentencing Bench Book*, and the *Criminal Trial Courts Bench Book*. The *Civil Trials Bench Book* provides information about all aspects of running civil proceedings and rules about evidence admitted in civil trials. The *Sentencing Bench Book* provides information and legal principles relevant to sentencing law in NSW and for Commonwealth offences that NSW courts decide. The *Criminal Trial Courts Bench Book* provides a regularly updated compendium of the relevant case law and legislation that applies when conducting a criminal case. The detailed information on practice is supplemented with procedural guidelines, suggested jury directions and sample orders. More information about our published resources is found in Appendix 8.

Table 7. Public website usage of our publications 2016–21 (hits per month)*

Publication	2016–17	2017–18	2018–19	2019–20	2020–21	Change %
Civil Trials Bench Book	38,435	49,531	56,456	47,776	40,275	-15.7 ↓
Sentencing Bench Book	29,682	36,982	36,054	34,062	30,488	-10.5 ↓
Criminal Trial Courts Bench Book	27,702	34,818	36,557	34,362	27,555	-19.8 ↓
Local Court Bench Book	16,347	21,934	22,305	20,097	17,859	-11.1 ↓
Equality before the Law Bench Book	817	1,684	1,696	3,226	2,641	-18.1 ↓
Sexual Assault Trials Handbook	3,249	3,010	3,088	2,581	2,505	-2.9 ↓
Sentencing Trends & Issues	759	2,030	1,504	1,894	1,258	-33.6 ↓
Total	116,991	149,989	157,660	143,998	122,581	-14.9 ↓

* **Important note:** in late December 2018 the Commission's website was relocated to a remote host on the Internet. This move resulted in our usage data for six months of 2018–19 and the first month of 2019–20 being incomplete. The usage of JIRS and the JIRS app were not affected by this change, only the usage of the Commission's website (www.judcom.nsw.gov.au). As a consequence, we have estimated the usage of the Commission's website resources for the financial years 2018–19 and 2019–20 on a pro rata basis using the data available.



Case study

Educating judicial officers about mental health reforms

On 27 March 2021, the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* commenced. This legislation repealed the *Mental Health (Forensic Provisions) Act 1990* and introduced a new legislative scheme providing for persons with a mental health or cognitive impairment appearing before a NSW court.

Given the significance of the changes, it was important to ensure judicial officers (and those appearing in matters potentially affected by the new Act) were informed as to its practical application prior to commencement. Commission staff from our Research, Programs and Publishing teams collaborated on a co-ordinated and multi-faceted approach to ensure we were able to achieve this. We had 9-month lead time to achieve this before the new Act commenced.

The Commission, in partnership with the Chief Magistrate's Office, organised seminars for magistrates about the new Act as part of the Local Court Metropolitan series in February and March 2021. The seminars and associated materials provided valuable insight into the practical application of the new Act.

Feedback received from magistrates concerning this training included that it was "brilliant and easy to understand" and a "very comprehensive paper and presentation. Excellent reference material for the future". These comments demonstrate the helpfulness of the material. Further seminars will be organised given the significance of the changes.

Similarly, two articles published in the *Judicial Officers' Bulletin* in March 2021 concerning the new Act provided additional valuable insights. The articles authors were Justice Mark Ierace (concerning the fitness regime), and Ms Jane Sanders, a senior legal practitioner with significant experience of the diversionary scheme in the Local Court.

Before the new Act commenced, the Commission published two detailed summaries of the legislation on JIRS for the benefit of judicial officers and other JIRS users including legal practitioners. One concerned the new Act's diversionary scheme in the Local Court, and the other summarised the new Act's fitness procedures and defences in the higher courts. This material was published before the Act commenced so judicial officers had relevant material available before they were required to apply the new legislative schemes.

The relevant parts of the *Criminal Trial Courts Bench Book* and the *Local Court Bench Book* were re-written and published to coincide with commencement. In preparing this material, Commission staff worked closely with the respective Bench Book committees. The revised material was published when the Act commenced together with announcements on JIRS to notify judicial officers and other JIRS users of those updates. The *Sentencing Bench Book* was also updated.

One challenge was that, although Parliament had passed the new Act in June 2020, issues arose as to its implementation and proposed application before commencement which required further legislative amendment. To resolve these issues, we worked with a committee of various stakeholders including the NSW Department of Communities and Justice, representatives from various courts, and the NSW Police. We also liaised with officers of the Mental Health Review Tribunal. In the weeks before the new Act commenced, amending legislation in the form of the *COVID-19 Legislation Amendment (Stronger Communities and Health) Act 2021* was introduced and subsequently passed to resolve these issues. As this took place after the educational seminars and after material was published in the *Judicial Officers' Bulletin*, judicial officers were notified of these subsequent legislative changes in our JIRS summaries and Bench Book updates.

"very comprehensive paper and presentation.
Excellent reference material for the future"

Magistrate's feedback, Local Court Metropolitan Seminar Series

Program 3

Examining complaints

Our complaints process ensures high standards of judicial performance and protects judicial officers from unwarranted intrusions into their judicial independence.

3.1 Performance results 2020–21	46
3.2 Why we examine complaints	48
3.3 Complaints received and examined during the year	49
3.4 Identifying complaint patterns 2020–21	50
3.5 How we deal with complaints and enquiries	51



3.1 Performance results 2020–21

An assessment of the results shown in Table 8 demonstrates that our complaints function performed well in 2020–21. Table 8 shows the evidence for each identified result as well as details of each measure we have put in place to achieve our objectives, program highlights, challenges, and forward direction.

Table 8. Results for examining complaints

Results	Measures	Target
Finalised majority of complaints received during the year	Maintain the percentage of complaints examined and finalised during the year	See Note 1
Timely acknowledgment and completion of preliminary examination of complaints	Maintain the time taken to formally acknowledge complaints received Maintain or decrease the time taken to conduct preliminary examination of complaints	100% of complaints received acknowledged within 5 working days Examine 90% within 6 months; 100% within 12 months
High standard of judicial performance	Compare number of complaints to the number of court matters heard during the year Compare number of complaints dismissed under section 20 of the <i>Judicial Officers Act</i> 1986 with complaints that require further action Maintain accessible information about the complaints process	See Note 1
Information gathered from the complaints process has been used to develop education sessions for judicial officers	Monitor and analyse trends in complaints to inform our education program	See Note 1
Independence of judicial officers was maintained	Maintain confidentiality of complaints process	See Note 1

Note 1. The measure of these targets is qualitative, ongoing, and subject to external variables to which the Commission can only respond. As such, no numerical measure is articulated.

Photo previous page: Any person may complain to the Commission about a matter that concerns or may concern the ability or behaviour of a judicial officer both inside and out of the courtroom. The Downing Centre (pictured) is one of the main court complexes in Sydney, housing courtrooms in which Local Court and District Court matters are heard.



Performance	Status	Challenges 2020–21
HIGHLIGHT Commission examined 72 complaints from a total of 84 complaints (received and pending from last year): see p 49	✓	<ul style="list-style-type: none"> Explaining to disappointed complainants why their complaint was dismissed.
97% of complaints received were acknowledged within 5 working days: see p 50	↓	<ul style="list-style-type: none"> Ensuring that the impact of the COVID-19 pandemic did not compromise the accessibility and operation of the complaints function.
The Commission examined 78% within 6 months and 94% within 12 months: see p 50	↓ ↓	
384 judicial officers in NSW heard around 700,000 court matters in 2020–21. 57 complaints about 46 judicial officers were made to the Commission: see p 49	✓	Complaints expenditure: \$0.62 million as at 30 June 2021 (9.3% of overall expenditure).
100% of complaints (72 of 72 examined) were summarily dismissed under section 20 of the <i>Judicial Officers Act</i> 1986: see p 49	✓	Looking ahead 2021–22 <ul style="list-style-type: none"> Examine all complaints efficiently, effectively, independently and objectively. Continue to ensure that the impact of the COVID-19 pandemic does not compromise the accessibility and operation of the complaints function. 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. The complaints process will inform the design of education sessions. Monitor and report on trends in complaints.
No complaints required further action: 0 referred to head of jurisdiction (last year: 3) and 0 to Conduct Division (last year: 0): see p 50	✓	
Information about the complaints process and how to make a complaint was provided in the annual report, on our public website, and in brochure form	✓	
We responded to 319 requests for information: see p 51	✓	
49% of complaints arose from allegations of failure to give a fair hearing	✓	
21% of complaints arose from allegations of an apprehension of bias		
Education sessions held and resources produced during the year addressed these issues: see p 50 and Appendices 5 and 6		
The Commission examined all complaints according to statutory criteria and established protocols: see pp 51–53	✓	

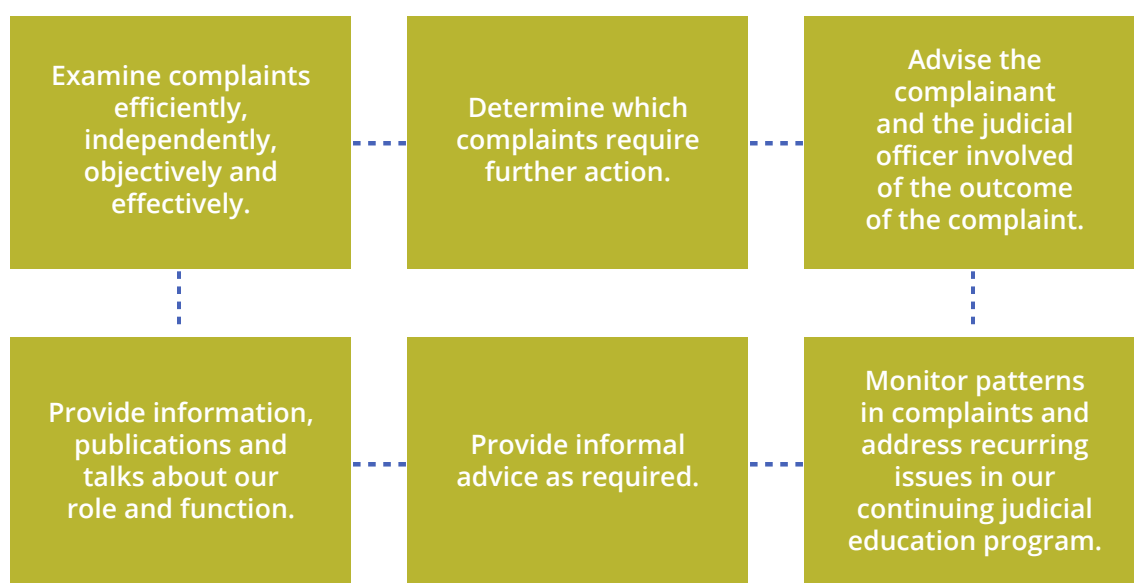
Legend ✓ target achieved ↑ target/output exceeded ↓ target not achieved

3.2 Why we examine complaints

The *Judicial Officers Act* 1986 provides for a complaints function about NSW judicial officers. Anyone may complain to the Commission about a matter that concerns or may concern the ability or behaviour of a judicial officer. This is not restricted to ability or behaviour in court.

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.

How we fulfil our statutory function



There are 384 judicial officers in NSW who heard around 700,000 court matters during 2020–21. The number of complaints we receive each year is low compared to the high volume of matters handled: see Table 9 on p 49. 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.

Formal complaints governance

The *Judicial Officers Act* 1986 governs the Commission's formal complaints work as well as the *Judicial Officers Regulation* 2017 and 2 documents, *Complaints against judicial officers: guidelines* and *Conduct Division: guidelines for examination of complaints* (see Appendices 1 and 2).

3.3 Complaints received and examined during the year

During 2020–21, 51 people made 57 complaints about 46 judicial officers (last year: 56 complaints about 48 judicial officers). Four complainants each made 2 complaints and 1 complainant made 3 complaints. The rest of the complaints were lodged individually.

We examined 72 complaints including 27 complaints pending as at 30 June 2020. Eleven complaints were pending as at 30 June 2021. Table 9 shows how we have dealt with all complaints received and examined over the last 5 years.

Table 9. Particulars of complaints examined 2016–21

	2016–17	2017–18	2018–19	2019–20	2020–21
Complaints pending at 30 June	14	17	26	19*	27
Complaints made during the year	75	74	63	57	57
Total number of complaints	89	91	89	76	84
Complaints examined and dismissed	69	55	66	45	72
Complaints referred to head of jurisdiction	2	5	1	3	0
Complaints referred to Conduct Division	1	2	1	0	0
Complaints withdrawn	0	3	1	1	1
Total number of matters finalised	72	65	69	49	73
Complaints pending at 30 June	17	26	20†	27	11

* Amended opening balance of the number of complaints pending at 30 June 2019 to remove error caused by prior count of complaints.

† Incorrectly reported as 20 instead of 19. Caused by an error in prior count of complaints.

Complaints examined and summarily dismissed

A consistent trend over the last 5 years is that, following a preliminary examination, most complaints were summarily dismissed under section 20 of the *Judicial Officers Act 1986*. This year, 100% of complaints (72 of 72) examined were summarily dismissed. This is above the average 5-year dismissal rate of 95.3%. Section 20 of the *Judicial Officers Act* sets

out 8 criteria under which the Commission must dismiss a complaint whether or not it appears to the Commission that the complaint is substantiated. For example, if the person complained about is no longer a judicial officer (because they have retired, resigned or are deceased), the Commission cannot examine the complaint. Table 10 shows how the 72 complaints summarily dismissed were dealt with under section 20 this year.

Table 10. Criteria for dismissing complaints under section 20 of the *Judicial Officers Act 1986*

Criteria	Section	Number of complaints
The complaint is one that it is required not to deal with.	20(1)(a)	1
The subject-matter of the complaint is trivial, and having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.	20(1)(c) & (h)	1
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, and having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.	20(1)(e) & (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)	31
The person complained about is no longer a judicial officer.	20(1)(g)	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)	37
Total number of complaints dismissed under section 20		72

Timely examination of complaints

Within 5 working days, the Commission wrote to 97% of complainants to acknowledge their complaint had been received (last year: 100%). Seventy-eight per cent of the 72 matters were finalised within 6 months and 94% of complaints were finalised within 12 months of their receipt. 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, notwithstanding some potential short-term impacts of COVID-19 in the first half of this year.

Table 11. Time taken to conduct preliminary examination of complaints 2016–21

	3 mths	6 mths (target 90%)	9 mths	12 mths (target 100%)
	%	%	%	%
2016–17	69	94	99	99
2017–18	73	90	100	100
2018–19	54	94	99	99
2019–20	29	71	96	100
2020–21	43	78	86	94

No complaints referred to the relevant head of jurisdiction

No complaints were referred to the relevant head of jurisdiction under section 21(2) of the *Judicial Officers Act* (last year: 3). 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

No complaints about a judicial officer were referred to a Conduct Division this year under section 21(1) of the *Judicial Officers Act* (last year: 0).

Information about the role of a Conduct Division is found on pp 51–53.

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).

3.4 Identifying complaint patterns 2020–21

Monitoring trends in complaints

Figure 13 on p 51 shows the type and number of complaints received during the year (total: 57). Monitoring trends in complaints helps to identify areas that may need to be addressed in our continuing judicial education program. Information gathered from complaints is used to develop continuing judicial 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.

In 2020–21, we identified the following patterns:

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 appeal to a higher court. In some cases, a personal appeal against the judicial decision maker is made to the Commission, alleging bias or incompetence. Such a complaint is dealt with on its merits, but the Commission cannot correct an allegedly wrong decision. Thirty-one (43%) of the 72 complaints examined this year were summarily dismissed on the basis that the complaint related to the exercise of a judicial or other function that is or was subject to adequate appeal or review rights. A court of appeal is the appropriate avenue for determining whether the judicial officer made an error of law or fact or if there was a miscarriage of justice.

Further examination unnecessary or unjustifiable

Thirty-seven (51%) of the 72 complaints were dismissed following the preliminary examination on the basis that, having regard to all the circumstances of the case, further consideration of the complaint was unnecessary or unjustifiable (last year: 53%).

Incompetence

One complaint alleged judicial incompetence this year (last year: 4).

Inappropriate comments and discourtesy

Four complaints alleged that a judicial officer made inappropriate comments (last year: 7) and 6 complaints alleged discourtesy (last year: 0).

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. Thirteen (23%) complaints received arose from AVO proceedings (last year: 23%).

Self-represented litigants making complaints

A trend we have noted is the high proportion of complaints that self-represented people make. This year, self-represented litigants made 49% of all complaints (last year: 46%).

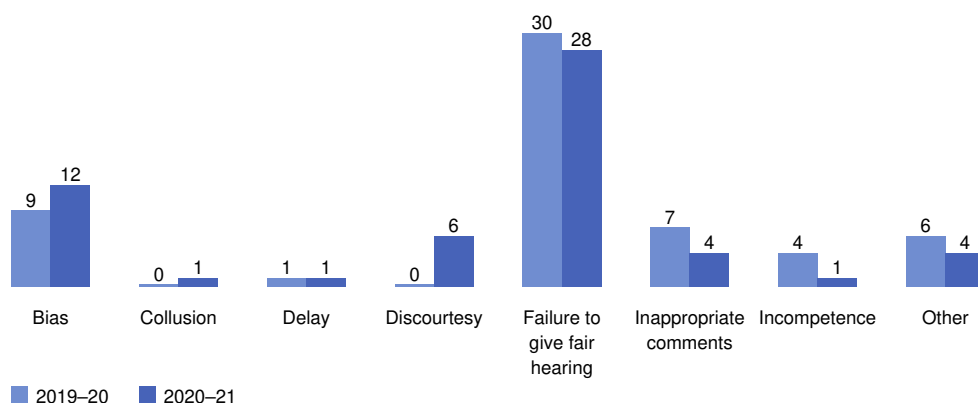


Common causes of complaint

Allegations of failure to give a fair hearing and an apprehension of bias continue to be the most common grounds of complaint. In 2020–21, these 2 categories accounted for 40 (70%) of the 57 received complaints (last year: 68%). An unsuccessful

party to legal proceedings or a person who was self-represented in court often makes this type of complaint. Complaints of bias are usually accompanied by particular allegations about the judicial officer's conduct.

Figure 13. Common causes of complaint: basis of allegation 2019–21



3.5 How we deal with complaints and enquiries

Responses to informal enquiries

During the year, we responded to 319 telephone, face-to-face and written enquiries from potential complainants, members of the legal profession and the media (last year: 385).

We are 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.

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 public 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 complaint form. Our website is at www.judcom.nsw.gov.au.

Examining the complaint

Figure 14 on p 53 visually depicts how the complaints process works. Within 5 working days, we aim to acknowledge in writing any complaint received which is in the required form. If the complaint relates to a court matter, we obtain sound recordings or 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 a copy of 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 and provide a copy to the judicial officer.

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 inappropriate, 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.

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 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 34-year history, 24 Conduct Divisions have been formed. The Commission decides on the 3 members of a Conduct Division — 2 are judicial officers (1 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 the Conduct Division, as part of its examination of a complaint, forms the opinion that a judicial officer may be physically or mentally unfit to exercise efficiently the functions of a judicial office, the Conduct Division may request the officer undergo a medical or psychological examination. If the judicial officer refuses or fails to undergo the medical or psychological examination, the Conduct Division may, having regard to that refusal or failure and to any other relevant factors, and if it considers the matter to be sufficiently serious, form an opinion that the matter could justify Parliamentary consideration of the removal of the judicial officer from office.

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 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.

What we cannot deal with

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

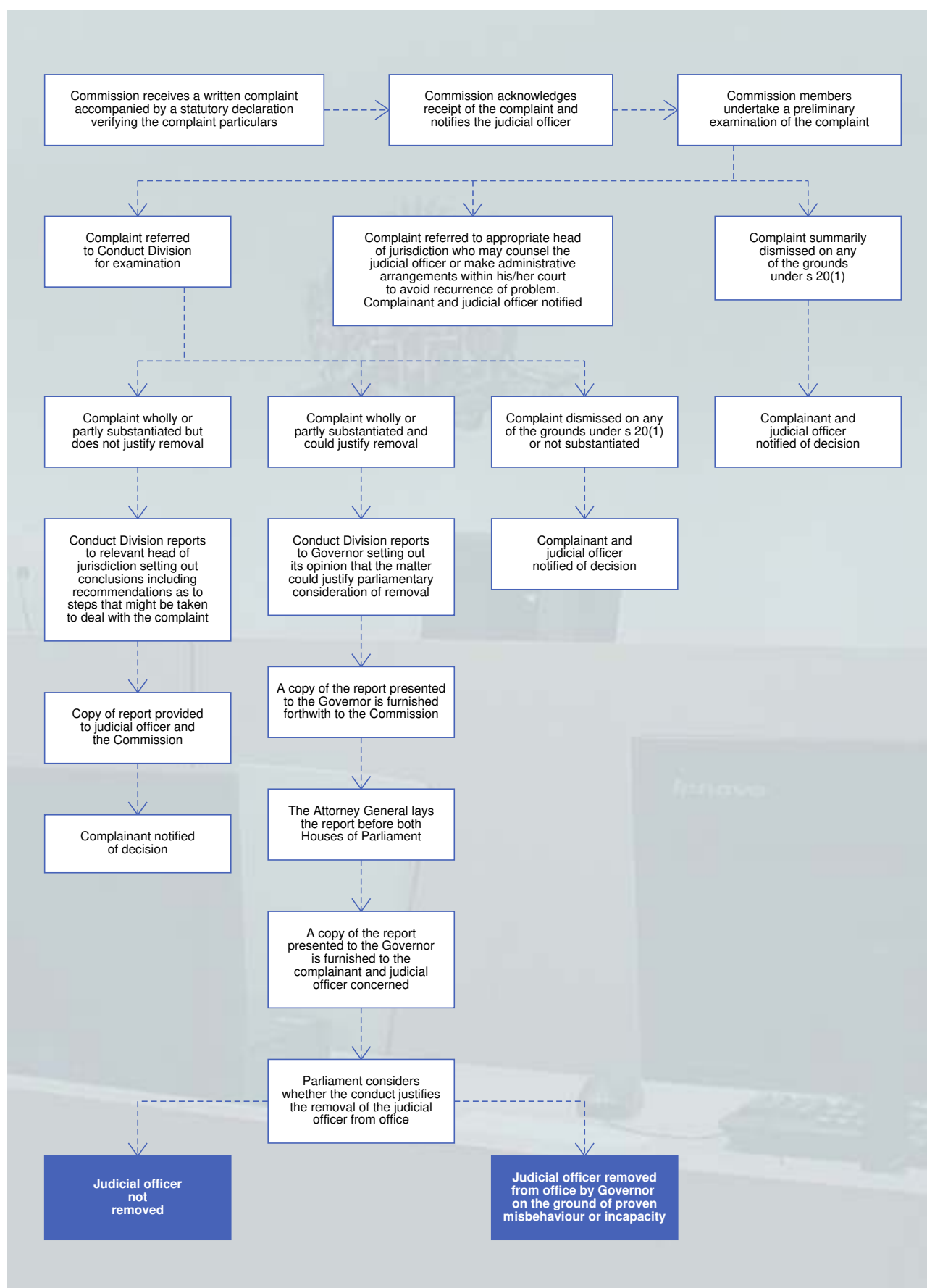
- investigate allegations of criminal or corrupt conduct as these are matters for the police or the Independent Commission Against Corruption
- review a case for judicial error, mistake or other legal grounds
- discipline or sanction a judicial officer
- examine complaints about retired judicial officers,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



The ongoing disruptions due to the COVID-19 pandemic mean that complainants can visit the Commission's premises in Sydney by appointment only. However, information about the complaints process is available on our public website, and our phone system has been set up with Interactive Voice Response (IVR) technology which allows potential complainants to ring the Commission any time of day to access information via a voice response system of pre-recorded messages.



Figure 14. How the complaints process works



Case studies

Examining complaints

Complaint about inappropriate comments, inappropriate questions and bias

The complaint

The complainant appeared before the Local Court as a result of a court attendance notice. He represented himself and complained to the Commission that the judicial officer made inappropriate comments, asked inappropriate questions and exhibited bias.

The Commission's examination

The Commission reviewed the sound recording of the hearing and determined that the questions the judicial officer asked and decisions he made, on the evidence and material before the court, were an exercise of his judicial function and were open to him. However, while the Commission did not agree with some comments the judicial officer made during the proceedings, in its opinion, the remarks did not amount to judicial misconduct within the meaning of the *Judicial Officers Act* (the Act). The Commission also found nothing to support the allegation that the judicial officer had failed to give the complainant a fair hearing. Having regard to these findings, the Act required the Commission to dismiss the complaint.

Allegation of failure to give a fair hearing

The complaint

The complainant appeared before the Local Court to defend a charge relating to a traffic matter. He represented himself. The complainant asserted the judicial officer showed him a lack of respect; had negative face and body language; was biased; and, imposed a harsh sentence.

The Commission's examination

The Commission reviewed the sound recording of the hearing and considered the submissions and other information contained in the details of the complaint. Having considered the materials, the Commission was satisfied no conduct on the part of the judicial officer amounted to judicial misconduct within the meaning of the *Judicial Officers Act*. In the Commission's opinion, nothing in the manner in which the judicial officer dealt with the proceedings raised a question concerning her ability or behaviour as a judicial officer.

In the Commission's opinion, the judicial officer dealt with the matter in a courteous, fair and judicial manner. The Act required the Commission to dismiss the complaint because it related to the exercise of a judicial function subject to adequate appeal or review rights. The complainant had a right of appeal to the District Court against both his conviction and sentence, which he exercised. In those circumstances, the Commission took the view that an adequate right of appeal existed.

Complaint about failure to act in a judicial manner

The complaint

The complainant asserted that the judge, in a judge-alone trial, displayed a strong bias against the prosecution; his body language displayed impatience and even annoyance at every aspect of evidence delivered to the court; important evidence had been discarded and irrelevant evidence dealt with at unnecessary length, and that he declined a request to undertake a site visit.

The Commission's examination

To examine the complaint, the Commission reviewed the transcript of the proceedings and considered the issues the complainant raised. The Commission also considered the detailed response to the complaint that the judicial officer provided. Based on its examination of the material, the Commission came to the view, that while it appreciated the complainant's distress with the proceedings and the verdict, there was nothing the judicial officer did that amounted to misconduct within the meaning of the *Judicial Officers Act*. The Commission also noted that in his response, the judicial officer offered his sincere apologies if anything he said caused the complainant distress. This apology was communicated to the complainant.

Under the *Judicial Officers Act*, the Commission was required to dismiss the complaint because it related to the exercise of a judicial function subject to adequate appeal or review rights, whether exercised or not.

Engaging with our partners and the community

We exchanged our knowledge, experience and expertise with the NSW public, government law agencies and national and international jurisdictions to promote the rule of law in the region and confidence in the judiciary.

Performance results 2020–21	56
Listening to our partners and the community	58
We inform the public about what we do and exchange knowledge and expertise with other organisations	58



Performance results 2020–21

An assessment of the results shown in Table 12 demonstrates strong engagement with our partners and the community in 2020–21, despite the impact of the COVID-19 public health orders. 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 and how we performed.

Table 12. Results for engagement with our partners and the community

Results	Measures	Performance	Status
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	14.9% decrease in page views of free-to-view legal resources on our website: see p 59	↓
	Maintain number of presentations that Commission staff give to inform the public and community groups about role in the justice system	20 presentations about our work and role throughout the year: see Appendix 15 Existing publications updated throughout the year on our website for free-to-view service: see p 43 and Appendix 8	✓
	Maintain or increase our community engagement role through collaborations with other organisations	Demonstrated by collaborations with the Supreme Court of NSW, Law Society of NSW and NSW Bar Association; delivery of seminars, multimedia channels Responded to 319 enquiries from potential complainants and members of the legal profession: see p 51	✓
Government agencies had access to our statistical and legal information and shared our knowledge	Maintain information service for Government agencies	35% of JIRS usage was from Government agencies: see p 41 Continued audit of Lawcodes data facilitating the generation of JIRS sentencing statistics; work on new Lawcodes feature to deal with bail flags for firearms and military-style weapon offences undertaken; documentation of extensive research and Lawcodes procedures completed: see p 61 Responded to detailed research enquiries from government agencies: see p 60 Published the results of a survey of NSW judicial officers about recent sentencing reforms that we had partnered with BOCSAR to undertake: see p 61	✓
		HIGHLIGHT Updated Lawcodes database with COVID-19 public health offences, assisting with same day vital exchange of information between justice sector agencies at the height of pandemic-related regulations in NSW: see case study on p 60	
We provided capacity-building assistance to other nations	Maintain or increase our capacity-building assistance	We held virtual meetings as hosting visitors and delegations were prevented by the COVID-19 global pandemic. We provided substantial assistance to the Papua New Guinea law and justice sector: see p 62 and Appendix 12	✓
We shared knowledge, resources and experience with other judicial education providers	Maintain or increase exchanges throughout the year	Published the results of a survey of judicial officers as part of our work on vicarious trauma research in partnership with the University of NSW: see case study on p 27	✓
		HIGHLIGHT Collaborated with other justice agencies to improve outcomes for First Nations children in out-of-home care: see case study on p 59	
We provided advice and support to other Australian jurisdictions and international institutions	Maintain advice on an “as requested” basis	Engaged with the Judicial Council on Cultural Diversity: see p 62 Created a new alliance between our Ngara Yura Committee and the Australasian Institute of Judicial Administration’s (AIJA) Indigenous Justice Committee: see case study on p 64	✓
The Commission provided contractual services to partners and the community	Maintain or increase revenue obtained from contractual services	\$1.063 million (16.5% of our income) was self-generated to supplement funds from consolidated revenue (last year: \$1.04 million): see p 93	↑

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

Photo previous page: One of our key partners is the Supreme Court of NSW, the oldest court in Australia. During the year, we collaborated with Supreme Court judges to create a courtroom booking system for criminal trials: see p 62.



Challenges 2020–21

- Building on our work with courts, the legal profession, government departments and agencies while adapting to new work practices, platforms and delivery avenues introduced in response to COVID-19.
- Ensuring work with our partners continues to thrive within the limitations imposed by COVID-19 public health regulations.
- Continuing to provide assistance to government departments and other jurisdictions within our limited resources.

Looking ahead 2021–22

- Continue to provide online legal information (including access to bench books and research studies) for the public as part of our community engagement strategy.
- Participate with other jurisdictions in a national working group on sexual harassment education.
- Maintain and enhance the Lawcodes database, a vital database of unique codes for NSW and Commonwealth criminal offences to enable justice sector agencies to electronically exchange information.
- Continue our work with the Drug Court to adapt the current case management system in line with the court's expansion to regional centres.
- Examine how we can curate our services to meet changing needs of stakeholders, for example, through our Ngara Yura Program and JIRS enhancement projects.
- Work with the Supreme and National Courts of PNG to support the establishment of a PNG Legal Information Network (PngLIN) to replace PacLII, transforming the PNG Sentencing Database into a broader resource.
- Continue to actively participate with other national and international providers of continuing judicial education to share resources and promote best practice for judicial officers.



Listening to our partners and the community

Our partners appreciate the assistance, services and the sharing of information and experience we provided during the year.

"I have an admirer of your work here"

Re sentencing date calculator in our Australian Capital Territory Sentencing Database (ACTSD), Manager, Business Intelligence, ACT Courts and Tribunal, March 2021

"It was a very impressive collection of speakers, entertaining at time and not onerous, meaning the process was enjoyable throughout. I enjoyed immensely meeting others from around the country and settled into the fact that I knew no one to start with."

Re our collaboration with the National Judicial College of Australia to present the National Judicial Orientation Program, April 2021

"Wow, thanks for the impressively fast response. You've set the bar very high!"

Re Lawcodes staff responding to requests for new law part codes, Senior Project Officer, Corrective Services NSW, May 2021

"Love your work everyone!"

Re Lawcodes staff handling of urgent amendments needed for new COVID-19 restrictions, Senior Sergeant, NSW Police Force, May 2021

"I just know that Revenue is very lucky to be supported by such a great team!"

Re Lawcodes staff handling of urgent amendments needed for new COVID-19 restrictions, Assistant Advisor, Revenue NSW, June 2021

We inform the public about what we do and exchange knowledge and expertise with other organisations

The Commission provides accessible information about our 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 to community organisations, students and legal professionals. See Appendices 7 and 8 for full details of our publications and Appendix 15 for details of our presentations.

The Commission provides free access to resources and publications on our website. Our aim 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 *Sentencing Trends & Issues* papers, monographs, bench books and handbooks in HTML and PDF for free download to personal computers and e-book readers.

Sharing our technical expertise

For over 30 years, we have developed expertise in judicial education services, computerised sentencing information, processes for examining complaints and building and maintaining judicial support and case management systems.

In 2020–21, we worked with other organisations and judiciaries to:

- co-operate and exchange knowledge with government agencies in NSW
- assist with capacity-building projects in developing jurisdictions
- provide advice and assistance to 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 through contractual arrangements with other jurisdictions.

See Appendices 10–14 for complete details about how we shared our knowledge and expertise during the year.



Case study

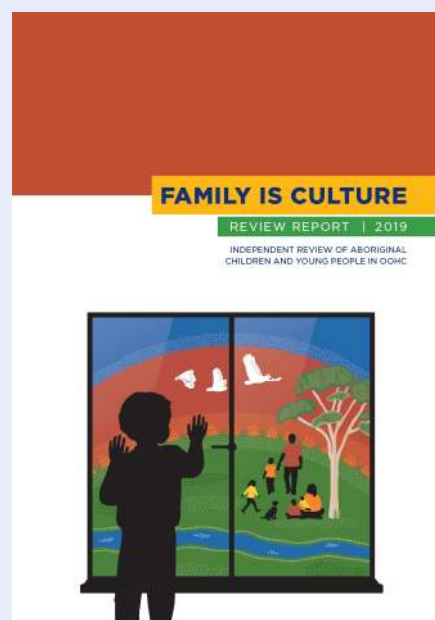
Collaborating with other justice agencies to improve outcomes for First Nations children in out-of-home care

First Nations children in NSW represent about 5% of the population but just over 50% of children who enter out-of-home care (OOHC). First Nations children living in remote areas of NSW are 11 times as likely as non-Indigenous children to be in OOHC. The NSW Government commissioned an independent inquiry to examine why this was so and to suggest ways to reduce entries into care. This inquiry, known as the *Family is Culture* review report, made 125 recommendations including 5 that require the Judicial Commission to respond. An Aboriginal Outcomes Taskforce was established to assist agencies in their response to the recommendations.

The Judicial Commission joined the Taskforce and has collaborated with other justice agencies and organisations throughout the year to develop and implement our responses to the 5 recommendations we have been tasked with. To date, we have:

- published information about intergenerational trauma on our website and the Judicial Information Research System (JIRS)
- developed and published information for Children's Court magistrates about issues associated with First Nations children entering OOHC in the *Equality before the Law Bench Book*
- collaborated with AbSec, the NSW Child, Family and Community Peak Aboriginal Corporation, to design and implement an education program for Children's Court magistrates regarding the Aboriginal Child Placement Principles.

Going forward, we will continue to inform judicial officers about the issues affecting First Nations children in OOHC in education sessions and our publications. Our aim is for judicial officers to have a deep knowledge of these issues when they make decisions affecting First Nations children.



In July 2020, the NSW Government provided a formal response to an Independent Review of Aboriginal children and young people in out-of-home care (OOHC). The Review examined the reasons for the disproportionate and increasing number of First Nations children and young people in OOHC in NSW. The Commission joined a taskforce to develop and implement responses to recommendations from the Review.

Performance of our public information and community engagement role

The Commission provides free legal educational resources to schools and university students on our website. There has been an 14.9% decrease this year in our key free-to-view legal publications, a continuing decline from last year's 8.7% decrease which we attribute to the general slowdown in activities due to COVID-19. Our publications are listed on university reading lists and regularly referred to as indispensable publications for law students.

The Commission shared its experience in the area of judicial education and the handling of complaints through virtual presentations and meetings. There were no delegations from abroad this year due to COVID-19 restrictions.

Commission officers' presentations about our work and role

Commission staff delivered 20 presentations (last year: 26) during the year, the majority of which were delivered online due to ongoing COVID-19 restrictions. Virtual presentations were given to judicial officers, community groups, government agencies, and court staff about the Commission's role in the NSW justice system, the Judicial Information Research System (JIRS), the development of the new *Bail Assistant* app and its functionality, specific research projects recently undertaken, continuing judicial education, judicial communication, and different learning styles. With the ability to host meetings online, the number of presentations remained high, despite the constraints imposed by COVID-19 public health regulations. See Appendix 15 for the list of presentations for 2020–21.



Case study

Uncovering fast-paced changes for mandatory face masks

Parliamentary responses to the COVID-19 pandemic led to a very quick turnaround of public health orders and consequent infringement penalties, particularly around public holidays and special celebrations. In this fast-paced environment, to ensure offences were in place to address potential health risks, the Commission's Lawcodes procedures were revised and communications with key agencies were heightened. One particular instance arose in early May 2021 concerning mandatory face mask rules required for Mother's Day.

The *Public Health (COVID-19 Mandatory Face Coverings) Order 2021* first came into effect on 3 January 2021. This required the wearing of face masks in supermarkets and public transport waiting areas and other such places. The order was made in part in response to the fear of COVID-19 spreading during the Christmas/New Year's Eve holidays and after the Northern Beaches flurry of infections. As cases of COVID-19 eased, the infringement penalties for failing to wear a face covering were removed.

However, on the morning of Thursday 6 May 2021 — just before the Mother's Day weekend — NSW Police Force contacted Commission staff to alert us to a proposal before the Minister to regenerate a number of the offences for not wearing a face covering. The start date would be that day. Although Lawcodes strictly will only code or reinstate a law part code on sighting the order or legislation, we immediately started coding to amend the offences as the law part codes were required for the NSW Police Force Miscellaneous Handbook which had to be updated before the commencement of the order. Contact was made with Revenue NSW to confirm the reinstatement of the infringement penalties and with the NSW Parliamentary Counsel's Office (PCO) to confirm the progress of the order. News broadcasts throughout the day informed the public about the new restrictions. It was originally anticipated the order would commence at midday but was soon changed to the NSW Police Force only imposing penalties after 5pm.

By 5pm, the Lawcodes database was updated by the Commission with the new reinstated law part codes, the codes were communicated to Police and Revenue NSW, and checked against the text of the *Public Health (COVID-19 Greater Sydney) Order 2021*. The order was put up on the PCO website at 5:51pm and on the COVID-19 Resources web page on JIRS. Further developments concerning the *Public Health (COVID-19 Greater Sydney) Order*, including its extended repeal, were tracked in the next few weeks and published on the JIRS web page.



Penalties for failing to wear masks on public transport was one of the law part codes that had to be created within a short timeframe during the pandemic.

Public use of our information declined during COVID-19

Use of our online publications decreased at an overall rate of 14.9% (last year: 8.7% decrease). The *Civil Trials Bench Book* has been the most accessed publication with an average 40,275 hits each month, although it has decreased by 15.7% compared with last year. This resource provides information and legal principles relevant to all aspects of running civil proceedings and about evidence admitted in criminal and civil trials. More information about our published resources is found on p 39 and in Appendix 8.

The decline in public use is not surprising in the context of the COVID-19 public health regulations. Until the start of the pandemic, there had been growth in the public use of our resources. The volume at which our resources are used, notwithstanding the overall decline from the impact of COVID-19, suggests

that we are meeting a need for information about our work and role in the justice system. See Table 7 on p 43.

Working with government agencies

Government agencies routinely request the Commission to provide legal information and analyses of the statistics that we hold on the Judicial Information Research System (JIRS). During the year, we responded to 41 research enquiries (last year: 50), including from government departments such as:

- Director of Public Prosecutions (NSW and Cth)
- Legal Aid NSW
- Public Defenders
- Department of Communities and Justice
- NSW Police Force
- Bureau of Crime Statistics and Research (BOCSAR).



We also worked with:

- the Department of Communities and Justice, participating in various working groups to advise about the NSW government's proposals for legislative reform. In the last 12 months we have provided feedback for proposed legislation including for: *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*; Justice Miscellaneous Amendment Bill 2021
- the NSW Government response to Law Reform Commission Report 148: *Consent in relation to sexual offences*, assisting the Department of Communities and Justice with developing a strategy to manage this significant reform package
- Transport NSW, participating in a working group with other agencies and stakeholders to provide feedback in relation to the implementation and operation of the *Road Transport Legislation Amendment (Drink and Drug Driving Offence) Act 2021*
- the Justice Health and Forensic Mental Health Network: in October 2020 we worked with Justice Health to better inform judicial officers as to court diversion processes.

In July 2020, the NSW Bureau of Crime Statistics and Research (BOCSAR) advised it was no longer able to provide certain information relating to prior offending, and Aboriginal or Torres Strait Islander (ATSI) status, in the regular quarterly sentencing data sent for the purpose of our sentencing statistics on JIRS. This change was on the basis that recent amendments to the *Privacy and Personal Information Protection Act 1998* precluded providing us with this information. BOCSAR and the Judicial Commission sought independent advice from the Crown Solicitor's Office, and ultimately consulted with the Privacy Commissioner of NSW in relation to a Privacy Code of Practice. A draft Privacy Code of Practice was forwarded to the Attorney-General for NSW and the Minister for Customer Service in April 2021. Once made and gazetted, BOCSAR will be able to provide us with all of the information needed to maintain the sentencing statistics on JIRS demonstrating a continuing commitment to work together for the benefit of judicial officers and other users of the sentencing statistics.

Also in July 2020, we published the results of a survey of NSW judicial officers conducted in October 2019. The survey was designed to assess whether the NSW sentencing reforms, commencing in September 2018, were operating as intended. We partnered with the NSW Bureau of Crime Statistics and Research (BOCSAR) to undertake this survey.

We also assist government with queries on a range of national and international issues: we supported the work of the Australian Law Reform Commission, in its inquiry into the laws relating to impartiality and bias as they apply to the federal judiciary: in March 2021 we met with President of the ALRC, Justice Sarah Derrington, and the inquiry team to share our perspective on the issues and provide information about the NSW experience.

Appendix 11 contains the full list of the organisations the Commission supported and exchanged information with during the year.

Operating the Lawcodes database

The Lawcodes database of unique codes, called law part 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. For example, a law part code must be included in a court attendance notice (CAN). The NSW Police Force and other prosecuting authorities use a CAN to commence criminal proceedings or it is issued when a person elects to challenge a penalty notice. The Commission developed and maintains this database and general access to it is provided through our website. During the year, Lawcodes staff:

- coded and distributed 98% new and amended NSW offences within 4 days of their commencement and Commonwealth offences within 7 days of receiving the official Commonwealth compilation (last year: 95%). The increase in these rates reflects the development and maintenance of an excel spreadsheet to capture the progress of Commonwealth Bills and the commencement of Commonwealth amending Acts up to a month before the issue of an official Commonwealth compilation
- updated all public health orders (Ministerial directions made under section 10 of the *Public Health Act 2010*) on the JIRS COVID-19 Resources web page within 36 hours of issue irrespective of when the order is released
- responded to all enquiries from Lawcodes users within 24 hours.

Lawcodes is continually undergoing refinement to improve efficiency and provide further depth of information. Each law part code contains layers of information apart from the current penalty: it carries a number of "flags" indicating whether, for example, the offence is summary, indictable or an indictable offence triable summarily. A law part code can also be "flagged" as a "Show Cause Offence" as defined in section 16B(1) of the *Bail Act 2013*. Two substantial projects were undertaken during the year: one to expand the scope of our bail flags for certain offences involving firearms and military-style weapons; and, the other was focused on compiling a set of procedures designed to maintain the currency and accuracy of the database.

Expanding the scope of our bail flags

In NSW, the *Bail Act 2013* provides a bail authority (such as police and judicial officers) with the steps required to decide whether a bail application can be granted. If a person has committed a serious offence, such as one punishable by life imprisonment, he or she is required to show cause "why his or her detention is not justified": Part 3, Division 1A of the *Bail Act*. Before the Act was due to commence in 2014, the Commission worked with NSW Police Force to



flag, in the Lawcodes database, a number of the more common serious offences listed in section 16B(1). Some of the other offences were more complex and extensive and were not requested to be flagged at the time. However, now offences under section 16B(1)(d) identifying certain firearms offences and section 16B(1)(e) with regard to offences involving military-style weapons can be identified and flagged. It is anticipated the feature will be rolled out next financial year after completing extensive consultation with the NSW Police Force.

Future plans: Research is further continuing concerning the interaction between the NSW show cause flags and Commonwealth bail considerations under sections 15AA and 15AAA of the *Crimes Act 1914* (Cth). Section 15AA provides bail must not be granted for offences including treason, treachery and espionage unless exceptional circumstances apply, while section 15AAA provides bail is not to be granted for child sex offences unless circumstances exist to grant bail. Both provisions are complex and consultation is undergoing with NSW Police Force as to whether these flags would assist Police in charging offenders under the relevant law part codes.

Extensively documenting our procedures through a Lawcodes Manual

As part of our ongoing succession plan, the Lawcodes Manual has been compiled as a working document outlining our main Lawcodes procedures and is now available on the Commission's intranet. Information has been included for step-by-step procedures on creating new law part codes, as well as dealing with transitional/savings provisions and how to sunset regulations. The various elements of a law part code, including the indictment text, statute of limitations, Australian and New Zealand Standard Offence Classifications (ANZSOC) and codes used by Revenue NSW to impose infringement penalties are explained and the legal basis for each are identified. The legislative basis for the creation of law part codes is also included, discussing the interrelationship between rule 3D(2A) of the Supreme Court Rules 1970, Forms 1A and 1B of Schedule 1 to the *Criminal Procedure Regulation 2017* and rule 3.2 of the Local Court Rules.

Future plans: Future projects for the Manual will include adding a section compiling a list of the legislative provisions that underpin Lawcodes. In this way, if an amendment is made to any of these key provisions, work will be well in hand to make the appropriate global changes to the database. Further, an appendix to the Manual, of completed/ongoing research for Lawcodes legislation, will continue to be populated with the extensive research undertaken for particular NSW and Commonwealth legislation that may be useful for any future historical research.

Performance of our capacity-building role

Consistent with section 11(1)(b) of the *Judicial Officers Act 1986*, the Commission is 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:

- continued to work with the Papua New Guinea (PNG) law and justice sector to operate the PNG Sentencing Database (PNGSD) and the Integrated Criminal Case System Database (ICCSDB)
- liaised with the Australian Government's Australia Awards program in South Asia to provide information relating to education programs for drug courts and explored opportunities for a virtual study tour in 2021–22.

We could not host any international visitors this year due to COVID-19 public health regulations. Full details of visits to the Commission can be found in Appendix 12.

Collaborating with NSW courts and other Australian jurisdictions

The Chief Executive is a member of the Judicial Council on Cultural Diversity (JCCD) and participates in its meetings, decision making and programs.

In September 2020, at the request of the Supreme Court, the Commission began working in collaboration with Supreme Court judges to create a courtroom booking system for criminal trials. The system allows for the booking, sometimes spread over multiple rooms, to conform to COVID-19 restrictions on the number of people allowed in a space. To achieve this, the Commission adapted an existing open-source calendaring solution to visualise which courtrooms are available on any given day of the month, the capacity for the current COVID-19 physical distancing restrictions, and who the courtroom is allocated to. A colour-coded tagging system was also implemented for better visualisation of types of bookings. The final system was coupled with an authentication solution to provide secure access over the internet. The new system has been operating successfully in the Supreme Court since early November 2020.

During the year, we also:

- continued to host the cultural diversity e-learning program that we developed for the JCCD
- continued to host the NSW Court of Appeal website for which the Court of Appeal maintains the content
- provided training on JIRS for the new cohort of tipstaves at the Supreme Court via webinar in March 2021
- continued to host, maintain and support case management systems for the NSW Drug Court and the Compulsory Drug Treatment Correctional Centre
- continued to assist with administering the Local Court's structured mentoring program in order to increase support to newly appointed magistrates
- assisted the District Court of Western Australia by providing information regarding judicial staff appointment and training



- shared our experience in dealing with complaints with the Judicial Commission of Victoria.

Working with the legal profession

In March 2021, we collaborated with the Law Society of NSW in their continuing legal education program when Pierrette Mizzi, Director, Research & Sentencing, and Mark Zaki, Managing Lawyer, Research & Sentencing, conducted a presentation for the legal profession on the use of comparable cases and statistical information on JIRS in sentence proceedings. This presentation was originally planned for early 2020 but was rescheduled due to COVID-19 public health regulations. We also assisted with publication of an article for the *LSJ* (Law Society Journal) on bail, in June 2021.

In September 2020, we held a number of consultations with the Bar Association of NSW about its approach to sexual harassment prevention training, and in June 2021 we shared an article on sexual harassment for republication.

Performance of contractual services

Revenue from our information technology contractual services at \$1.063 million (16.5% of total income) was slightly higher than last year's \$1.04 million.

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
- the PNG Sentencing Database
- the PNG Integrated Criminal Case System Database
- the Queensland Sentencing Information System.

Responding to enquiries

Our Chief Executive responded to 319 telephone, face-to-face and written enquiries from potential complainants and members of the legal profession (last year: 382). There were no media enquiries about our work this year (last year: 3).

Working with other judicial education providers and universities

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

Collaborating with other similar organisations both in Australia and beyond allows us not only to share our experience and knowledge with judicial education bodies but also to learn from their insights. In July 2020, we shared information and advice about our mentoring program for newly appointed judicial officers with staff of Te Kura Kaiwhakawā (Institute of Judicial Studies), New Zealand.



In April 2021, the Commission supported the National Judicial College of Australia to present the first "post COVID-19" National Judicial Orientation Program, a week-long residential program to assist newly-appointed judges from all States and territories with their transition to judicial office. Mr Joshua Price, Symmetra (l) and Dr Siddharth Shirodkar, Sir Roland Wilson Scholar, Australian National University (r), presented a session on unconscious bias.

Another example is a collaborative workshop held by video conference with judicial educators in Australia and New Zealand. Following the cancellation of an in-person meeting in 2020 due to travel restrictions, we hosted an online meeting in June 2021. The purpose was to share information and explore opportunities for further collaboration. Representatives from the National Judicial College of Australia (NJCA), Australasian Institute of Judicial Administration (AIJA), Judicial College of Victoria (JCV) and Te Kura Kaiwhakawā (Institute of Judicial Studies) took part.

We continued our work with the University of NSW on a research project focussed on vicarious trauma and published the findings in February 2021; see case study on p 27. During the year, we also participated in a number of high-level programs, committees, conferences and steering groups in connection with our judicial education role. Some highlights were:

- assisting the National Judicial College of Australia to present the National Judicial Orientation Program (NJOP)
- assisting the International Organization for Judicial Training (IOJT) with publication of Issue 7 of their international journal in July 2020



- contributing to the meetings, decision making and programs of the Judicial Council on Cultural Diversity (JCCD), including participation in a Working Group to give feedback on a proposed course outline for the JCCD's Recommended National Standards for Working With Interpreters in Courts and Tribunals
- co-chairing the International Committee of the Association for Continuing Legal Education (ACLEA)
- participating in the activities of the Advisory Board of the Commonwealth Judicial Education Institute (CJEI)
- collaborating with the Australasian Institute of Judicial Administration (AIJA) on a program addressing implicit bias. See case study below.

Appendix 10 has details of how we assisted other organisations. See also case study highlighting collaborations undertaken by our Ngara Yura Committee during the 30-year anniversary of the Royal Commission into Aboriginal Deaths in Custody on p 32.

Case study

Collaboration: spotlight on the Australasian Institute of Judicial Administration

The Judicial Commission of NSW has many synergies with our partner, the Australasian Institute of Judicial Administration (AIJA). The AIJA conducts research into judicial administration and develops and delivers educational programs for judicial officers, court administrators and members of the legal profession in relation to court administration and the judicial system.

In 2020, under the leadership of the Honourable Justice Steven Rares, President, the AIJA moved from Melbourne to the heart of Sydney's legal precinct in Phillip Street. This created an opportunity to work more closely with new Executive Director, Alison MacDonald and reform our alliance. The value derived from such collaboration is significant, given that both organisations have limited resources and funding.

We meet regularly to discuss common areas of interest — for example, in July and August 2020 we met to discuss our approaches to significant areas of concern in judicial education. These included sexual harassment prevention and judicial wellbeing.

In October 2020, we invited AIJA members to take part in one of our very well-received webinars, "Implicit Bias against Indigenous Australians". The presenter, Australian National University's Sir Roland Wilson Scholar, Dr Siddharth Shirodkar, discussed his research findings and addressed the challenging topic of unconscious bias. Both the Commission's Ngara Yura Committee and the AIJA's Indigenous Justice Committee were interested to hear from Dr Shirodkar. Providing access to AIJA was a logical step. Over 40 AIJA members took part.

The AIJA publishes an online *Guide to Judicial Conduct*. We ensure all new judicial appointments to the bench are provided with access to this important publication and also link to this in our JIRS database, with the permission of the AIJA.

The new alliance between our Ngara Yura Committee and the AIJA's Indigenous Justice Committee has enabled regular dissemination of information of interest to both groups, including selected meeting minutes, as of February 2021.

The AIJA has also proposed development of a National Indigenous Justice Bench Book and seeks Commonwealth funding and judicial support for the project. At the May 2021 meeting of our Ngara Yura Committee, members voted unanimously in support of this important proposal for a national bench book, undertaking to provide letters of support to this effect.

Collaborating with other similar organisations allows us to share our experience and knowledge with judicial education bodies and also to learn from their insights. In keeping with this, we hosted a virtual meeting of the Australia New Zealand Judicial Educators (including Alison McDonald of the AIJA) in June 2021. From this, we gained valuable knowledge about how our counterparts are managing to work in the current environment, dealing with the limitations that COVID-19 has brought about.

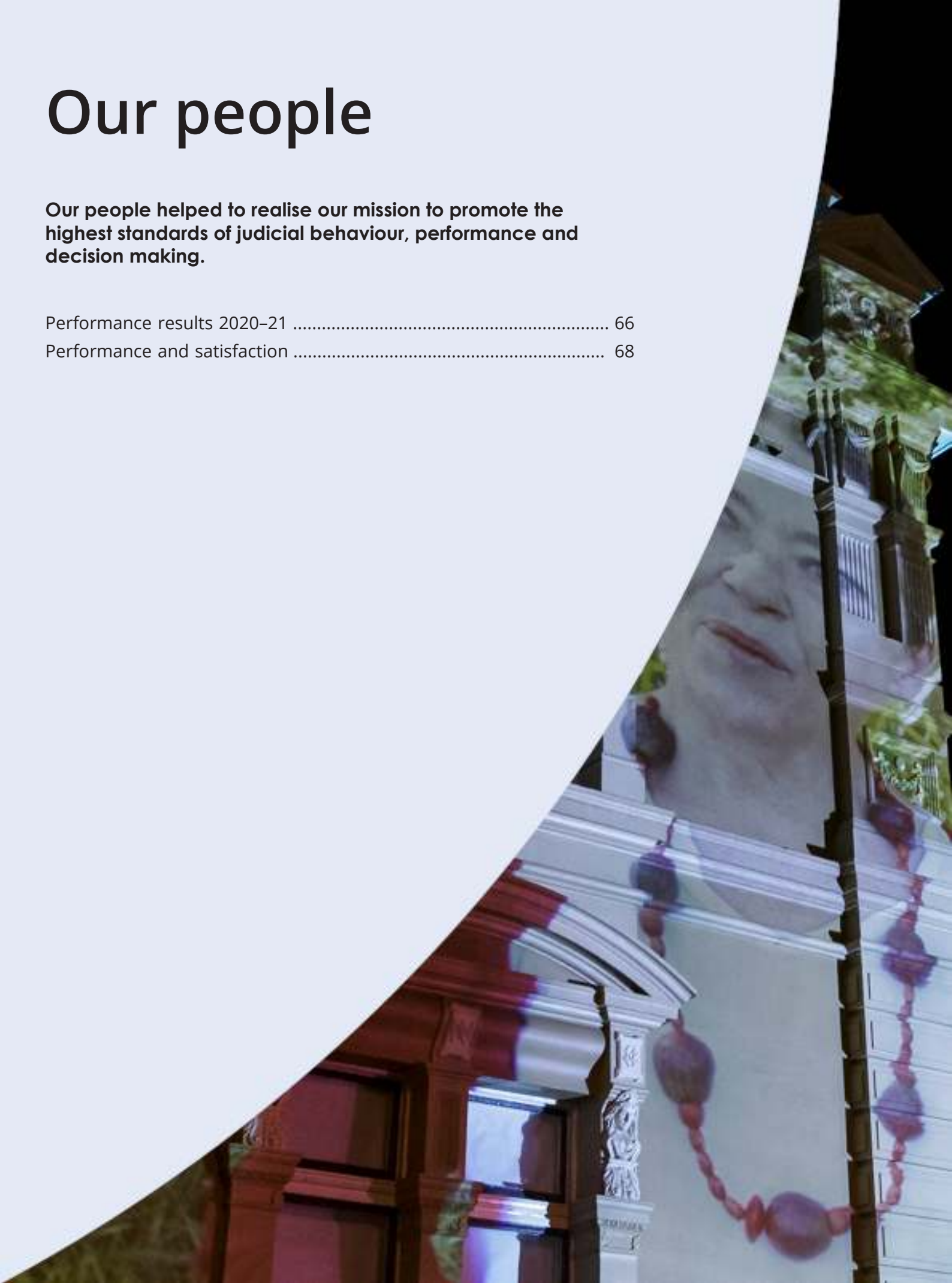


The Commission ensures all newly appointed NSW judicial officers receive access to AIJA's *Guide to Judicial Conduct*.

Our people

Our people helped to realise our mission to promote the highest standards of judicial behaviour, performance and decision making.

Performance results 2020–21	66
Performance and satisfaction	68



Performance results 2020–21

An assessment of the results shown in Table 13 demonstrates that our talented and skilled people performed well in 2020–21, notwithstanding the COVID-19 global pandemic. Table 13 shows the evidence for each identified result as well as details of each measure we have put in place to achieve our objectives, highlights for the year, challenges, and forward direction.

Table 13. Results for our people

Results	Measures	Performance	Status
Deliver services and meet functions as set out in <i>Judicial Officers Act</i>	Employ qualified and skilled staff to efficiently deliver statutory functions (ie our core programs), working in collaborative teams	32 people work in judicial education, legal research, complaints, information technology and corporate services: see p 68 Communication within the Commission to perform required work is strong, shown in high satisfaction in our staff survey results: see p 68	✓
	Staff equipped to perform functions through induction and ongoing professional development	Provision of induction program for new staff, and performance review, professional training and development and community engagement opportunities: see case study on p 74 Highly skilled and well-trained staff: 74% of staff furthered their professional training: see p 72 Developed and shared expertise through secondments	✓
	External recognition of staff performance	Judicial officers continue to be highly satisfied with the support they receive from Commission staff in delivery of annual conferences and workshops: 98%: see p 28	✓
		HIGHLIGHT High up-take of training, 74% of staff acquired new skills through webinars and online courses while working from home as required by COVID-19 public health regulations: see p 72	
Staff are engaged, valued and satisfied working at the Commission	Low turnover and high retention in staff, keeping skills and knowledge within the Commission	Low turnover: 9.38%: see p 72. This is below benchmark of 15% High retention: 55% staff have 10+ years' service and a further 18% staff of 5+ years: see p 72	✓
	Satisfaction ratings in staff surveys	HIGHLIGHT High staff satisfaction rating of 95% in Commission annual survey: see p 68	✓
Our workforce is culturally and linguistically diverse and we have a dedicated Aboriginal project officer	Compliance with NSW government practices, policies and guidelines	Valued gender equality in the workplace and in senior roles: see p 88 Valued staff diversity: Our workplace is culturally and linguistically diverse, meeting NSW Government benchmarks: see p 70 Flexible work arrangements available: see p 72	✓
Our workplace is safe and we minimise risks to health and safety in the workplace	Compliance with government practices, policies and guidelines	Valued staff safety: Our workplace was safe with no workers compensation claims and no work, health and safety prosecutions: see p 74	✓

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

Photo previous page: The Commission's Ngara Yura Project Officer, Joanne Selfe, is pictured projected onto the Leichhardt Town Hall in a ceremony which recognised her volunteer work in the community. Joanne is one of 32 people we employ in our Sydney office who ensure that we meet our goals and deliver services to the judicial officers and people of NSW.

Challenges 2020–21

- Managing the continuing impact of the COVID-19 pandemic which affected the working practices of Commission staff as they worked remotely in accordance with public health orders, and the transition from staff working remotely to a hybrid model of working from home and the office.
- Building teamwork and cooperation within and between teams, as well as across the whole organisation, particularly in the context of remote working as a result of COVID-19 public health regulations.
- Managing staff leave balances.
- Developing further strategies to assess and understand where the Commission's productivity can be improved.
- Encouraging busy staff to balance their work commitments with training and development opportunities.
- The Chief Executive was on extended leave for four months; the Deputy Chief Executive took on the role of Acting Chief Executive during this time to manage the organisation in his absence.

Looking ahead 2021–22

- Continue to value our staff, while working with the budgetary challenge of whole of Government savings directive and in circumstances where working in physically separate locations as a consequence of COVID-19 public health regulations has become part of working practice.
- Develop further strategies to assess and understand where our productivity can be improved.
- Continue to encourage staff to identify personal training opportunities during their yearly performance reviews. We are committed to ensuring that our people maintain and improve their skills and knowledge.
- Maintain our staff retention rate below benchmark.
- Continue to foster a productive workplace where our people feel valued and satisfied in their work.
- Continue to foster a workplace culture that supports diversity and is aligned with the workforce strategies of the NSW public sector.
- Continue to have in place policies and strategies to ensure a safe workplace and minimise risks to workplace health and safety.

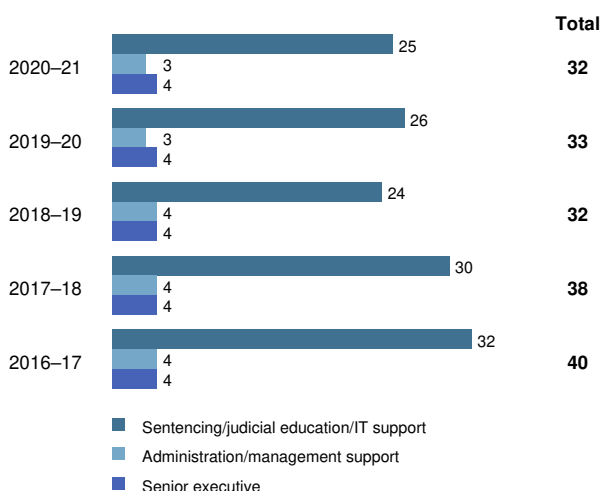
Performance and satisfaction

Our staff

Our staff are essential to our success and to ensuring we meet our goals and deliver our services. The Commission employed 32 people (29.8 full-time equivalent) in judicial education, legal research, complaints, information technology and administrative roles (last year: 33). Figure 15 shows the average number of employees in these roles over a 5-year period. Our small staff numbers mean that retired judicial officers sometimes help us with specialised tasks such as updating 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.

Figure 15. 5-year comparison of average number of employees by employment category



Our people have a high level of satisfaction

Our yearly internal staff survey measured how committed, stimulated and supported our people felt. We received a 69% response rate, with 25 of 36 staff (permanent and temporary) responding (last year: 67%, 22 of 33). We achieved a 95% overall staff satisfaction rating (last year: 97%).

100% of staff who responded agreed or strongly agreed:

- they understood how their work contributed towards the Commission's mission and purpose (last year: 100%)
- they feel engaged with their work at the Commission (last year: 100%)
- they were willing, when required, to put in extra effort to achieve a professional result (last year: 100%).

The following percentage of staff also agreed or strongly agreed:

- 96% felt they were provided with sufficient resources and time to undertake their work (last year: 95%), able to balance work with their

personal life (last year: 100%), felt there is good teamwork and co-operation within Commission projects (last year: 95%) and considered their working environment was safe, secure and comfortable (last year: 100%)

- 92% felt there is good and effective communication of what they need to know to do their work (last year: 100%) and felt trusted and valued at the Commission (last year: 95%)
- 84% felt their requests for professional development training were supported (last year: 82%).

While the result for communication has declined marginally from 100% to 92%, the result can be attributed to two staff members giving a neutral response in the survey. Further, in all but one question where staff did not agree, they gave a neutral response to the question. In only one question was there a negative answer where one staff member indicated they did not feel trusted and valued whereas the majority of staff (92%) did.

Looking ahead, the Commission will focus on the wellbeing of staff given the ongoing pandemic has meant a continuation of remote working arrangements. We will continue to encourage staff to engage with online professional development opportunities.

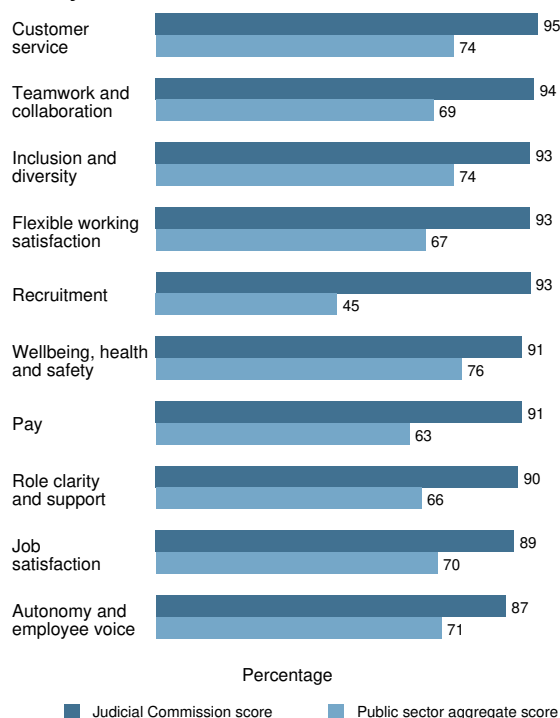
Commission rates highly in NSW Government 2020 People Matter Employee Survey

The Public Service Commission conducted a People Matter Employee Survey in 2020. The survey measured employee engagement, senior managers, communication, engagement with work, high performance, public sector values, and diversity and inclusion. Figure 16 on p 69 shows that, with a 61% response rate, the Commission rated very highly across themes as well as in comparison to the overall public sector. Some key highlights of the survey showed that 100% of staff who responded felt:

- that the Commission quickly adapts and responds during major events that impact our work (eg COVID-19)
- people in their workgroup treat each other with respect
- proud to tell others they work for the Commission.

The Commission improved across several key areas since the last survey including satisfaction with:

- decision making and accountability, 17% increase
- communication and change management, 16% increase
- flexible working arrangements, 14% increase
- senior managers, 12% increase.

Figure 16. Top 10 Commission results in People Matter Survey 2020

Connecting with communities

Commission staff engage with the community in various ways. Throughout the year, staff have given presentations about the Commission's work and role in the justice system through seminars to university students and community groups. The Commission also increased the number of virtual presentations given this year since the COVID-19 global pandemic prevented hosting national and international visitors in-person.

Commission staff are also involved in Aboriginal cultural awareness, the Ngara Yura Program, as a way to promote cross-cultural communication: see p 29 for more information. Our Ngara Yura Project Officer was honoured this year as one of three Elders in a volunteer team that won one of the Amy Large Volunteer Awards for going above and beyond in volunteering their time to do workshops with community, attend cultural events and develop programming to strengthen community, providing the opportunity for those most vulnerable in the community to access the cultural knowledge and support needed to lead Australia into a brighter inclusive future.

The Commission's education function includes providing information designed to increase judicial officers' understanding of the Qur'an and Muslim faith. We publish the "Explanatory Note on the Judicial Process and Participation of Muslims", prepared by the Australian National Imams Council, on our Judicial Information Research System (JIRS) and reference this in our judicial orientation programs.

Details about visitors to the Commission are found in Appendix 12 and presentations given during the year are listed in Appendix 15.



Our Ngara Yura Project Officer, Joanne Selfe (pictured middle) was honoured for her volunteer work in the community at a special presentation at Leichhardt Town Hall on 19 May 2021. Joanne received an "Amy Large Volunteer Award for Volunteer Team or Group". The Award acknowledges outstanding volunteer contributions to local families, organisations, programs, the environment and individuals in need. The 2021 awards were presented alongside the Citizen of the Year Awards. In the photograph (l to r) with Joanne are Peta-Joy Williams, Uncle Derek Wilson, Aunty Tracey Bostock and Inner West Mayor Cllr Darcy Byrne. Photo credit: Inner West Council and Meredith Schofield.

We supported the Great Book Swap

In June 2021, Commission staff participated in the *Great Book Swap* to support the Indigenous Literacy Foundation (ILF). This is a national not-for-profit charity focussed on improving literacy levels by providing books and learning resources to children living in remote First Nations communities across Australia.

Only 36% of Indigenous Year 5 students in very remote areas are at or above national minimum reading standards, compared to 96% for non-Indigenous students in major cities, according to the 2019 National Assessment Program for Literacy and Numeracy (NAPLAN).

The situation is improving but there is still a long way to go and the challenges are immense. Apart from the historical, health, social, and educational disadvantage issues, many remote communities don't have many, if any, books. Most of the remote communities that the ILF works with report there are fewer than five books in family homes. Through their Community Publishing Projects, they have been able to work with many remote communities, and publish books reflecting up to 26 Indigenous languages; from Walmajarri in the Kimberley region, to Arabana in South Australia, to Kriol in the Katherine region.

The Commission raised an incredible \$600 towards this wonderful cause!

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.

Due to COVID-19 and working from home conditions, inductions took place online in the first half of this year, see case study on p 74.

Providing training opportunities for law students

The Commission employs law students as trainees in our Research and Sentencing and Publishing teams. Students gain experience in interpreting case law and legislation. Many of our trainees have gone on to work as judge's associates or solicitors who specialise in criminal practice.

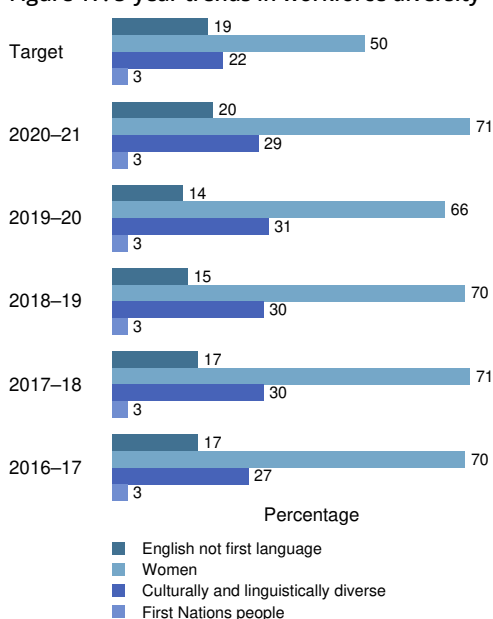
Assessing and promoting productivity

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 68). We have also implemented 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 yearly 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.

High performing staff take responsibility for being proactive in developing more streamlined workflows and providing valuable feedback to managers. One challenge is to encourage staff who are working to constant deadlines to take timely breaks and other forms of stress release. The Commission also provides confidential and free access to an Employee Assistance Program service.

Figure 17. 5-year trends in workforce diversity



Providing for workforce diversity

We provide a diverse, fair and safe workplace for our people. The Commission demonstrates our commitment to these values through policies such as our Diversity and Multicultural Policy published on our intranet, which includes measures such as:

- ongoing support for cultural diversity
- addressing barriers for employment that exist for First Nations people
- meeting the needs of people with a disability and increasing accessibility to information, services and the workplace
- encouraging staff to undertake training on respect, diversity and cultural competence, and disability support
- eliminating discrimination on the basis of gender and providing opportunities for leadership and professional training for all women
- supporting the availability of flexible working arrangements
- opportunities to act in higher positions.

There is zero-tolerance for harassment of any kind in the workplace, as expressed in our harassment and sexual harassment policies; the latter was revised in September 2020. There were no discrimination complaints lodged with the Anti-Discrimination Board of NSW (last year: 0) nor were there any harassment complaints made (last year: 0).

The majority of our people are women (25 or 71%) and 10 people (29%) are from a culturally diverse background: see Figure 17. The percentages in Figure 17 reflect staff numbers excluding temporary staff during 2020-21.

The *Disability Inclusion Act 2014* and *Disability Inclusion Regulation 2014* do not require the Commission to report a benchmark level for people with a disability or people with a disability requiring a work-related adjustment. However, the Commission will make reasonable adjustments in the work place for staff who require this as ensuring an inclusive workplace is a priority; this year, the Commission had no staff member reporting a disability or requirement for a disability-related adjustment.

Our staff numbers meet the target of the NSW Public Sector Aboriginal Employment Strategy 2019-2025 of 3% First Nations employees.

Looking ahead, we will continue to foster a workplace culture that supports diversity and is aligned with the workforce strategies of the NSW public sector.

Our multicultural plan

The Judicial Commission is committed to the equitable and respectful delivery of our services for the people of NSW and to removing any barriers that might prevent full access to these for people from culturally and linguistically diverse backgrounds. We have also embedded training about cultural diversity in judicial orientation programs to ensure that new judicial officers appreciate the impact of cultural and religious differences and understand how language and culture influence behaviour, attitude and witnesses. When

planning our programs, service delivery, and in our operations generally, we do so in line with the requirements of the *Multicultural NSW Act 2000* and the NSW Multicultural Policies and Services Program (MPSP).

This year, we report how our service delivery, planning, leadership and engagement have delivered outcomes consistent with our multicultural plan.

Service delivery

Our service delivery comprises a complaints function for the people of NSW, a continuing judicial education program and the provision of legal and sentencing information; this is free-to-view on our website. See further “Our services delivery” on p 9.

During the year, we addressed the specific needs of people from culturally and linguistically diverse (CALD) backgrounds in the following ways:

- we provided interpreting and translation services where required for complainants and advice about the complaints process for potential complainants. We ensure that people from diverse backgrounds are aware of alternative NSW Government services, programs and functions if their complaint falls outside our jurisdiction
- we participated in the Professional Development Working Group on Recommended National Standards for Working with Interpreters in Courts and Tribunals for the Judicial Council on Cultural Diversity (JCCD). This is established to design a course for judicial officers on the National Standards to assist judicial officers in their daily work to remove barriers for people from diverse backgrounds
- we worked with the Justice Health and Forensic Mental Health Network to better inform judicial officers about court diversion processes for people from diverse backgrounds.

The Commission’s expenditure on provision of language services totalled \$1,586 (interpreting services: \$138; interpreter language allowance: \$1,448), last year: \$1,500 (interpreting services: \$54; interpreter language allowance: \$1,446).

Next year we will continue to provide interpreting and translation services as required for complainants and continue our collaboration with the JCCD.

Planning

Planning for our service delivery takes into consideration the needs of CALD people. Our planning is evidence driven and we collaborate with other judicial education providers, government departments and agencies to share research and resources.

During the year we:

- worked with the NSW Department of Communities and Justice, Absec and independent researchers to plan the implementation of our detailed response to the recommendations of the *Family Is Culture Review Report: Independent Review of Aboriginal Children and Young People in Out-of-Home Care* (2019, Professor M Davis, chair), see case study on p 59.

Next year we will move to the delivery phase of this project with publications and education sessions delivered for judicial officers to address the recommendations of this significant report.

Leadership

The recognition of diversity and equitable access is embedded in our service delivery and work practices. Since 1992, in line with recommendations of the Royal Commission into Aboriginal Deaths in Custody, we have run an Aboriginal Cultural Awareness program, the Ngara Yura Program, for judicial officers. Our staff often participate in this program. See p 29 for more details on this program.

During the year we:

- had a special focus, as part of our Ngara Yura Program, in our publications and conference sessions on the 30th anniversary of the Royal Commission into Aboriginal Deaths in Custody (April 2021); see case study on p 32
- designed and delivered a webinar addressing implicit bias against First Nations Australians
- assisted with publication of an article for the *LSJ* (Law Society Journal) on bail issues that disproportionately impact First Nations people.

Next year we will continue to support the National Judicial Orientation Program and our magistrates’ orientation program to ensure that new judicial officers appreciate the impact of cultural and religious differences and understand how language and culture influence behaviour, attitude and witnesses. We will also expand the information provided in all our programs to better inform judicial officers as to the increasing diversity in the legal profession.

Engagement

During the year we collaborated with diverse communities directly or indirectly in the following ways:

- supported the work of the Department of Communities and Justice in reaching an Accord with the NSW Council of Aboriginal Regional Alliances regarding strategies to reduce the number of young First Nations people being breached on bail following non-violent offences
- provided assistance to the Australian Government’s Australia Awards program in South Asia, sharing information relating to education programs for drug courts and explored opportunities for a virtual study tour in 2021–22
- continued to make judicial officers aware of the Australian National Imams Council “Explanatory Note on the Judicial Process and Participation of Muslims”.

Next year we plan to update information specific to judicial officers about people from culturally and linguistically diverse backgrounds in NSW in the *Equality before the Law Bench Book*. This award-winning publication is freely available on the Commission’s website.

Case study

Recruiting in the midst of a pandemic

Due to COVID-19, the traditional hiring process took on a whole new look in 2020 when we needed to recruit for a number of positions in the midst of border closures and remote working. As such, we had to do this through the additional prism of new core capabilities. The likelihood of fully remote working had to be factored in, so we had to ensure that potential employees had the qualities to be successful in this new working world. We were keen to attract candidates who could demonstrate strong communication skills, ease with technology and a flexible, adaptable approach to their work.

We used digital hiring tools such as online screening and virtual interviews to gain a better feel for an employee's job fit. We also utilised assessments and phone consultations to assist us with gauging technical skills and cultural fit. Our overall goal was to recruit based on skill set and compatibility. This ensured a positive impact on employee performance and satisfaction for the long-term. This new way of hiring worked well for us and we will continue to use many aspects of this refined process in the future.

Providing flexible work arrangements

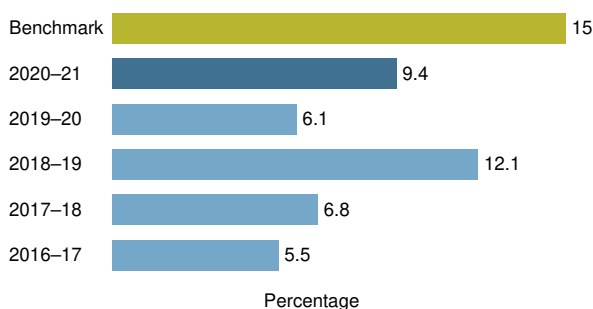
The Commission has a "flexible working practices agreement" in place to assist employees to balance work with personal and family obligations. All requests for flexible working arrangements are assessed on their merits in line with this policy. Staff also benefit from our "flexible working hours" policy that provides options for people to arrange their working hours. Our yearly staff survey showed that 96% of respondents agreed that the organisation provides them with a good work/life balance (see p 68).

Our working arrangements are published on the staff intranet and are in line with the NSW Public Service Commission's 2018 flexible working policy.

Retaining our staff

The turnover rate for permanent staff increased this year to 9.38% (last year: 6.06%) with 3 staff members leaving. One of these departures was the retirement of Maree D'Arcy, Librarian, after 27 years' service at the Commission. This turnover rate remains below our acceptable rate of 15%, suggesting that we are an employer of choice for the majority of our people: see Figure 18. Our retention rate is very high with over 55% of our staff having 10 or more years' service and a further 18% having 5 or more years' service.

Figure 18. Staff turnover 2016–21



Satisfactory staff attendance

During 2020–21:

- no industrial action occurred
- average sick leave was 7.21 days per employee (last year: 5.38 days). The increase was due to one staff member requiring more than 4 months of sick leave. Excluding this staff member, the average was 4.41 days. The general decline in sick leave taken was likely due to working from home arrangements and COVID-19 social distancing restrictions.

Consultants

This year we engaged no consultants.

Employee Assistance Program

Our Employee Assistance Program (EAP) facilitates professional counselling to help staff deal with a range of issues and learn ways of dealing with stress. The Commission is committed to providing a confidential EAP for employees if the need arises. Employees also have access to the EAP provider's monthly e-flyer and portal, which gives interactive information on a number of wellbeing tools such as a Wellbeing Screener, a Smoking Cessation Planner, and digital fitness sessions to encourage regular exercise through the period of COVID-19 restrictions. The newsletter addresses a number of important holistic issues such as how to tackle stress at home and at work.

Providing professional training and development

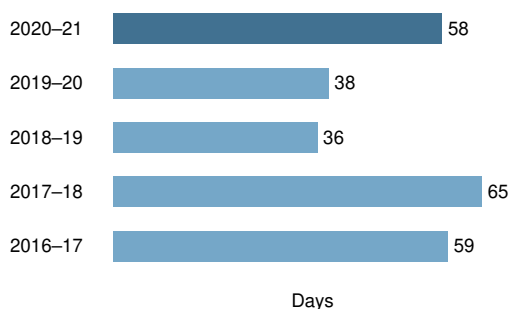
As an education provider itself, the Commission strongly encourages all staff to undertake regular professional development. Employees identify their training and development needs in relation to their performance improvement plan as part of their yearly performance review. Managers encourage staff to 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.

Due to COVID-19, the working from home environment has required staff to learn new skills and as a result, many have embraced the opportunity to take part in more webinars and online courses. This has seen staff take-up of training at a significantly higher level and with lower cost. Twenty-six staff members (74%) attended 58 training days at a cost of \$2,654 (last year: 38 training days at a cost of \$13,510); see Figure 19. Staff attended a variety of training opportunities including:

- conferences and seminars to further professional development in areas such as sentencing law, continuing legal education and current criminal and civil legal issues
- webinars and online courses covering topics such as moving program content online, learning management systems, managing teams remotely, WHS for remote workers
- cyber security
- systems and IT workshops
- in-house training eg Microsoft 365, HTML, Microsoft Teams.

In addition, 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 First Nations communities as part of the Ngara Yura Program.

Figure 19. Staff training days 2016–21



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.

Library services for staff

Historically, the library has provided bibliographical support for the Commission's research, education and publishing Programs. Legal and other related information is gathered and distributed, materials are sourced and supplied, and legal research tasks are undertaken.

Online access to a wide range of legal subscription services are available to all staff, relative to the library's budget. Subscriptions to core materials of relevance to Commission staff were maintained throughout the year. Electronic copy has proved its worth during the COVID-19 pandemic as material can be sourced quickly and immediately circulated, increasing our efficiency.

In 2020–21, the library maintained 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.

During 2020, when staff worked principally from home due to the pandemic, our use of online services became more entrenched. This change in working practices as a result of the COVID-19 pandemic has contributed to the decrease in demand for library services. For example, between 2019 and 2020, reference enquiries dropped by over 20%, consistent with staff working remotely and utilising online services. Coupled with the retirement of the Commission's librarian in April 2021, we are currently re-evaluating requirements for our library services.



Librarian Maree D'Arcy retired this year after 27 years at the Commission.

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. 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 were awarded a 0.3% salary increase from the first full pay period after 1 July 2020 which reflected the increase provided to public sector employees under the Crown Employees (Public Sector — Salaries 2020) Award. There was no adjustment for senior executives during 2020–21.

The Commission contributed an amount equivalent to 9.5% of each employee's salary to Aware 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. Information about remuneration for senior executive staff is found on p 88.

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 available on our intranet. Our Audit and Risk Committee oversees our work health and safety compliance: see p 84. This year, we focussed on:

- reviewing the contents of first aid kits maintained in the workplace
- identifying hazards
- minimising risks
- conducting the emergency evacuation drill.

We have a trained Health and Safety Representative who conducts safety inspections of the premises. Four employees are trained as fire wardens, and the building management regularly updates training. 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 were:

- no workplace injury claims lodged this year (last year: 0)
- no work-related illnesses or prosecutions under the *Work Health and Safety Act 2011* (last year: 0)
- no grievance complaints lodged (last year: 0).

We encourage staff to receive influenza immunisation and reimburse the cost of the booster. Staff are also encouraged to receive their COVID-19 vaccination where eligible. Ergonomic assessments of workstations for new staff are undertaken to help them use their stand-up desks in the office effectively.

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.

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. Virtual meetings were held while staff were working from home in accordance with COVID-19 public health orders. Our employees are informed about policies and procedures on our intranet and notice boards. Directors have an open-door policy and publish monthly reports about their department's progress. Departmental managers have frequent meetings with employees to discuss workflow, work-related issues, and also to promote their wellbeing. Our in-house newsletter, *JUDCOMmunications*, is circulated monthly to all staff.

2019–20 Annual Report wins gold award

The Commission received a gold award from the Australasian Reporting Awards for its 2019–20 Annual Report. This, our 11th consecutive gold award, acknowledges the consistent high quality of our reporting. This year, the Commission's annual report was also the winner of the inaugural Best of Industry Sector Award for Public Administration — State Sector. The Commission's annual report was also a finalist for both the Governance Reporting Award (Public and Not-for-Profit Sectors) and Report of the Year Award. See case study on p 82.

Case study

Engaging new people through online induction

COVID-19 imposed working from home conditions for the first half of this year so all inductions for new Commission staff took place online during this time. Our staff orientation process changed out of necessity, as we moved to create engaging experiences to welcome our new employees. With changes occurring almost daily, it was crucial to introduce certainty and a process that new team members could relate to. Our main objective was to ensure this first important step wasn't reduced to simply filling out compliance documentation and hours of online lectures, simply because the delivery medium had changed.

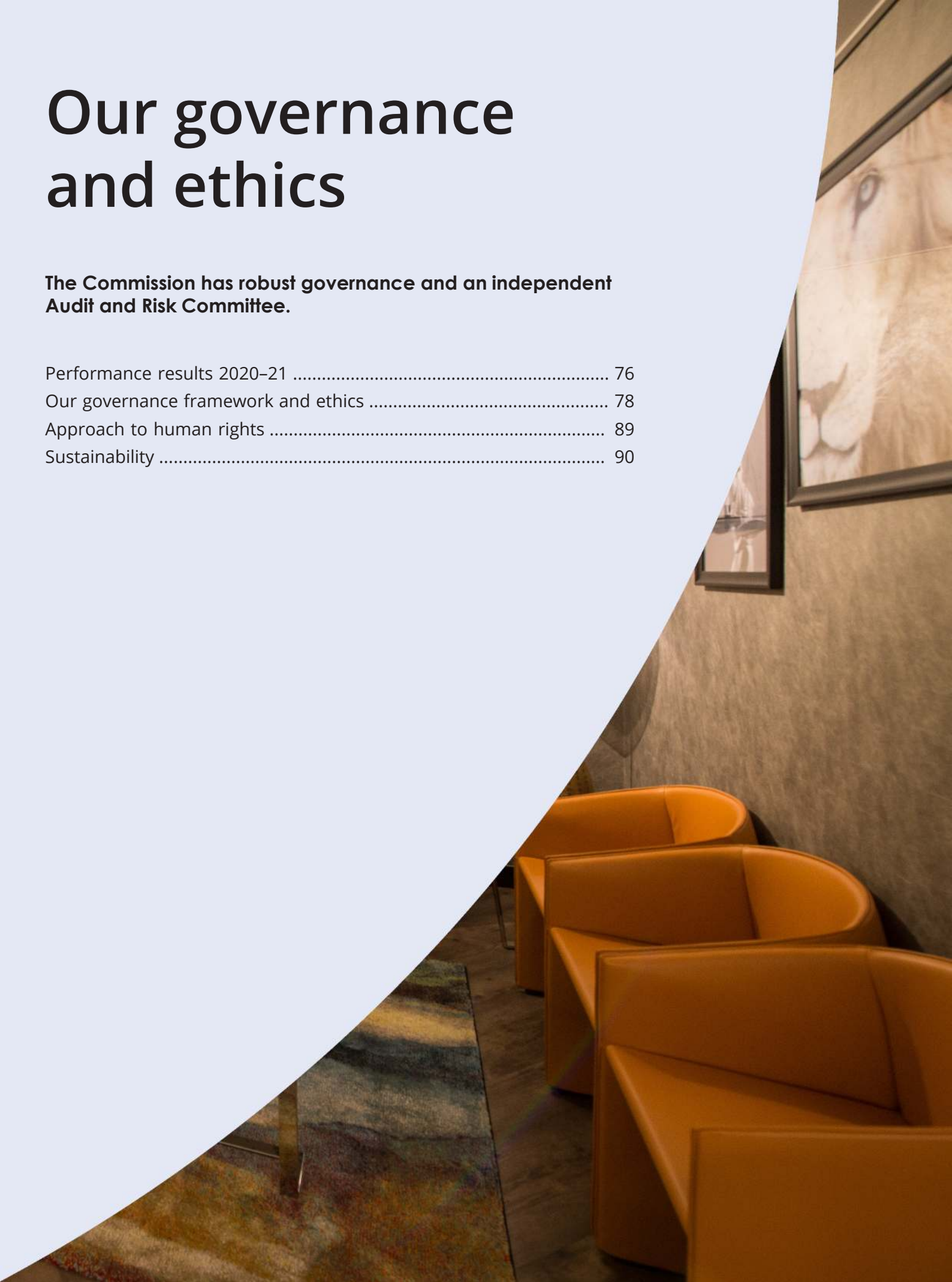
We did this in a number of ways. First, we designated Microsoft Teams as our "meeting room" and gave the new employees a short run down on how to use the platform. We then devised a new induction schedule that included shorter sessions to maintain engagement and energy levels, interspersed with time out to complete the necessary HR paperwork. We also introduced "virtual coffee chats" with key staff to reaffirm our investment in the new staff member, and allocated time for self-study periods to help them become familiar with our systems.

The new process has opened up greater opportunities to impart corporate expectations and showcase the skills, knowledge and culture of our people. In addition, using Microsoft Teams enabled us to make onboarding a more collective, organisation-wide endeavour.

Our governance and ethics

The Commission has robust governance and an independent Audit and Risk Committee.

Performance results 2020–21	76
Our governance framework and ethics	78
Approach to human rights	89
Sustainability	90



Performance results 2020–21

An assessment of the Commission's performance in Table 14 demonstrates our diligence with respect to governance and ethics. Table 14 shows the evidence for each identified result as well as details of each measure we have put in place to achieve our objectives, program highlights, challenges, and forward direction.

Table 14. Performance of good governance and ethics

Results	Measures	Performance	Status
Maintain robust governance	Hold regular Commission and Audit and Risk Committee meetings	10 Commission meetings and 4 Audit and Risk Committee meetings held: see pp 80, 84	✓
Our corporate behaviour was ethical and responsible	Protect the Commission's reputation so that the people of NSW have confidence in the ability and performance of judicial officers	Our staff are properly inducted, qualified, highly skilled and their training is replenished: see pp 72, 74	✓
	Ensure compliance with the Commission's Code of Conduct	Our staff behave with integrity, respect and accountability and abide by our Code of Conduct: see p 82	✓
Maintain and enhance registers for contracts, conflict of interests and mitigating risks	Ensure the registers are kept current and evaluated for any risk	We kept the register of contracts and conflict of interest updated No risks were found	✓
Provide effective support to our key stakeholders	Provide continuing judicial education and legal information to judicial officers	See "Delivering continuing judicial education" chapter from p 23 See "Providing legal information" chapter from p 33	✓
	Protect the public by examining complaints regarding judicial officers	See "Examining complaints" chapter from p 45	✓
	Provide assistance to NSW government agencies	See "Engaging with our partners and the community" chapter from p 55	✓
Complied with NSW Government audit and risk management processes	Ensure the adequacy and quality of our internal control structure Comply with risk management strategies and respond effectively to internal audits	HIGHLIGHT Internal audit found the Commission's response to the pandemic was effective and led to efficiencies and improvements: see p 77	✓
Reduction in energy use	Entrench sustainability policies and behaviours in our workplace consistent with NSW Government policy	Over 5 years: 37.5% decrease in energy use 281 GJ energy use in 2020–21 (last year: 267 GJ), this is below our benchmark of 300 GJ We recycled 0.398 tonnes of wastepaper, and purchased less paper than in 2019–20: see p 90	✓

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

Photo previous page: Our office reception at 60 Carrington Street, Sydney. During 2020–21, our office was open to the public by appointment only due to the ongoing global pandemic.



Challenges 2020–21

- Ensuring integrity of governance and management of risks while providing continuity of our operations during the disruption and uncertainty that the COVID-19 pandemic has caused.
- Review of, and compliance with, internal audit recommendations, which must be balanced with core activities.
- Ensuring our HR processes are robust.
- Maintenance of ongoing disclosure, as well as annual conflict of interest declarations.

Looking ahead 2021–22

- Ensure integrity of governance and management of risks while providing continuity of our operations during the disruption and uncertainty caused by the COVID-19 pandemic.
- Continue to review and comply with internal audit recommendations.
- Continue to promote diversity, access and equality through our programs.
- Remain vigilant about potential conflicts of interest.
- Maintain our robust approach to governance.

Case study

Testing our responses to the COVID-19 pandemic working environment

Throughout 2020, the COVID-19 pandemic caused major disruptions to business and government. By necessity, the NSW Government imposed strict requirements regarding State border closures, and issued public health orders (PHOs) regulating public gatherings and working arrangements.

Due to the PHOs, and to ensure the health and safety of our people, the Judicial Commission implemented a range of measures during the ever-changing COVID-19 situation. To assess the effectiveness of our response, we engaged an internal auditor to test our working arrangements and conduct a high-level review of key internal controls across core business units. The audit was conducted in the first six months of 2021, looking back over 2020. The auditors, Centium, interviewed relevant staff and reviewed available documentation, including policies and procedures, plans, guidelines and email communications.

The review was broad. For example, in regard to our “Emergency Response Framework”, the auditors looked at policy and procedure; governance; risk assessment; and recovery (return to office). Also under scrutiny were operations, IT system infrastructure, staff wellbeing and portable asset management.

The audit found that the Commission’s response to the pandemic was effective, and flagged some minor opportunities to improve. Especially positive were the findings that the COVID-19 experience has led to efficiencies and improvements to operational effectiveness and that our people’s wellbeing was well managed.

Our governance framework and ethics

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

Our governance framework is modelled on the core ASX Corporate Governance principles. These ensure that:



Governance framework of the Judicial Commission of NSW*

Core principles

1 Management and oversight Leadership, strategic and business plans	2 Structure of Judicial Commission Judicial Commission, Chief Executive, key governance committees	3 Ethical and responsible behaviour Code of conduct, ethical framework, conflicts of interest and privacy management plan	4 Integrity and compliance in reporting Performance reporting, annual report, internal audit, external audit
5 Timely and balanced disclosure Open access information, proactive release program	6 Supporting our stakeholders Support to judicial officers, government agencies, community partners	7 Recognising and managing risk Risk management framework, insurance, strategic risks, risk and control attestations	8 Remuneration is fair and responsible Remuneration for appointed Commission members and senior executives

* Principles based on the ASX *Corporate Governance Principles and Recommendations*.



Principle 1: Management and oversight

Our 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 each year 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 a Conduct Division, and how and when the complaint is finalised.

Legislative charter

We operate under the *Judicial Officers Act* 1986 (the Act) and the *Judicial Officers Regulation* 2017. Our 3 principal functions under the 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.

The *Judicial Officers Regulation* 2017 requires that a complaint is to be in the form approved by the Commission and is to be lodged with the Chief Executive of the Commission and accompanied by particulars of the matter on which the complaint is founded and those particulars must be verified by statutory declaration. The "Complaint Form and Instructions" is available as a PDF on the Judicial Commission website under "Forms and feedback". It is also available on request from the Commission.

Changes to legislation

The *Stronger Communities Legislation Amendment (Courts and Civil) Act* 2020 amended the *Judicial Officers Act* with amendments commencing on 28 September 2020. New section 13(3A) provides that certain procedural functions of the Conduct Division under Part 6 of the Act can be exercised by the Chairperson alone rather than 3 members of the Division together. New section 40(1)(c) enables the power to suspend a judicial officer to be used where there is a formal request made under Part 6A of the Act concerning the suspected impairment of a judicial officer. New Schedule 3, clause 7 allows for the Conduct Division to exercise certain procedural functions by way of audio or audio visual link.

Government Sector Finance Act 2018 (NSW) (GSF Act) commenced in stages from 1 December 2018 and 1 July 2019, with the reporting arrangements commencing progressively between 2019 and 2022. The GSF Act will require greater focus on performance, transparency, accountability and efficiency with respect to financial management in the government sector with the enacting of Division 7.3 of the GSF Act, relating to annual reporting, which commenced this financial year.

Legislation compliance framework

Through our legislative compliance framework, we ensure the operations of the Commission are conducted in accordance, and comply, with legal and internal policy requirements. The framework is part of the Commission's commitment to a compliance culture and consists of:

1. a commitment from the Chief Executive to promote effective compliance practices across the organisation
2. a compliance policy the Chief Executive has approved and is aligned to the objects of the *Judicial Officers Act* 1986
3. an Audit and Risk Committee which provides independent advice to the Chief Executive by overseeing and monitoring the risk and control frameworks, and its external accountability requirements
4. a Chief Audit Executive (Deputy Chief Executive) who is responsible for overseeing the implementation of the compliance framework
5. a Legislative Compliance Register created to identify and record the key compliance requirements for and within the Commission and that assigns relevant responsibilities for these obligations
6. a Chief Risk Officer (Manager, Corporate Services) who is responsible for the management of compliance obligations which affect the Commission's area of responsibility. This includes workplace health and safety and equity obligations
7. a process of continuous improvement undertaken with any reporting of non-compliance matters
8. a regular review of the compliance framework that is in line with legal requirements and public sector standards.

Our legislative compliance framework is published on the Commission's intranet.

Strategic plan

Our strategic plan sets out our core statutory functions and how we plan to achieve these based on over 30 years of accumulated knowledge and experience. We have revised our strategic plan to lead us through the next decade. Overall, we plan to develop organisational capabilities and efficiencies through continued work in our core statutory functions and engagement with the community and our national and international partners. Our updated strategic plan is published on our website at www.judcom.nsw.gov.au/wp-content/uploads/2018/10/Strategic-Plan-Judicial-Commission.pdf.

Principle 2: Structure of Judicial Commission

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

Role of the Chief Executive

The Chief Executive is responsible for:

- all of the Commission's operations
- the preparation of the financial report in accordance with Australian Accounting Standards, the *Public Finance and Audit Act 1983*, the *Public Finance and Audit Regulation 2015* and the *Government Sector Finance Act 2018*
- establishing and maintaining internal controls relevant to the preparation of the financial report
- the adequacy of digital information, and information systems security obligations
- workplace health and safety
- receipt of all complaints against judicial officers.

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.

Responsibilities of official and appointed Commission members

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

The Commission is comprised of 10 members. Six official members are judicial officers. They provide valuable information about judicial officers' education needs and bring their significant experience of the judicial role to examining complaints. The 4 appointed members are community leaders who provide useful information about community expectations of judicial officers and have input into the education program. One appointed member is a lawyer.

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 meetings

Ten Commission meetings were held during the year (last year: 8). Meetings were conducted in line with the requirements of relevant COVID-19 public health orders. 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 1 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.

In 2020–21, Commission members:

- examined 72 complaints made about judicial officers (last year: 48)
- approved publications including papers for an issue of *The Judicial Review* and the *Annual Report 2019–20*
- noted the Chief Executive's reports on education programs, publications, complaints status and financial performance.

Table 15. Commission members' meeting attendance for 2020–21

Official members	Meetings eligible to attend	Meetings attended
The Honourable T Bathurst AC Chief Justice of NSW (President)	10	9
The Honourable Justice A Bell	10	9
The Honourable Justice B Preston	10	10
The Honourable Justice D Price AO	10	10
His Honour Judge G Henson AM	10	9
Chief Commissioner N Constant	10	9
Appointed members	Meetings eligible to attend	Meetings attended
Dr J Cashmore AO	10	10
Professor B McCaughan AM	10	8
Mr D Giddy	10	10
Mr Y Miller OAM	10	8

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.

The profiles of the Commission members, including the President, the official members and the appointed members can be found on pp 18–20. Our organisational structure is on p 8.



Our Audit and Risk Committee

The independent Audit and Risk Committee (ARC) monitors and provides advice about the following areas:

- compliance with NSW Treasury Guidelines
- internal audit
- risk management and business continuity
- external audit
- financial statements and reporting risk management.

The members of the ARC are Dr Colin Gellatly AO (chair), Ms Robyn Gray and Ms Jan McClelland AM (independent members). Their qualifications and details are as follows:

Dr Colin Gellatly AO was appointed independent member on 1 March 2017, Chair from 1 July 2017 for 3 years and has been reappointed for a further 2 years from 1 July 2020. Dr Gellatly has had extensive experience in the public service and local government, having been Director General of the NSW Department of Premier and Cabinet and is the independent Chair of the Parramatta City Council's Audit and Risk Committee.

Ms Robyn Gray BA LLB GAICD was appointed independent member for 3 years from 1 July 2017 and has been reappointed for a further 2 years from 1 July 2020. Ms Gray is an independent member of the Executive Board of the Office of the NSW Director of Public Prosecutions and the Legal Aid NSW Audit and Risk Committee.

Ms Jan McClelland AM BA (Hons) B Leg S Dip AICD was appointed independent member for 3 years from 1 July 2018. Ms McClelland has more than 17 years' experience as a Chair and non-executive director in government, commercial, industry association and not-for-profit enterprises. Ms McClelland is Deputy Chancellor of the University

of New England (UNE), Chair of the superannuation industry's Gateway Network Governance Body, Chair of the Life Insurance Code Compliance Committee and chair and member of audit and risk committees in government and not-for-profit organisations. Ms McClelland is a former Director General of the NSW Department of Education and Training, member of the Administrative Decisions Tribunal and chair and member of government boards and committees.

Others invited to attend the committee meetings throughout the year included the Chief Executive, Mr Ernest Schmatt AM PSM; Deputy Chief Executive, Mr Murali Sagi PSM (Chief Audit Executive); the Manager, Corporate Services, Mr Malcolm Hozack and Mr Barry O'Loughlin; Ms Penny Corkill of Centium Services; and Mr Michael Kharzoo and Ms Chariee Bultitude from the Audit Office of NSW.

The ARC is fully independent in accordance with NSW Government requirements in *TPP 20-08: Internal Audit and Risk Management Policy for the General Government Sector*.

Standing Advisory Committee, education committees and bench book committees

The Commission has established committees for each court which have oversight of the education activities each year. These committees meet regularly with the Director, Education to plan, identify presenters, and monitor evaluations from each session. Bench book committees comprising judicial officers and Commission staff provide oversight of the content of our online and loose-leaf services. The Standing Advisory Committee on Judicial Education is established to provide advice on judicial education activities. Membership of all our committees is found in Appendix 4.

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

The ARC is responsible for monitoring:	Internal audit and control functions, including assessing effectiveness, and compliance with section 3.6 of the <i>Government Sector Finance Act 2018</i>	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



Case study

Collaborating at the Commission to improve how we produce our annual report

The Commission has produced high quality annual reports for many years. Our track record of 11 gold, 8 silver, and 5 bronze awards since 1994 with the annual Australasian Reporting Awards (ARA) demonstrates this. This year, we assessed how we produce our report to see if we might be more efficient without compromising that quality.

Most of the Commission's publications are produced using XML publishing software because of its capacity to prepare structured content in multiple formats, both print and digital. This also supports more functionality with better navigation and cross-linking throughout the electronic output. While an annual report is far shorter than our other publications such as bench books, it is not necessarily as strictly structured, and features more graphs, tables and cross-referenced information. We drew together the skills of our technical and publishing staff, and through collaborations on Microsoft Teams, produced the annual report in the same way as our other published works.

For the staff involved, the conversion project was challenging and rewarding, as each gained in skills and knowledge about the content and technical requirements of an annual report. The team was able to demonstrate an even greater flexibility in the output design than had been originally anticipated.

Holding the content in XML files means that version control is faster and tighter, and more of our staff can contribute to the editing process as needed. Other workflow procedures can be built into the production process for future reports. We believe we have achieved these efficiencies without settling in terms of quality. This is demonstrated by our 2019–20 report winning the ARA inaugural Best of Industry Sector Award for Public Administration — State Sector. The report was also a finalist for both the Governance Reporting Award (Public and Not-for-Profit Sectors) and Report of the Year Award.



Principle 3: Ethical and responsible behaviour

Protecting the Commission's reputation

Our vision is that the people of NSW will have confidence in the exceptional ability and performance of the judicial officers of NSW. We can only realise this vision through public and judicial acceptance of the Commission's complaints function and the legitimacy of our education and legal information programs. We have worked hard for over 30 years to develop and maintain a reputation for:

- delivering an independent and confidential complaints function that protects the public from judicial officers who lack the capacity to discharge their judicial duties and that protects the judiciary from unwarranted intrusions into their independence
- delivering timely, accurate, current legal information to assist judicial officers in their decision making and to ensure consistency in sentencing
- delivering a world class professional continuing judicial education program.

To protect our reputation, we ensure that our staff:

- are properly inducted, qualified, highly skilled and their training is replenished through a performance management system and continuing professional education
- behave with integrity, respect and accountability in abiding by our ethical framework and Code of Conduct.

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 read, 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. The Code of Conduct 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*
- *Privacy and Personal Information Protection Act 1998*
- *Public Interest Disclosures Act 1994*
- *Public Finance and Audit Act 1983*
- *State Records Act 1998*.

Conflicts of interest

Official members of the Judicial Commission 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 participates in any discussion or decision where that member has a possible conflict of interest.

A register of conflicts of interest for Commission staff has been maintained this financial year. We have also maintained our contracts register. The registers are reviewed and updated progressively on an ongoing basis.

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 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 under "Forms and feedback".

Ensuring confidentiality of Commission meeting papers

The Commission carefully prepares and oversees the binding of the confidential Meeting Papers of the Commission. Binding of the 290th volume of this significant and historical archive has been completed. Confidentiality of these is paramount and they are kept in secure premises.

Principle 4: Integrity and compliance in reporting

Financial reporting

The Auditor-General of NSW is responsible for auditing our financial statements. We received an unmodified report this year (see p 95). The independent Audit and Risk Committee (ARC) reviews budgets and the financial statements. The ARC meets 4 times a year.

Performance reporting

Monthly departmental reports were submitted to the Chief Executive throughout the year. These report on key performance indicators and progress towards yearly targets in our 3 key operational areas. The Chief Executive reports monthly to the Commission on all the Commission's operations. Financial statements are prepared each month and measured against budgets.

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.

Principle 5: Timely and balanced disclosure

Award-winning annual report

Our annual report discloses our activities and performance results each year measured against our goals, strategies and targets. The report makes full disclosure of our financial statements as well as data about the complaints function.

In recognition of the high standard of our annual reporting, we have received 11 consecutive gold awards from the Australasian Reporting Awards. This year's report was also the winner of the Best of Industry Sector Award for Public Administration — State Sector. The report was also a finalist for both the Governance Reporting Award (Public and Not-for-Profit Sectors) and Report of the Year Award.

Public access to government information

Section 125 of the *Government Information (Public Access) Act 2009* (the GIPA Act) requires that the Commission reports 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.

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 "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 subscribers. Judicial officers receive all our publications for free. 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 2019–20*
- 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 (last year: 0). We refused no formal access applications, either wholly or in part, 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 1 of the GIPA Act). See Appendix 16.

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. Table 11 on p 50 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 using two platforms, the Judicial Information Research System (JIRS) (see p 38) and our public website at www.judcom.nsw.gov.au. JIRS is an online database for judicial officers and the courts. It is also available to legal practitioners on a subscription basis. Updates to resources published on our free-to-view website were uploaded during 2020–21.

Principle 6: Supporting our stakeholders

Our key stakeholders are:

- judicial officers of NSW for whom we deliver continuing judicial education services (see p 23) and provide research and sentencing and legal information (see p 33)
- the NSW public: see “Examining complaints” chapter from p 45 and “We inform the public about what we do and exchange knowledge and expertise with other organisations” on p 58
- NSW government agencies: see “Working with government agencies” on p 60
- other judicial education providers: see “Working with other judicial education providers and universities” on p 63.

Principle 7: Recognising and managing risk

Our risk management framework has been developed to comply with the NSW Treasury Policy Paper *TPP 20-08: Internal Audit and Risk Management Policy for the General Government Sector*.

Risk management policy

The Commission is committed to managing its risks effectively. Our risk management policy is based on an over-arching risk register which covers the entire operations of the Commission. This includes protecting our employees, visitors, contractors and their property as well as the broader community and environment from injury, loss or damage.

In 2020–21, the executive, with the assistance of internal auditors, identified, considered and rated new risks. The Risk Register feeds into the Internal Audit Plan which was finalised after discussion between the Chief Executive and the internal auditors. The Risk Register of low and medium rated risks is published on the Commission's intranet and is reviewed every 2 years.

A workshop scheduled for 2020–21 with the internal auditors and senior executives to review the Risk Register could not be held due to the pandemic, however the Risk Register was discussed and updated by senior executives, and was then reviewed by the Audit Risk Committee.

A strategic overview of the major risks and mitigating strategies has been compiled relating to the following significant information management projects that we host and maintain:

- Commonwealth Sentencing Database (run jointly with the Commonwealth Director of Public Prosecutions and the National Judicial College of Australia)
- ACT Sentencing Database
- Queensland Sentencing Information Service
- Drug Court Case Management System (Department of Communities and Justice)
- PNG Sentencing Database
- PNG Integrated Criminal Case System Database.

See Appendix 10 for more information about these.

Audit and Risk Committee activities 2020–21

The Audit and Risk Committee (ARC) met 4 times during the year (last year: 4) and reported to the Chief Executive. Table 16 on p 85 provides details of attendance at those meetings.

The ARC monitored our risk management policy and provided independent advice. The committee monitored and provided advice about the following four areas:

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



Case study

Cyber security at the Commission

As the COVID-19 pandemic remains an ongoing concern, Commission staff worked remotely for the first half of the year in line with government guidelines. In January 2021, our people moved to a hybrid arrangement, working both remotely and onsite. Given our reliance on internet to keep us all connected, we are acutely aware of the importance of strong cyber security.

The Commission regularly reminds staff that the first line of defence is vigilance, particularly when browsing the internet and accessing emails. As an exercise in cyber security awareness, the Commission ran an internal phishing email awareness campaign designed to test how well users respond to a potential phishing email threat. The campaign involved sending all Commission staff a phishing email crafted to appear familiar and official, and recording if staff were fooled by the email into clicking a link or opening an attachment. Additionally, half of our staff participated in a cyber security essentials training course. Cyber Security NSW hosted this course which provided a broad look at common cyber security threats and how to deal with them.

We continue to maintain up-to-date antivirus software on all Commission computers as a matter of course. Technical assistance and support have been continuously available to staff throughout the reporting period when our people are working remotely or in the office.

1. Compliance with Treasury guidelines

The ARC ensured compliance with NSW Treasury Policy Paper *TPP 20-08: Internal Audit and Risk Management Policy for the General Government Sector*.

The Commission's Internal Audit and Risk Management Policy attestation is on p 87. The ARC also monitored the continuing impact of the Treasury cash management reforms.

2. Internal audit

The ARC settled the Internal Audit Plan for 2020–21 and advised the Chief Executive accordingly. The internal audit plan for 2020–21 consisted of completing a review of the complaints process and examining the Commission's COVID-19 response and general controls.

The complaints process review noted the excellent controls already in place and made four low risk recommendations, all of which have now been implemented. The COVID-19 response review found that the experience has led to efficiencies and improvements to operational effectiveness, and made only three low risk recommendations. See case study on p 77.

During the year, the ARC also:

- used the control self-assessment review reports of risk mitigation
- monitored the performance of the out-sourced internal audit service provider, Centium
- used the Audit Recommendations Progress Report to monitor implementation of recommendations.

Table 16. Meeting attendance by Audit and Risk Committee (ARC) 2020–21

Committee members	Meetings eligible to attend	Meetings attended
Dr Colin Gellatly AO	4	4
Robyn Gray	4	4
Jan McClelland AM	4	4
Invitees	Invited to attend	Meetings attended
Ernest Schmatt AM PSM	4	2
Murali Sagi PSM	4	4
Malcolm Hozack	4	3
Barry O'Loughlin	2	1
Annie Wang	1	1
Micheal Kharzoo, Audit Office of NSW	4	4
Chariee Bultitude, Audit Office of NSW	1	1
Penny Corkill, Centium Services	4	4

3. Risk management and business continuity

The ARC:

- monitored the currency of the Commission's Business Continuity and Disaster Recovery Plan and assessed the results of the annual scenario testing
- monitored the quarterly financial performance
- monitored the insurance risk and cover
- reviewed the updated Risk Register
- monitored the impact of Treasury Circulars and Policy Papers issued during the year.



4. External Audit

The ARC liaised with the external auditor, the Audit Office of NSW, and monitored the NSW Audit Client Service Plan for 2020–21. The ARC also reviewed the observations on early close procedures that the Commission performed prior to 30 June 2021.

Forward plan

In 2021–22 the ARC will continue to ensure compliance with the requirements of the NSW Treasury Policy Paper *TPP 20-08: Internal Audit and Risk Management Policy for the General Government Sector*.

Organisational response to the 2020–21 internal audit

The internal audit of the complaints process resulted in four low risk recommendations, and the Commission's COVID-19 response resulted in three low risk recommendations. The majority of these were already implemented before the reports were finalised.

Cyber security policy

Our cyber 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 NSW Government Cyber Security Policy that require our digital information to be available, safeguarded and lawfully used. The policy and Cyber Security Annual

Attestation Statement provide 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.

Our Cyber Security Annual Attestation Statement for 2020–21 is shown below. See also case studies on pp 85, 90.

Safeguarding JIRS technology

The Judicial Information Research System (JIRS) is built using open-source software and utilises some of the latest web technologies.

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 a number of levels 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 39 and enhancements made to JIRS throughout the year are reported on p 41.

Cyber Security Annual Attestation Statement for the 2020–21 Financial Year for the Judicial Commission of NSW

I, Ernest John Schmatt AM PSM, Chief Executive, am of the opinion that the Judicial Commission of NSW has managed cyber security risks in a manner consistent with the Mandatory Requirements set out in the NSW Government Cyber Security Policy.

Governance is in place to manage the cyber security maturity and initiatives of the Judicial Commission of NSW.

Risks to the information and systems of the Judicial Commission of NSW have been assessed and are managed.

There exists a current cyber incident response plan for the Judicial Commission of NSW which has been tested during the reporting period.

The Judicial Commission of NSW has a Cyber Security Framework in place.

E J Schmatt AM PSM
Chief Executive
Judicial Commission of NSW
Dated: 9 August 2021



Internal Audit and Risk Management Attestation for the 2020–21 Financial Year for the Judicial Commission of NSW

I, Ernest John Schmatt AM PSM, Chief Executive, am of the opinion that the Judicial Commission of NSW has internal audit and risk management processes in operation that are, excluding the exceptions or transitional arrangements described below, consistent with the seven (7) Core Requirements set out in the *Internal Audit and Risk Management Policy for the General Government Sector*, specifically:

Core requirements

Risk Management Framework

- 1.1 The Accountable Authority shall accept ultimate responsibility and accountability for risk management in the agency — consistent
- 1.2 The Accountable Authority shall establish and maintain a risk management framework that is appropriate for the agency. The Accountable Authority shall ensure the framework is consistent with AS ISO 31000:2018 — consistent

Internal Audit Function

- 2.1 The Accountable Authority shall establish and maintain an internal audit function that is appropriate for the agency and fit for purpose — consistent
- 2.2 The Accountable Authority shall ensure the internal audit function operates consistent with the International Standards for Professional Practice for Internal Auditing — consistent
- 2.3 The Accountable Authority shall ensure the agency has an Internal Audit Charter that is consistent with the content of the 'model charter' — consistent

Audit and Risk Committee

- 3.1 The Accountable Authority shall establish and maintain efficient and effective arrangements for independent Audit and Risk Committee oversight to provide advice and guidance to the Accountable Authority on the agency's governance processes, risk management and control frameworks, and its external accountability obligations — consistent
- 3.2 The Accountable Authority shall ensure the Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter' — consistent

Membership

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

- Dr Colin Gellatly AO, Independent Chair — appointed Independent Member on 1 March 2017 until 30 June 2017, appointed Independent Chair on 1 July 2017 for a period of three years and reappointed for a further two years from 1 July 2020.
- Ms Robyn Gray, Independent Member — appointed Independent Member on 1 July 2017 for a period of three years and reappointed for a further two years from 1 July 2020.
- Ms Jan McClelland AM, Independent Member — appointed Independent Member on 1 July 2018 for a period of three years.

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.

EJ Schmatt AM PSM
Chief Executive
Judicial Commission of NSW
Dated: 9 August 2021

Murali Sagi PSM
Agency Contact Officer
Deputy Chief Executive
Judicial Commission of NSW



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 2020–21 was \$34,493 comprising a workers compensation premium of \$21,927 (last year: \$16,441) and a general insurance premium of \$12,566 (last year: \$7,400).

Table 17. Insurance premiums 2018–21

	2018–19	2019–20	2020–21
Workers compensation	\$15,512	\$16,441	\$21,927
General insurance	\$7,340	\$7,400	\$12,566
Total premium	\$22,852	\$23,841	\$34,493

Principle 8: Remuneration is fair and responsible

Remuneration arrangements for Commission members

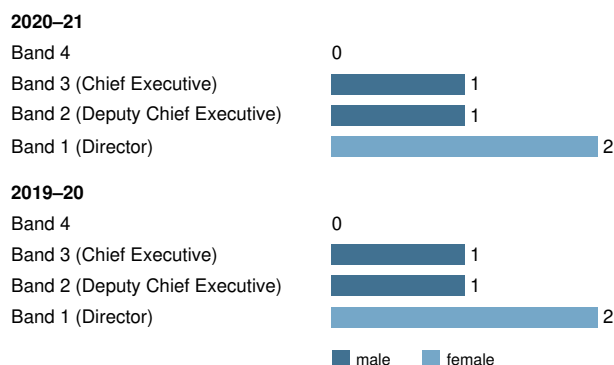
Appointed members receive a fee for fulfilling their responsibilities including attending meetings, examining complaints, setting strategic directions, and approving budgets and publications. Their annual rate of remuneration is \$38,000 (effective 28 March 2019) as determined by the Statutory and Other 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.

Remuneration of senior executives

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 (PSSE Bands). There was no adjustment for senior executives during 2020–21.

Figure 20 shows the number of executive positions at the Commission and their equivalent remuneration levels for Public Service Senior Executives. Table 18 shows the average total remuneration package for senior executives within the appropriate band and the note describes the percentage indicating what amount of the Commission's employee-related expenditure in 2020–21 was related to senior executives. A comparison is made with the percentage rate in 2019–20.

Figure 20. Gender breakdown of senior executive positions by PSSE Bands 2019–21



Equivalent to the NSW Public Service Senior Executive Bands.
The Commission has no executive positions in Band 4.

Table 18. Average senior executive remuneration 2019–21

Band	Range (\$)	Average remuneration (\$)	
		2019–20	2020–21
Band 4	487,051–562,650	n/a	n/a
Band 3	345,551–487,050	446,852	446,852
Band 2	274,701–345,550	323,067	323,067
Band 1	192,600–274,700	241,831	241,831

Note: 26.71% of the Commission's employee-related expenditure in 2020–21 was related to senior executives, compared to 26.24% in 2019–20. The Commission has no positions equivalent to Band 4.



The Commission's executive team (l–r) is Murali Sagi PSM, Una Doyle, Pierrette Mizzi and Ernest Schmitt AM PSM. Their profiles are on pp 21–22.
* Photo taken prior to COVID-19 social distancing requirements.



Approach to human rights

The Commission seeks to actively identify, prevent, mitigate and redress adverse human rights impacts in a variety of ways including:

- Through our education and complaints programs, we ensure that judicial officers observe the right to a fair hearing, avoid bias, discrimination and inconsiderate treatment of minority groups. See from p 23 for further information about our education program and from p 45 for information about our complaints function. On an ongoing basis, information gathered from complaints informs the design and delivery of education sessions for judicial officers.
- Our Aboriginal cultural awareness program, the Ngara Yura Program, had a special focus this year on the 30th anniversary of the Royal Commission into Aboriginal Deaths in Custody which fell in April 2021. We published articles, conducted webinars and face-to-face sessions at the Local Court conference, to acknowledge the anniversary and highlight the continuing problems of First Nations people's over-representation in the criminal justice system. See case study on p 32. The Ngara Yura Program aims to promote intercultural communication and mitigate the adverse impacts of the criminal justice system on First Nations people by providing judicial officers with relevant information about these impacts and alternatives, where relevant, to incarceration. See p 29 for more information about the Ngara Yura Program.
- The Commission has been involved in a taskforce to develop and implement responses to recommendations of the *Family is Culture* review report. This report examined why First Nations children in NSW are overly represented in court ordered out-of-home care (OOHC) arrangements. During the year, we updated relevant publications, published resources and designed seminars so judicial officers have a deep knowledge of the complex issues giving rise to children in OOHC when they make decisions affecting First Nations children. See case study on p 59.
- The UN Convention on the Rights of the Child recognises the importance of diverting young offenders from the formal processes of the criminal justice system. In accordance with human rights obligations, we publish and regularly update the accredited diversionary programs as well as other drug and alcohol programs available to enable judicial awareness of alternatives.
- Three of our bench books provide guidance for judicial officers to assist them to avoid bias and discrimination. The international award-winning *Equality before the Law Bench Book*, provides further guidance on removing barriers for minority groups so they can participate effectively in court proceedings. All bench books are published on our website at www.judcom.nsw.gov.au.
- We offered a webinar for judicial officers on the topic of unconscious bias, with a spotlight on First Nations people. The webinar "Implicit Bias against Indigenous Australians" discussed research findings by the Australian National University's Sir Roland Wilson Scholar, Dr Siddharth Shirodkar.
- During the year, we published information on our Judicial Information Research System (JIRS), published articles, updated relevant bench books, and organised seminars to explain changes made by the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*. This new legislation guides judicial officers when they are dealing with accused people who have a mental health impairment or cognitive impairment who appear before a NSW court. See case study on p 44.
- The Commission continued to provide advanced case management functionality to the Supreme and National Courts of Papua New Guinea (PNG) to better manage their case load and bring in efficiencies.
- Our participation in the delivery of the National Judicial Orientation Program (NJOP) for newly appointed judicial officers involves delivery of a module designed to assist with managing cultural diversity challenges and appreciating the impact of cultural and religious differences; avoidance of stereotypes; and how language and culture may influence the behaviour and attitudes of witnesses in court. See p 29 for more information about this program.
- Our Ngara Yura project officer, Ms Joanne Selfe, was an Elder on the Youth Koori Court in Sydney until September 2020. The Youth Koori Court program seeks to address the reasons why young First Nations people have offended through providing support and cultural connections which have often been missing in their lives.



At the Local Court conference in June 2021, Professor Elena Marchetti's presentation focussed on the 30th anniversary of the Royal Commission into Aboriginal Deaths in Custody and why the criminal justice system continues to fail First Nations people.



Sustainability

We reduced our environmental footprint

Although we are a small agency, we focus on the bigger picture of reducing our environmental impact. Our priorities are aligned with the NSW Government's Resource Efficiency Policy to reduce its environmental impact through improved resource efficiency.

Our premises at 60 Carrington Street, Sydney, has a 4 Star Nabers Energy Rating and a 3.5 Star Nabers Water Rating. There was decreased usage of electricity, gas and water by the building overall in the July–September quarter of 2020, reflecting reduced occupancy because of the COVID-19 pandemic.

Our staff worked remotely in compliance with the COVID-19 public health regulations in the first half of the year, transitioning to a hybrid model of working from home and the office from January 2021. This is a significant factor behind the Commission's continued low energy usage and significantly reduced usage of paper in this reporting period compared with last year. The Commission used 281 GJ of electricity (last year: 267 GJ) and achieved 37.5% reduction in energy use over 5 years: see Figure 21 (last year: 40.5% reduction over 5 years). We recycled 0.398 tonnes of wastepaper (last year: 0.608 tonnes) and bought 153 reams of 100% recycled paper (last year: 234).

We raise the awareness of our staff about environmental issues through our monthly newsletter, *JUDCOMmunications*. It has a dedicated sustainability section to provide staff with information and strategies to reduce their environmental impact. We also provide information about environmental matters as a standing item at staff meetings.

Other sustainability measures included:

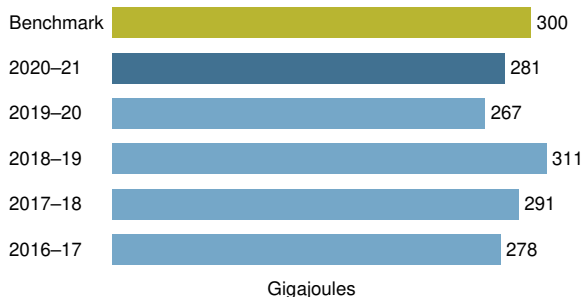
- reducing waste generation by recycling all paper, cardboard, toner cartridges and computer equipment
- reducing the impact of carbon emissions by offsetting carbon when purchasing air tickets for domestic travel

- reducing the impact of carbon emissions by preferring carbon neutral conference venues
- using power-saving computers and screens
- 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 seminar and conference papers electronically
- catering for in-house events with non-plastic utensils
- making non-tangible donations on behalf of program presenters in lieu of tangible thank you gifts
- making available to staff waste/recycling sorting bins and coffee pod recycling containers.

Next year we will:

- continue to highlight sustainability concerns and solutions through our monthly newsletter, *JUDCOMmunications*, and challenge our staff to think about their personal consumption and to choose reusable resources wherever possible.

Figure 21. 5-year trend in energy use



Case study

Our Information Technology team leads the way in cyber security skills

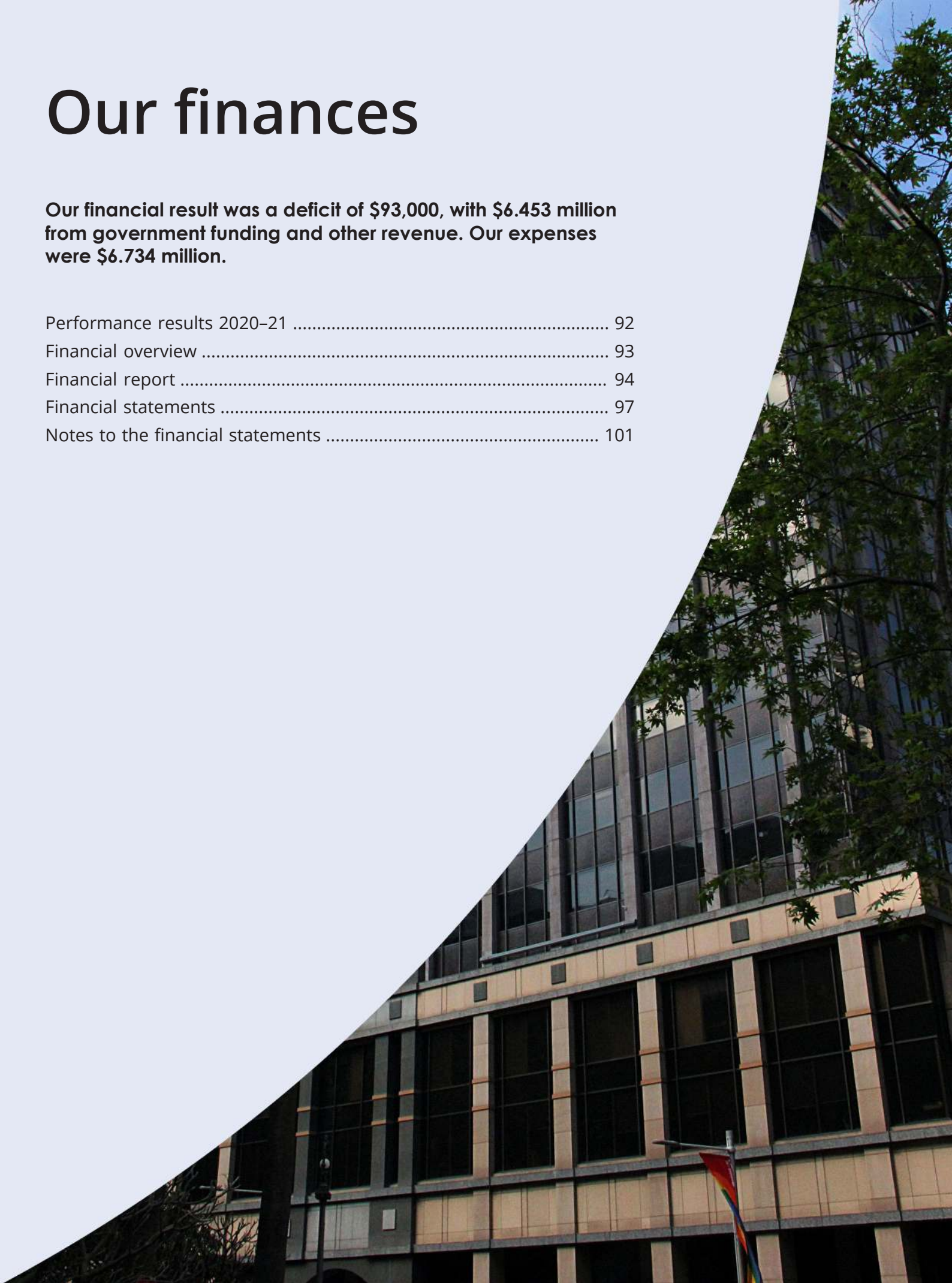
As part of ongoing cyber security training, members of our Information Technology team competed in Capture the Flag competitions throughout the year. The Australian Cyber Security Centre hosts these competitions. Technical staff from across NSW government organisations demonstrate knowledge in cyber defence by utilising white-hat hacking techniques to solve various hacking challenges. These are designed to replicate real-world situations and strengthen the skills staff have to defend against exploits and cyber threats.

Our Information Technology team members successfully represented the Commission this year, obtaining 3rd and 4th place in a competition in December 2020, and 1st place in April 2021, both among a field of over 50 state-wide competitors.

Our finances

Our financial result was a deficit of \$93,000, with \$6.453 million from government funding and other revenue. Our expenses were \$6.734 million.

- Performance results 2020–21 92
- Financial overview 93
- Financial report 94
- Financial statements 97
- Notes to the financial statements 101



Performance results 2020–21

Our financial result was a deficit of \$93,000, compared to the budgeted deficit of \$110,000. While there was an increase in expenditure in the reporting period, there was an increase in revenue.

Table 19. Results for financial performance against budget

Results	Measures	Performance	Status
We perform our functions in line with budget forecast	Our budgetary measure was a deficit of \$110,000	Deficit: \$93,000	↑
Our income adequately finances our core services and workforce	Our budgetary measures were: Income \$6.553 million comprised of <ul style="list-style-type: none"> Government funding: \$5.423 million Self-generated revenue: \$1.130 million <ul style="list-style-type: none"> goods and services: \$1.055 million investment & other: \$75,000 	\$6.453 million comprised of: Government funding: \$5.355 million Self-generated revenue: \$1.098 million <ul style="list-style-type: none"> goods and services: \$1.063 million other: \$35,000 HIGHLIGHT Self-generated revenue accounted for 17% of total revenue	↓
We proactively generated income			
We contained our expenditure to budget level	Expenditure Total expenses: \$6.663 million Employee-related expenses: \$4.665 million	\$6.734 million Employee-related expenses: \$4.743 million (70.4% of total expenses): see Figure 24 on p 93 Total expenses were over budget by \$71,000	↓ ↓
Accounts are paid on time	Ensure accounts are paid on time and no penalty interest paid on any account	All accounts were paid on time and no penalty interest paid on any account: see Tables 20 and 21	✓
We received an unmodified report for financial statements from NSW Auditor-General	Ensure we receive an unmodified report	Unmodified report received for financial statements	✓

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

Figure 22. 2020–21 revenue, expenses and net results compared against budget and 2019–20 actuals

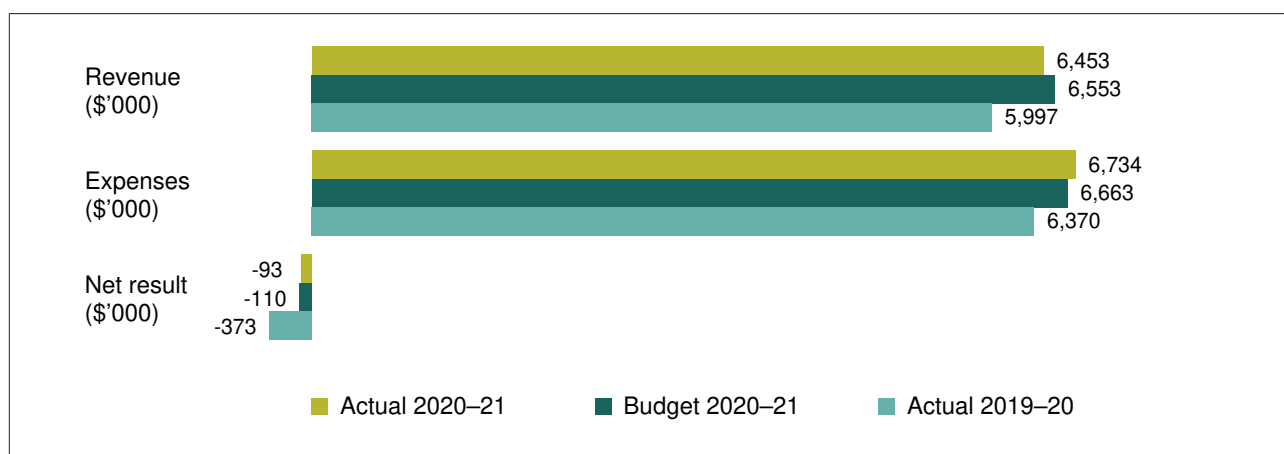


Photo previous page: The exterior of our premises at 60 Carrington Street, Sydney, a conveniently-located office in Sydney's CBD and accessible to key locations such as the Supreme and District Courts of NSW.



Financial overview

Our financial result was a \$93,000 deficit, compared to the budgeted deficit of \$110,000. This outcome reflects the challenges in containing expenses against a reduction in government funding from efficiency dividend impositions and cost-cutting measures. See Table 19.

The Commission receives funding from the NSW Government and this is our principal source of income. In 2020–21, our total income was \$6.453 million, of which \$5.355 million came from government funding. Another \$1.098 million (17% of total income, last year: 18.2%) was self-generated, primarily from contractual arrangements for the provision of software services and other services. This demonstrates growth of non-government sourced revenue by \$8,000 over last year. Projects included sentencing databases and case management systems for various jurisdictions: see p 63. See also Figure 23.

Expenditure was contained below budget levels. Spending was kept below capital allocation. Employee-related expenses were slightly over budget and represented 70.4% of expenditure (last year: 75%). We did not engage any consultants this year. See Figure 24.

Our total assets decreased by \$577,000 mainly due to AASB 16 lease capitalisation (last year: \$4.083 million increase). Our total liabilities decreased by \$484,000 mainly due to AASB 16 lease capitalisation and decreases in accruals and provisions (last year: \$4.456 million increase).

Figure 22 on p 92 compares our actual performance this year against both the budget and last year's results.

Key challenges

- Reduced government funding in an environment of government fiscal constraint
- Expense reduction impositions by government

Looking ahead 2021–22

- In the context of the whole of Government savings directive, we will proactively maintain our self-generated income streams through contractual arrangements for goods and services.

Figure 23. Revenue

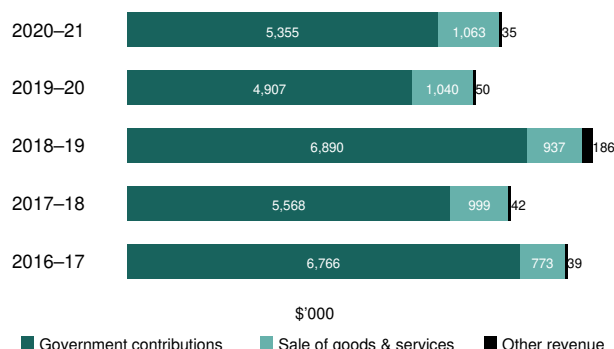


Figure 24. Expenses

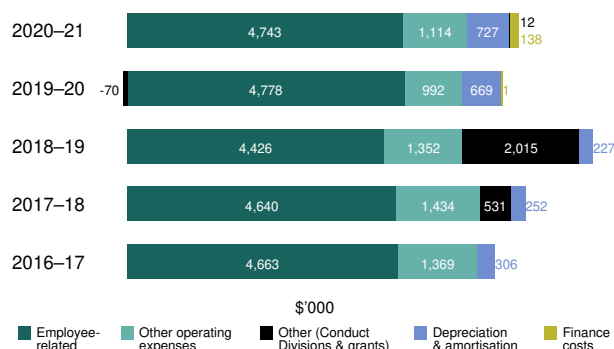


Table 20. Aged analysis at the end of each quarter

	Current (within due date)	<30 days overdue	30–60 days overdue	60–90 days overdue	>90 days overdue
Quarter	\$	\$	\$	\$	\$
Sep 2020	142,099	nil	nil	nil	nil
Dec 2020	83,444	nil	nil	nil	nil
Mar 2021	66,522	nil	nil	nil	nil
Jun 2021	122,729	nil	nil	nil	nil

Table 21. Accounts paid on time within each quarter

Quarter	Total accounts paid on time			Total amount paid
	Target %	Actual %	\$	\$
Sep 2020	100	100	718,519	718,519
Dec 2020	100	100	763,815	763,815
Mar 2021	100	100	722,739	722,739
Jun 2021	100	100	839,488	839,488



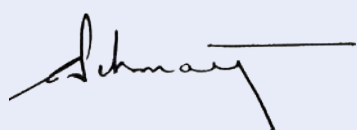
Financial report

Statement by Chief Executive	94
Independent auditor's report	95
Financial statements	97
Statement of comprehensive income	97
Statement of financial position	98
Statement of changes in equity	99
Statement of cash flows	100
Notes to the financial statements	101
1. Statement of significant accounting policies	101
2. Expenses excluding losses	102
3. Revenue	103
4. Gains/(losses) on disposal	105
5. Other gains/(losses)	105
6. Program groups of the commission	105
7. Current assets — cash and cash equivalents	105
8. Current assets — receivables	106
9. Property, plant and equipment	106
10. Leases	108
11. Intangible assets	109
12. Current liabilities — payables	110
13. Current/non-current liabilities — provisions	110
14. Current/non-current liabilities	111
15. Commitments	111
16. Contingent liabilities and contingent assets	111
17. Equity	111
18. Budget review	111
19. Reconciliation of cash flows from operating activities to net result	112
20. Non-cash financing and investing activities	112
21. Financial instruments	112
22. Related party disclosures	116
23. Events after the reporting period	116

Statement by Chief Executive

Pursuant to section 7.6(4) of the *Government Sector Finance Act 2018* (the Act), 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); and the applicable requirements of the Act;
 - the requirements of the *Government Sector Finance Regulation 2018*; and
 - Treasurer's Directions issued under the Act
- (b) the financial statements present fairly the financial position, the financial performance and cash flows of the Judicial Commission of New South Wales as at 30 June 2021
- (c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



EJ Schmatt AM PSM
Chief Executive
Dated: 12 October 2021



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 comprises the Statement by the Accountable Authority, the Statement of Comprehensive Income for the year ended 30 June 2021, the Statement of Financial Position as at 30 June 2021, the Statement of Changes in Equity and the Statement of Cash Flows, for the year then ended, notes comprising a Statement of Significant Accounting Policies, and other explanatory information.

In my opinion, the financial statements:

- have been prepared in accordance with Australian Accounting Standards and the applicable financial reporting requirements of the *Government Sector Finance Act 2018* (GSF Act), the *Government Sector Finance Regulation 2018* (GSF Regulation) and the Treasurer's Directions
- presents fairly the Commission's financial position, financial performance and cash flows.

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

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are 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 requirements of the:

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

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament 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
- precluding the Auditor-General from providing non-audit services.

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

Other Information

The Commission's annual report for the year ended 30 June 2021 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Chief Executive of the Commission is responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the Statement by Chief Executive.

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.



If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

Chief Executive's Responsibilities for the Financial Statements

The Chief Executive is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the GSF Act, GSF Regulations and Treasurer's Directions. The Chief Executive's responsibility also includes such internal control as the Chief Executive determines is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Chief Executive is responsible for assessing the Commission's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities 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.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Commission carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.

Michael Kharzoo
Director, Financial Audit Services

Delegate of the Auditor-General for New South Wales

13 October 2021
SYDNEY



Financial statements

Start of audited financial statements

Judicial Commission of New South Wales

Statement of Comprehensive Income for the year ended 30 June 2021

	Notes	Actual 2021 \$'000	Budget 2021 \$'000	Actual 2020 \$'000
Continuing operations				
Expenses excluding losses				
Employee-related expenses	2(a)	4,743	4,665	4,778
Operating expenses	2(b)	1,114	723	992
Depreciation and amortisation	2(c)	727	802	669
Finance Costs	2(e)	138	73	1
Grants and subsidies		-	-	-
Other expenses	2(d)	12	400	(70)
Total expenses excluding losses		6,734	6,663	6,370
Revenue				
Appropriation	3(a)	5,234	5,260	4,813
Acceptance by The Crown in right of the State of New South Wales of employee benefits & other liabilities	3(d)	121	163	94
Sales of goods and services from contracts with customers	3(b)	1,063	1,055	1,040
Investment revenue	3(c)	-	-	-
Other income	3(e)	35	75	50
Total revenue		6,453	6,553	5,997
Net result	19	(281)	(110)	(373)
Gains/(losses) from reversal of make good provision	4	188	-	-
TOTAL COMPREHENSIVE INCOME		(93)	(110)	(373)

The accompanying notes form part of these financial statements.

Judicial Commission of New South Wales

Statement of Financial Position as at 30 June 2021

	Notes	Actual 2021 \$'000	Budget 2021 \$'000	Actual 2020 \$'000
ASSETS				
Current Assets				
Cash and cash equivalents	7	136	75	25
Receivables	8	76	110	110
Total Current Assets		212	185	135
Non-Current Assets				
Property, plant and equipment	9	1,292	1,366	1,420
Right-of-use assets	10	3,847	1,476	4,373
Intangible assets	11	-	-	-
Total Non-Current Assets		5,139	2,842	5,793
Total Assets		5,351	3,027	5,928
LIABILITIES				
Current Liabilities				
Payables	12	363	286	285
Provisions	13	658	677	663
Other current liabilities	14	486	653	485
Total Current Liabilities		1,507	1,616	1,433
Non-Current Liabilities				
Provisions	13	31	215	218
Other non-current liabilities	14	3,540	994	3,911
Total Non-Current Liabilities		3,571	1,209	4,129
Total Liabilities		5,078	2,825	5,562
Net Assets		273	202	366
EQUITY				
Accumulated funds	17	273	202	366
Total Equity		273	202	366

The accompanying notes form part of these financial statements.



Judicial Commission of New South Wales

Statement of Changes in Equity for the year ended 30 June 2021

	Accumulated Funds \$'000	Total \$'000
Balance at 1 July 2020	366	366
Net result for the year	(93)	(93)
Total other comprehensive income	-	-
Total comprehensive income for the year	(93)	(93)
Balance at 30 June 2021	273	273
Balance at 1 July 2019	739	739
Net result for the year	(373)	(373)
Total other comprehensive income	-	-
Total comprehensive income for the year	(373)	(373)
Balance at 30 June 2020	366	366

The accompanying notes form part of these financial statements.

**Judicial Commission of New South Wales**

Statement of Cash Flows for the year ended 30 June 2021

	Notes	Actual 2021 \$'000	Budget 2021 \$'000	Actual 2020 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee-related		(4,612)	(4,492)	(4,582)
Finance costs		(138)	(73)	(1)
Other		(1,359)	(1,056)	(1,223)
Total Payments		(6,109)	(5,621)	(5,806)
Receipts				
Appropriations (excluding equity appropriations)		5,234	5,260	4,813
Reimbursements from the Crown Entity (Transfers to the Crown Entity)		-	-	-
Sale of goods and services		1,393	1,055	1,330
Interest received		-	-	-
Other		35	75	50
Total Receipts		6,662	6,390	6,193
NET CASH FLOWS FROM OPERATING ACTIVITIES	19	553	769	387
CASH FLOWS FROM INVESTING ACTIVITIES				
Purchases of plant and equipment and intangibles		(87)	(150)	(48)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(87)	(150)	(48)
CASH FLOWS FROM FINANCING ACTIVITIES				
Payment of principal portion of finance lease liabilities		(355)	(569)	(453)
NET CASH FLOWS FROM FINANCING ACTIVITIES		(355)	(569)	(453)
NET INCREASE / (DECREASE) IN CASH AND CASH EQUIVALENTS		111	50	(114)
Opening cash and cash equivalents		25	25	139
CLOSING CASH AND CASH EQUIVALENTS	7	136	75	25

The accompanying notes form part of these financial statements.



Notes to the financial statements

Judicial Commission of New South Wales

Notes to the financial statements for the year ended 30 June 2021

1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting Entity

The Judicial Commission of New South Wales (the Commission) is a NSW government entity and is controlled by the State of New South Wales, which is the ultimate parent.

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.

These financial statements for the year ended 30 June 2021 have been authorised for issue by the Chief Executive on 12 October 2021.

(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 (AAS) (which include Australian Accounting Interpretations);
- the requirements of the *Government Sector Finance Act 2018* (GSF Act); and
- Treasurer's Directions issued under the GSF Act.

Property, plant and equipment are measured at fair value. Other financial statement items are prepared in accordance with the historical cost convention, except where specified otherwise.

Judgements, key assumptions and estimations 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, which is the entity's presentation and functional currency.

(c) Statement of Compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(d) Accounting for the Goods and Services Tax

Income, expenses and assets are recognised net of the amount of goods and services tax (GST), except that the:

- amount of GST incurred by the entity as a purchaser that is not recoverable from the Australian Taxation Office (ATO) is recognised as part of an asset's cost of acquisition 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 and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

(e) Comparative information

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

(f) Changes in accounting policies, including new or revised AAS

(i) Effective for the first time in FY2020-21

The entity has applied AASB 1059 *Service Concession Arrangements: Grantors* (AASB 1059) for the first time. The nature and effect of the changes as a result of adoption of these new accounting standards are described below.

Several other amendments and interpretations apply for the first time in FY2020-21, but do not have an impact on the financial statements of the entity.

AASB 1059 Service Concession Arrangements: Grantors

AASB 1059 is effective for the entity from 1 July 2020. At the same time NSW Treasury Policy and Guideline Paper TPP 06-8: Accounting for Privately Financed Projects (TPP 06-8) was withdrawn effective from 1 July 2020.

Service Concession Arrangements are contracts between an operator and a grantor, where the operator provides public services related to a service concession asset on behalf of the grantor for a specified period of time and manages at least some of those services.

Where AASB 1059 applies, the grantor recognises the service concession asset when the grantor obtains control of the asset and measures the service concession asset at current replacement cost. At the same time the grantor recognises a corresponding financial liability or unearned revenue liability or a combination of both.

The entity has adopted the modified retrospective approach permitted under AASB 1059 by recognising and measuring service concession assets and related liabilities at the date of initial application of 1 July 2019, with any net adjustments to the amounts of assets and liabilities recognised in accumulated funds at that date.

The adoption of AASB 1059 did not have an impact on the financial statements of the Commission as the Commission has not entered into any Service Concession Arrangements.



(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 Australian Accounting Standards have not been applied and are not yet effective.

- AASB 17 *Insurance Contracts*
- AASB 1060 *General Purpose Financial Statements — Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities*
- AASB 2020-1 *Amendments to Australian Accounting Standards — Classification of Liabilities as Current or Non-current*
- AASB 2020-3 *Amendments to Australian Accounting Standards — Annual Improvements 2018–2020 and Other Amendments*
- AASB 2020-5 *Amendments to Australian Accounting Standards — Insurance Contracts*
- AASB 2020-6 *Amendments to Australian Accounting Standards — Classification of Liabilities as Current or Non-current — Deferral of Effective Date*
- AASB 2020-7 *Amendments to Australian Accounting Standards — Covid-19-Related Rent Concessions: Tier 2 Disclosures*
- AASB 2020-8 *Amendments to Australian Accounting Standards — Interest Rate Benchmark Reform — Phase 2*

The Commission has assessed the impact of the accounting standards and interpretations on issue but not yet effective, where relevant, and considers the impact to be immaterial.

(g) Impact of COVID-19 on Financial Reporting for 2020–21

The potential impacts of COVID-19 on the end of year financial statements have been considered by the Commission. The financial impacts have been considered to be immaterial in the preparation of these financial statements.

- (b) Other operating expenses include the following:
- Variable lease payments, not included in the lease liabilities
 - Fees for services
 - Contractors
 - Conferences
 - Printing
 - Member fees
 - Stores and equipment
 - Books and periodicals
 - Postal and telephone
 - Training
 - Travel expenses
 - Electricity
 - Insurance
 - Auditor's remuneration — audit of the financial statements
 - Recruitment
 - Maintenance
 - Other

	2021 \$'000	2020 \$'000
Variable lease payments, not included in the lease liabilities	216	186
Fees for services	74	41
Contractors	276	223
Conferences	92	69
Printing	36	28
Member fees	152	152
Stores and equipment	10	8
Books and periodicals	68	64
Postal and telephone	36	30
Training	6	15
Travel expenses	5	29
Electricity	23	23
Insurance	14	7
Auditor's remuneration — audit of the financial statements	33	27
Recruitment	1	-
Maintenance	6	7
Other	66	83
	1,114	992

Reconciliation — Total maintenance expense

Maintenance expense — contracted labour and other (non employee-related), as above

Employee-related maintenance expense included in Note 2(a)

Total maintenance expenses included in Note 2(a) + 2(b)

	2021 \$'000	2020 \$'000
Maintenance expense — contracted labour and other (non employee-related), as above	6	7
Employee-related maintenance expense included in Note 2(a)	-	-
Total maintenance expenses included in Note 2(a) + 2(b)	6	7

2. EXPENSES EXCLUDING LOSSES

	2021 \$'000	2020 \$'000
(a) Employee-related expenses		
Salaries and wages (including recreation leave)	4,058	4,079
Superannuation — defined benefit plans	56	55
Superannuation — defined contribution plans	325	336
Long service leave	64	38
Workers' compensation insurance	23	16
Payroll tax and fringe benefit tax	217	254
	4,743	4,778

Recognition and Measurement

Maintenance expense

Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement or an enhancement of a part or component of an asset, in which case the costs are capitalised and depreciated.

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.



Lease expenses

The Entity recognises the lease payments associated with the following types of leases as an example on a straight-line basis:

- Leases that meet the definition of short-term, i.e. where the lease term at commencement of the lease is 12 months or less. This excludes leases with a purchase option.
- Leases of assets that are valued at \$10,000 or under when new.

Variable lease payments not included in the measurement of the lease liability (i.e. variable lease payments that do not depend on an index or rate, initially measured using the index or rate as at the commencement date). These payments are recognised in the period in which the event or condition that triggers those payments occurs.

	2021 \$'000	2020 \$'000
(c) Depreciation and amortisation expense		
Depreciation		
Computer equipment	37	38
Right-of-use asset	513	476
Office furniture	117	115
Office equipment	60	40
	727	669
Amortisation		
Intangible assets	-	-
	727	669

Refer to Note 9 and 10 for recognition and measurement policies on depreciation and amortisation.

(d) Other expenses
Conduct Division (refer Note 18)

(e) Finance costs
Interest expense from lease liabilities

2021 \$'000	2020 \$'000
12	(70)
12	(70)
138	1
138	1

Recognition and Measurement

Finance costs consist of interest and other costs incurred in connection with the borrowing of funds. Borrowing costs are recognised as expenses in the period in which they are incurred, in accordance with Treasury's Mandate to not-for-profit NSW GGS entities.

3. REVENUE

Recognition and Measurement

Income is recognised in accordance with the requirements of AASB 15 *Revenue from Contracts with Customers* or AASB 1058 *Income of Not-for-Profit Entities*, dependent on whether there is a contract with a customer defined by AASB 15 *Revenue from Contracts with Customers*. Comments regarding the accounting policies for the recognition of income are discussed below.

(a) Appropriations and Transfers to The Crown in right of the State of New South Wales ("Crown")

	2021 \$'000	2021 \$'000	2021 \$'000	2020 \$'000	2020 \$'000	2020 \$'000
Summary of Compliance	Appropriation	Expenditure	Variance	Appropriation	Expenditure	Variance
Original Budget per <i>Appropriation Act</i>	5,260	5,234	26	5,385	4,813	572
Other Appropriations/Expenditure						
• Transfers per section 27 of the <i>Appropriation Act</i>	-	-	-	-	-	-
• Treasurer's Advance	-	-	-	-	-	-
Total	5,260	5,234	26	5,385	4,813	572
Appropriations/Expenditure/Net Claim on Annual Appropriations						
Appropriation drawn down against Annual Appropriations		5,234			4,813	
		-			-	
<i>Comprising:</i>						
Appropriations (per Statement of Comprehensive Income)		5,234			4,813	
<i>Appropriations (per Statement of Comprehensive Income):</i>						
Recurrent	5,110	5,149	(39)	5,235	4,764	471
Capital	150	85	65	150	49	101
	5,260	5,234	26	5,385	4,813	572

Notes:

- (1) The summary of compliance is based on the assumption that annual appropriations monies are spent first (except where otherwise identified or prescribed)
- (2) 'Expenditure' refers to cash payments. The term 'expenditure' has been used for payments for consistency with AASB 1058 *Income of Not-for-Profit Entities*.
- (3) If an entity receives an equity appropriation this must be disclosed in the summary of compliance as part of the appropriation.
- (4) If there is a 'Liability for lapsed appropriations drawn down' (formerly known as 'Liability to Consolidated Fund'), the entity must state that this represents the difference between the 'Amount drawn down against Annual Appropriation' and the 'Expenditure/Net Claim on Annual Appropriations'.
- (5) The table of "Movement of Section 4.7 GSF Act — Deemed Appropriations" is a disclosure note, independent from the "Appropriation" line item in the statement of comprehensive income. Deemed appropriations is a legal concept under the GSF Act, that does not have a corresponding financial statement line item. Instead, deemed appropriations may come from various sources, such as sale of goods and services, and the corresponding revenue is disclosed in the relevant sections of these items in the financial statements. The table of "Movement of Section 4.7 GSF Act — Deemed Appropriations" is disclosed following the table of "Summary of Compliance" in the FRC for principal departments that have both annual appropriations and deemed appropriations (i.e. the disclosure of all parliamentary appropriations as required by AASB 1058.38-39 is put in one place). However, entities can choose to disclose the information elsewhere in the financial statements (e.g. as a separate disclosure note outside the revenue section) as they see fit, so long as the disclosure requirements in AASB 1058.38-39 are satisfied.

Movement of Section 4.7 GSF Act — deemed appropriations

	2021 \$'000	2020 \$'000
Opening balance	25	-
Adjustment for appropriations deemed on commencement of section 4.7	-	139
Add: additions of deemed appropriation	1,428	1,380
Less: expenditure charged against deemed appropriation	(1,317)	(1,494)
Closing balance	136	25

Recognition and Measurement

Parliamentary appropriations

Income from appropriations, other than deemed appropriations (of which the accounting treatment is based on the underlying transaction), does not contain enforceable and sufficiently specific performance

obligations as defined by AASB 15. Therefore, except as specified below, appropriations (other than deemed appropriations) are recognised as income when the entity obtains control over the assets comprising the appropriations. Control over appropriations is normally obtained upon the receipt of cash.

Appropriations are not recognised as income in the following circumstances:

- The liability is disclosed in Note 14 as part of 'Current liabilities — Other'. The liability will be extinguished next financial year through the next annual Appropriations Act.

	2021 \$'000	2020 \$'000
(b) Sale of goods and services		
Sales of goods and services from contracts with customers	173	162
Rendering of services	890	878
	1,063	1,040

Recognition and Measurement

Sale of Goods

Revenue from sale of goods is recognised as revenue when the entity satisfies a performance obligation by transferring the promised goods. The entity typically satisfies its performance obligations when the control of the goods is transferred to the customers. The payments are typically due on 30 days settlement terms.

Revenue from these sales is recognised based on the price specified in the contract, and revenue is only recognised to the extent that it is highly probable that a significant reversal will not occur. No element of financing is deemed present as the sales are made with a short term credit term. No volume discount or warranty is provided on the sale.

Rendering of Services

Revenue from rendering of services is recognised when the entity satisfies the performance obligation by transferring the promised services. The entity typically satisfies its performance obligations by reference to the stage of completion based on labour hours incurred to date. The payments are typically due on 30 days settlement terms.

The revenue is measured at the transaction price agreed under the contract. No element of financing is deemed present as payments are due when service is provided.

	2021 \$'000	2020 \$'000
(c) Investment revenue		
Interest income	-	-



Recognition and Measurement

Interest Income

Interest income is calculated by applying the effective interest rate to the gross carrying amount of a financial asset except for financial assets that subsequently become credit-impaired. For financial assets that become credit impaired, the effective interest rate is applied to the amortised cost of the financial asset (i.e. after deducting the loss allowance for expected credit losses).

	2021 \$'000	2020 \$'000
(d) Acceptance by The Crown in right of the State of New South Wales of employee benefits and other liabilities		
The following liabilities and/or expenses have been assumed by the Crown or other government entities:		
Superannuation — defined benefit	54	53
Long service leave provision	64	38
Payroll tax	3	3
	121	94
(e) Other income		
Miscellaneous revenue	35	50

4. GAINS / (LOSSES) ON DISPOSAL

	2021 \$'000	2020 \$'000
Gains/(losses) from reversal of make good provision	188	-

5. OTHER GAINS / (LOSSES)

	2021 \$'000	2020 \$'000
Other gains/(losses)	-	-

Recognition and Measurement

Impairment losses on non-financial assets

Impairment losses may arise on non-financial assets held by the entity from time to time. Accounting for impairment losses is dependent upon the individual asset (or group of assets) subject to impairment. Accounting Policies and events giving rise to impairment losses are disclosed in the following notes:

- Trade Receivables — Note 8
- Property, plant and equipment — Note 9
- Intangible Assets — Note 11

6. PROGRAM GROUPS OF THE COMMISSION

Education, Sentencing, and Complaints

Program Description:	This program 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 program group. The expenses, income, assets and liabilities of the program group are presented in the primary financial statements.

7. CURRENT ASSETS — CASH AND CASH EQUIVALENTS

	2021 \$'000	2020 \$'000
Cash at bank and on hand	136	25
	136	25

For the purposes of the Statement of Cash Flows, cash and cash equivalents includes cash at bank and cash on hand.

Cash and cash equivalents (per Statement of Financial Position) reconciled at the end of the financial year to the Statement of Cash Flows as follows:

	2021 \$'000	2020 \$'000
Cash and cash equivalents (per Statement of Financial Position)	136	25
Cash and cash equivalents (per Statement of Cash Flows)	136	25

Refer Note 21 for details regarding credit risk and market risk arising from financial instruments.

8. CURRENT ASSETS — RECEIVABLES

	2021 \$'000	2020 \$'000
Trade receivables from contracts with customers	-	-
Other receivables	-	1
Accrued income	-	-
Prepayments	76	109
	<u>76</u>	<u>110</u>

Details regarding credit risk of trade receivables that are neither past due nor impaired, are disclosed in Note 21.

Recognition and Measurement

All 'regular way' purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases of sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

Receivables are initially recognised at fair value plus any direct attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

Subsequent measurement

The entity holds receivables with the objective to collect the contractual cash flows and therefore measures them at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

Impairment

The entity recognises an allowance for expected credit losses (ECLs) for all debt financial assets not held at fair value through profit or loss. ECLs are based on the difference between contractual cash flows and the cash flows that the entity expects to receive, discounted at the original effective interest rate.

For trade receivables, the entity applies a simplified approach in calculating ECLs. The entity recognises a loss allowance based on lifetime ECLs at each reporting date. The entity has established a provision matrix based on its historical credit loss experience for trade receivables, adjusted for forward-looking factors specific to the receivable.

9. PROPERTY, PLANT AND EQUIPMENT

	Plant and Equipment \$'000	Total \$'000
At 1 July 2020 — fair value		
Gross carrying amount	2,409	2,409
Accumulated depreciation and impairment	(989)	(989)
Net carrying amount	<u>1,420</u>	<u>1,420</u>
At 30 June 2021 — fair value		
Gross carrying amount	2,262	2,262
Accumulated depreciation and impairment	(970)	(970)
Net carrying amount	<u>1,292</u>	<u>1,292</u>

Reconciliation

A reconciliation of the carrying amount of property, plant and equipment at the beginning and end of the current financial year is set out below:

	Plant and Equipment \$'000	Total \$'000
Year ended 30 June 2021		
Net carrying amount at start of year	1,420	1,420
Additions	86	86
Disposals	-	-
Depreciation	(214)	(214)
Net carrying amount at end of year	<u>1,292</u>	<u>1,292</u>

	Plant and Equipment \$'000	Total \$'000
At 1 July 2019 — fair value		
Gross carrying amount	2,403	2,403
Accumulated depreciation and impairment	(837)	(837)
Net carrying amount	<u>1,566</u>	<u>1,566</u>
At 30 June 2020 — fair value		
Gross carrying amount	2,409	2,409
Accumulated depreciation and impairment	(989)	(989)
Net carrying amount	<u>1,420</u>	<u>1,420</u>



Reconciliation

A reconciliation of the carrying amount of property, plant and equipment at the beginning and end of the prior financial year is set out below:

	Plant and Equipment \$'000	Total \$'000
Year ended 30 June 2020		
Net carrying amount at start of year	1,566	1,566
Additions	48	48
Disposals	-	-
Depreciation	(194)	(194)
Net carrying amount at end of year	1,420	1,420

Recognition and Measurement

Acquisition of property, plant and equipment

Property, plant and equipment are initially measured at cost and subsequently revalued at fair value less accumulated depreciation and impairment. 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, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent; i.e. deferred payment amount is effectively discounted over the period of credit.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Capitalisation thresholds

Property, 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 \$500 and above and having a useful life of more than one year are also capitalised.

Depreciation of property, plant and equipment

Depreciation is provided for on a straight-line basis so as to write off the depreciable amount of each asset as it is consumed over its useful life to the entity.

All material identifiable components of assets are depreciated separately over their useful lives.

The estimated useful lives of the asset classes are:

Computer Equipment	3 years
Furniture and Fittings	15 years
Office Equipment	5 or 10 years

Restoration costs

The present value of the expected cost for the restoration or cost of dismantling of an asset after its use is included in the cost of the respective asset if the recognition criteria for a provision are met.

Revaluation of 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 13 *Fair Value Measurement*, and AASB 116 *Property, Plant and Equipment*.

Property, 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 socio-political 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 reasonable higher restricted alternative use.

Fair value of plant and equipment is based on a market participants' perspective, using valuation techniques (market approach, cost approach, income approach) that maximise relevant observable inputs and minimise unobservable inputs.

As the entity does not hold any land, building or infrastructure assets, valuations of plant and equipment are not warranted.

All of the entity's assets are non-specialised assets with short useful lives and are measured at depreciated historical cost, which approximates fair value. The entity has assessed that any difference between fair value and depreciated historical cost is unlikely to be material.

The residual values, useful lives and methods of depreciation of plant and equipment are reviewed at each financial year end.

Impairment of property, plant and equipment

As a not-for-profit entity with no cash generating units, impairment under AASB 136 *Impairment of Assets* is unlikely to arise. Since property, plant and equipment is carried at fair value or an amount that approximates fair value, impairment can only arise in rare circumstances such as where the cost of disposal are material.

The entity assesses, at each reporting date, whether there is an indication that an asset may be impaired. If any indication exists, or when annual impairment

testing for an asset is required, the entity estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount.

As a not-for-profit entity, an impairment loss is recognised in the net result to the extent the impairment loss exceeds the amount in the revaluation surplus for the class of asset.

After an impairment loss has been recognised, it is reversed only if there has been a change in the assumptions used to determine the asset's recoverable amount. The reversal is limited so that the carrying amount of the asset does not exceed its recoverable amount, nor exceed the carrying amount that would have been determined, net of depreciation, had no impairment loss been recognised for the asset in prior years. Such reversal is recognised in the net result and is treated as a revaluation increase. However, to the extent that an impairment loss on the same class of asset was previously recognised in the net result, a reversal of that impairment loss is also recognised in the net result.

10. LEASES

The entity has a lease for the offices as arranged through Property NSW. The lease initial term is for 5 years and an additional 7 year term has been negotiated to commence from 1 January 2022. The entity has a small residual lease for a motor vehicle which has not been capitalised with lease payments being expensed.

The lease agreements do not impose any covenants, but leased assets may not be used as security for borrowing purposes. The entity does not provide residual value guarantees in relation to leases.

The entity has elected to recognise payments for short-term leases and low value leases as expenses on a straight-line basis, instead of recognising a right-of-use asset and lease liability. Short-term leases are leases with a lease term of 12 months or less. Low value assets are assets with a fair value of \$10,000 or less when new and comprise only motor vehicles.

Right-of-use assets under leases

The following table presents right-of-use assets recognised by the Commission.

	Land and Buildings \$'000 2021	Land and Buildings \$'000 2020
Balance at beginning of year	4,373	3,142
Additions	-	-
Depreciation expense	(513)	(476)
Adjustments due to change in variable payments and additional extension of term	(13)	1,707
Balance at the end of the year	3,847	4,373

Lease liabilities

The following table presents the liabilities under leases.

	Lease liabilities \$'000 2021	Lease liabilities \$'000 2020
Balance at beginning of year	4,396	3,142
Additions	-	-
Interest expense	138	1
Adjustments due to change in variable payments and additional extension of term	(16)	1,707
Payments	(492)	(454)
Balance at the end of the year	4,026	4,396

The following amounts were recognised in the statement of comprehensive income during the period in respect of leases where the entity is the lessee:

	\$'000 2021	\$'000 2020
Depreciation expense of right-of-use assets	513	476
Interest expense on lease liabilities	138	1
Variable lease payments, not included in the measurement of lease liabilities	216	186
Total amount recognised in the statement of comprehensive income	867	663

Impairment losses for right-of-use assets

The COVID-19 outbreak occurring throughout the 2019-20 financial year had an unprecedented effect on the NSW and global economies. COVID-19 significantly impacted the market rent for the Agency's leases and therefore the value of lease right-of-use assets in the Statement of Financial Position. The Agency has therefore undertaken an impairment assessment for the above right-of-use assets, to determine whether the carrying amount exceeded their recoverable amount. However the entity considers that the current rent has been below market rate since the start of the lease and has not been significantly impacted by COVID-19. Negotiations post balance date have indicated that the rent will not be materially negatively affected. Therefore, no impairment loss has been included.

Lease liabilities

At the commencement date of the lease, the entity recognises lease liabilities measured at the present value of lease payments to be made over the lease term. Lease payments include:

- fixed payments (including in substance fixed payments) less any lease incentives receivable;
- variable lease payments that depend on an index or a rate;



- amounts expected to be paid under residual value guarantees;
- exercise price of purchase options reasonably certain to be exercised by the entity; and
- Payments of penalties for terminating the lease, if the lease term reflects the entity exercising the option to terminate.

The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, which is generally the case for the entity's leases, the lessee's incremental borrowing rate is used, being the rate that the entity would have to pay to borrow the funds necessary to obtain an asset or similar value to the right-of-uses asset in a similar economic environment with similar terms, security and conditions.

After the commencement date, the amount of lease liabilities is increased to reflect the accretion of interest and reduced for the lease payments made. In addition, the carrying amount of lease liabilities is remeasured if there is a modification, a change in the lease term, a change in the lease payments (e.g. changes to future payments resulting from a change in an index or rate used to determine such lease payments) or a change in the assessment of an option to purchase the underlying asset.

There is an option to extend the office lease for another 5 years from 1 January 2022. The entity has capitalised the value assuming the lease option will be exercised. The entity completed discussions to extend the lease by another 7 years.

The entity's lease liabilities are included in borrowings.

11. INTANGIBLE ASSETS

	Software \$'000	Total \$'000
At 1 July 2020		
Cost (gross carrying amount)	28	28
Accumulated amortisation and impairment	(28)	(28)
Net carrying amount	-	-
At 30 June 2021		
Cost (gross carrying amount)	28	28
Accumulated amortisation and impairment	(28)	(28)
Net carrying amount	-	-

Reconciliation

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

	Software \$'000	Total \$'000
Year ended 30 June 2021		
Net carrying amount at start of year	-	-
Additions	-	-
Disposals	-	-
Amortisation (recognised in 'depreciation and amortisation')	-	-
Net carrying amount at end of year	-	-
At 1 July 2019		
Cost (gross carrying amount)	28	28
Accumulated amortisation and impairment	(28)	(28)
Net carrying amount	-	-
At 30 June 2020		
Cost (gross carrying amount)	28	28
Accumulated amortisation and impairment	(28)	(28)
Net carrying amount	-	-

Reconciliation

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

	Software \$'000	Total \$'000
Year ended 30 June 2020		
Net carrying amount at start of year	-	-
Additions	-	-
Disposals	-	-
Amortisation (recognised in 'depreciation and amortisation')	-	-
Net carrying amount at end of year	-	-

Recognition and Measurement

The entity recognises intangible assets only if it is probable that future economic benefits will flow to the entity and the cost of the asset 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. Following initial recognition, intangible assets are subsequently measured at fair value only if there is an active market. If there is no active market for the entity's intangible assets, the assets are carried at cost less any accumulated amortisation and impairment losses.

The useful lives of intangible assets are assessed to be finite.

The entity's intangible assets are amortised using the straight-line method over a period of three (3) years.

The amortisation period and the amortisation method for an intangible asset with a finite useful life are reviewed at least at the end of each reporting period.

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.

12. CURRENT LIABILITIES — PAYABLES

	2021 \$'000	2020 \$'000
Creditors	140	171
Accrued salaries, wages and on-costs	65	48
Other (including GST payable)	158	66
	<u>363</u>	<u>285</u>

Details regarding liquidity risk, including a maturity analysis of the above payables are disclosed in Note 21.

Recognition and Measurement

Payables represent liabilities for goods and services provided to the entity and other amounts. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

Payables are financial liabilities at amortised cost, initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in the net result when the liabilities are derecognised as well as through the amortisation process.

13. CURRENT / NON-CURRENT LIABILITIES — PROVISIONS

	2021 \$'000	2020 \$'000
Employee benefits and related on-costs		
Current		
Recreation leave	332	316
On-costs	326	347
	<u>658</u>	<u>663</u>
Non-Current		
Make Good Provision	-	188
On-costs	31	30
	<u>31</u>	<u>218</u>

Aggregate employee benefits and related on-costs

Provisions — current	658	663
Provisions — non-current	31	30
Accrued salaries, wages and on-costs (refer Note 12)	65	48
	<u>754</u>	<u>741</u>

Expected settlement of current employee benefits and related on-costs

Not later than 12 months	633	602
Later than 12 months	25	61
	<u>658</u>	<u>663</u>

Movements in provisions (other than employee benefits) 2021

	Make Good \$'000	Total \$'000
Carrying amount at 1 July 2020	188	188
Additional provisions recognised	-	-
Amounts used	-	-
Unused amounts reversed	(188)	(188)
Unwinding / change in the discount rate	-	-
Carrying amount at 30 June 2021	<u>-</u>	<u>-</u>

Recognition and Measurement

Employee benefits and related on-costs

Salaries and wages, recreation leave and sick leave

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

Recreation 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 nominal recreation leave balance plus the recreation leave entitlements accrued while taking recreation leave (calculated using 8.4% of the nominal value of recreation leave) can be used to approximate the present value of the recreation 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 recreation leave. All recreation leave is classified as a current liability even where the entity does not expect to settle the liability within 12 months as the entity does not have an unconditional right to defer settlement.



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.

Long service leave and superannuation

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

Long service leave is measured at the present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on actuarial review, including expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using Commonwealth government bond rate at the reporting date.

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 Aware 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.

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.

Other provisions

Provisions are recognised 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 an obligation; and a reliable estimate can be made of the amount of the obligation. When the entity expects some or all of provision to be reimbursed, for example, under an insurance contract, the reimbursement is recognised as a separate asset, but only when the reimbursement is virtually certain. The expense relating to a provision is presented net of any reimbursement in the Statement of Comprehensive Income.

Make good provision

The make good provision will arise if the leased offices are vacated at the end of the lease term. The lease requires that the office be returned 'back to base building' requiring the removal of all partitions and added fixtures. The cost is an estimate based on current costs.

14. CURRENT / NON-CURRENT LIABILITIES

	2021 \$'000	2020 \$'000
Liability for unspent appropriations drawn down	-	-
Lease liability — current (see Note 10)	486	485
	486	485
Lease liability — non current (see Note 10)	3,540	3,911

15. COMMITMENTS

The Commission has no capital commitments.

16. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Commission has no contingent liabilities (2020: nil) or contingent assets (2020: nil) as at 30 June 2021.

17. EQUITY

Recognition and Measurement

Accumulated Funds

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

18. BUDGET REVIEW

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period, except for the budget cash flow statement, which is derived from the Treasury reporting system. Subsequent amendments to the original budget (e.g. adjustment for transfer of functions between entities as a result of Administrative Arrangement Orders) are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the financial statements are explained below.

Net Result

The actual net loss is lower than the budgeted loss by \$17,000.

This is mainly due to \$71,000 higher expenses including Conduct Divisions, combined with \$8,000 higher own generated income, and other income lower by \$40,000, offset by the gain on disposal of the make good liability reversal.

Other revenue items contributing to the higher loss are: Capital allocation is lower than budget by \$65,000, acceptance by the Crown of employees benefits is lower by \$42,000 and recurrent allocation higher by \$39,000.

**Assets and Liabilities**

Non-Current Assets are over budget by \$2.297 million due to the remeasurement of the lease extension. There are also lower than expected capital purchases combined with the higher value to the capitalised right-of-use assets.

Current Liabilities are under budget by \$109,000 mainly due to current lease liability being lower than the budget by \$167,000.

Cash flows

The Net Cash Flows from operating activities resulted with a positive \$553,000.

The total cash increase was \$111,000 after deducting investing activities of \$87,000 and financing activities of \$355,000.

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

Reconciliation of cash flows from operating activities to the net result as reported in the Statement of Comprehensive Income as follows:

	2021 \$'000	2020 \$'000
Net cash used on operating activities	553	387
Decrease/(Increase) in Crown Entity liability	-	-
Depreciation and amortisation expense	(725)	(669)
Decrease/(increase) in provisions	192	(70)
Increase/(decrease) in receivables and prepayments	(35)	(31)
Decrease/(increase) in payables	(78)	10
Cash transfers to Consolidated Fund	-	-
Net Result	(93)	(373)

20. NON-CASH FINANCING AND INVESTING ACTIVITIES

	2021 \$'000	2020 \$'000
New recognition of right-of-use assets	(13)	4,373

21. 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 Committee assists the Chief Executive in fulfilling these responsibilities.

The Audit and Risk Committee provides independent assistance to the Chief Executive by monitoring, reviewing and providing advice about the Commission's risk management and control frameworks.



			Carrying Amount 2021 \$'000
(a) Financial instrument categories	Note	Category	
i. As at 30 June 2021 under AASB 9			
Financial Assets			
Cash and cash equivalents	7	N/A	136
Receivables ¹	8	Amortised cost	-
Financial Liabilities			
Payables ²	12	Financial liabilities measured at amortised cost	122
Lease liabilities	14	Financial liabilities measured at amortised cost	4,026

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).

			Carrying Amount 2020 \$'000
	Note	Category	
ii. As at 30 June 2020 under AASB 9			
Financial Assets			
Cash and cash equivalents	7	N/A	25
Receivables ¹	8	Amortised cost	1
Financial Liabilities			
Payables ²	12	Financial liabilities measured at amortised cost	136
Lease liabilities	14	Financial liabilities measured at amortised cost	4,396

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).

The entity determines the classification of its financial assets and liabilities after initial recognition and, when allowed and appropriate, re-evaluates this at each financial year end.

Derecognition of financial assets and financial liabilities

A financial asset (or; where applicable, a part of a financial asset or part of a group of similar financial assets) is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the entity transfers its rights to receive cash flows from the asset or has assumed an obligation to pay the received cash flows in full without material delay to a third party under a 'pass-through' arrangement and either:

- the entity has transferred substantially all the risks and rewards of the asset; or
- the entity has neither transferred nor retained substantially all the risks and rewards of the asset, but has transferred control.

When the entity has transferred its rights to receive cash flows from an asset or has entered into a 'pass-through' arrangement, it evaluates if, and to

what extent, it has retained the risks and rewards of ownership. Where the entity has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the entity's continuing involvement in the asset. In that case, the entity also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the entity has retained.

A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expires. When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as the derecognition of the

original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised in the net result.

(b) Financial risks

i. Credit risk

Credit risk arises when there is the possibility that the counterparty will default 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 credit losses or allowance for impairment).

Credit risk arises from the financial assets of the entity, including cash and receivables. 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 counterparties and establishment of minimum credit rating standards.

The Commission considers a financial asset in default when contractual payments are 90 days past due. However, in certain cases, the Commission may

also consider a financial asset to be in default when internal or external information indicates that the entity is unlikely to receive the outstanding contractual amounts in full before taking into account any credit enhancements held by the Commission.

Cash and cash equivalents

Cash comprises cash on hand and bank balances within the NSW Treasury Banking System.

No interest was earned on daily bank balances due to Treasury's cash management reforms which were introduced in 2015–16.

Collectability of trade debtors

Collectability of trade debtors is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letters of demand. Debtors 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 day terms.

	Current	<30 days	30–60 days	61–90 days	>91 days	30-Jun-21 \$'000 Total
Expected credit loss rate	-	-	-	-	-	-
Estimated total gross carrying amount	-	-	-	-	-	-
Expected credit loss	-	-	-	-	-	-

	Current	<30 days	30–60 days	61–90 days	>91 days	30-Jun-20 \$'000 Total
Expected credit loss rate	-	-	-	-	-	-
Estimated total gross carrying amount	-	-	-	-	-	-
Expected credit loss	-	-	-	-	-	-

The ageing analysis excludes statutory receivables and prepayments, as these are not within the scope of AASB 7. Therefore, the 'total' will not reconcile to the receivables total in Note 8.

The entity is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors as at 30 June 2021.

ii. 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 borrowings. 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.

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 business suppliers, where terms are 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 Chief Executive may automatically pay the supplier simple interest. No interest was applied during the year.

Maturity Analysis and interest rate exposure of financial liabilities

	Weighted Average Effective Interest Rate %	Nominal Amount \$'000	Interest rate exposure			Maturity Dates		
			Fixed Interest Rate \$'000	Variable Interest Rate \$'000	Non-Interest bearing \$'000	<1 Yr \$'000	1-5 Yr \$'000	> 5 Yr \$'000
2021								
Payables:								
• Creditors		122	-	-	122	122	-	-
Borrowings:								
• Lease Liabilities	1.98%	4,357	4,357	-	-	503	2,237	1,617
		4,479	4,357	-	122	625	2,237	1,617
2020								
Payables:								
• Creditors		136	-	-	136	136	-	-
Borrowings:								
• Lease Liabilities	1.98%	4,849	4,849	-	-	492	2,135	2,222
		4,985	4,849	-	136	628	2,135	2,222

Notes

- The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities based on the earliest date on which the entity can be required to pay. These amounts include both interest and principal cash flows and therefore will not reconcile to the amounts disclosed in the statement of financial position.
- The amounts disclosed here exclude statutory payables and unearned revenue (i.e. not within scope of AASB 7).

iii. 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.

(c) Fair value measurement

i. Fair value compared to carrying amount

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The fair value measurement is based on the presumption that the transaction to sell the asset or transfer the liability takes place either in the principal market for the asset or liability or in the absence of a principal market, in the most advantageous market for the asset or liability.

ii. Fair value recognised in the Statement of Financial Position

Management assessed that cash, trade receivables, trade payables and other current liabilities approximate their fair values, largely due to the short-term maturities of these instruments.

The Commission does not hold financial and non-financial assets and liabilities that are valued at fair value using valuation techniques.

**22. RELATED PARTY DISCLOSURES**

The entity's key management personnel compensation are as follows:

	2021 \$'000	2020 \$'000
Short-term employee benefits:		
Salaries	1,174	1,174
Other monetary allowances	-	-
Non-monetary benefits	-	-
Post-employment benefits	80	80
Termination benefits	-	-
Total remuneration	1,254	1,254

The Commission did not enter into any transactions during the year with key management personnel, their close family members and controlled or jointly controlled entities thereof.

During the year, the entity entered into transactions on arm's length terms and conditions with other entities that are controlled/jointly controlled/significantly influenced by the NSW Government. These transactions in aggregate are a significant portion of the Judicial Commission's activities.

These transactions include:

- Long Service Leave and Defined Benefit Superannuation assumed by the Crown
- Appropriations
- Transactions relating to the Treasury Banking System
- Employer contributions paid to Defined Benefit Superannuation funds
- Payments into the Treasury Managed Fund for workers' compensation insurance and other insurances.

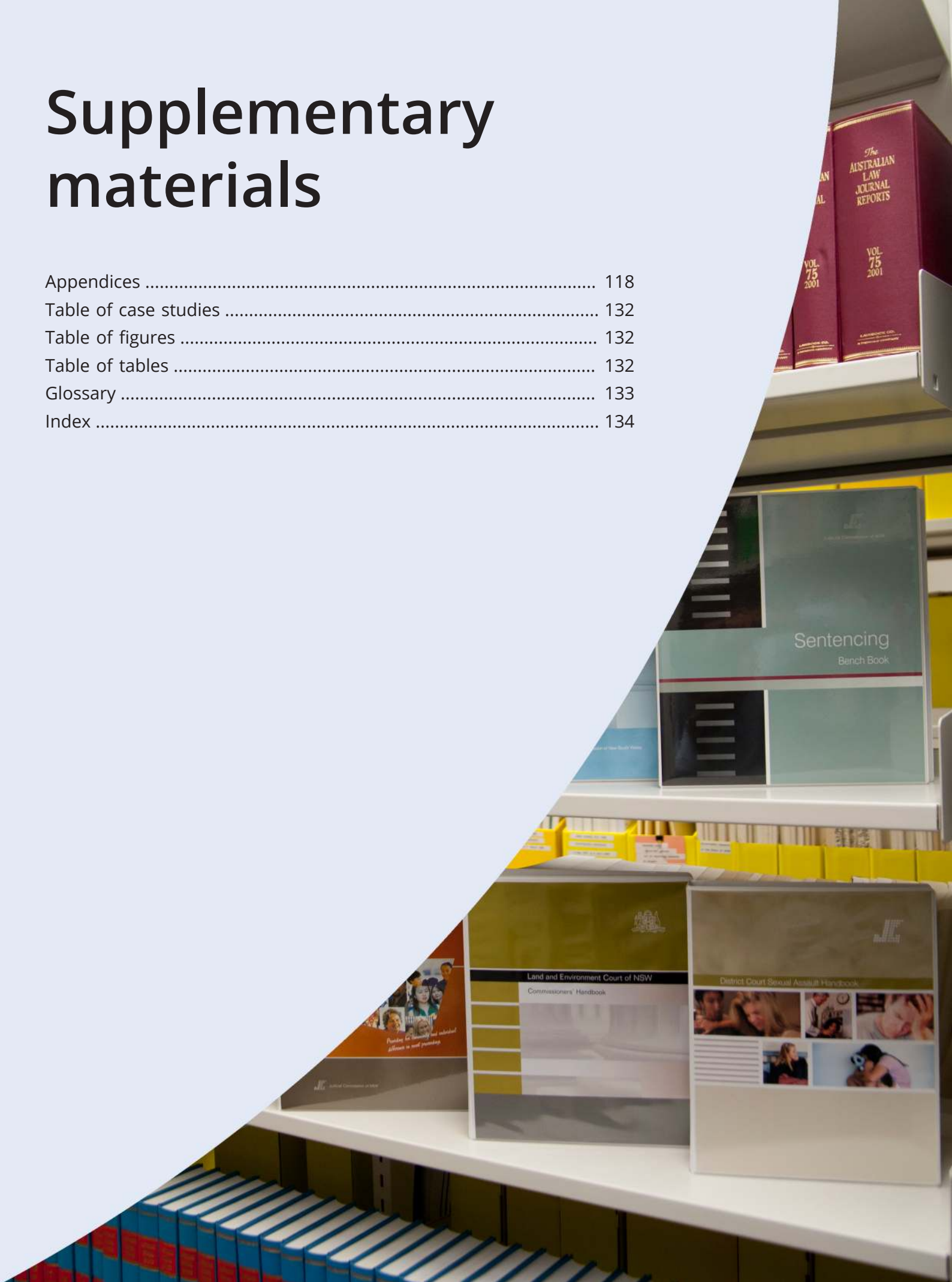
23. EVENTS AFTER THE REPORTING PERIOD

No matters or circumstances have arisen since the end of the financial year which significantly affect or may significantly affect the operations of the Commission, the results of those operations or the state of affairs of the Commission in future financial years.

End of audited financial statements

Supplementary materials

Appendices	118
Table of case studies	132
Table of figures	132
Table of tables	132
Glossary	133
Index	134



Appendices

Appendix 1	
Complaints against judicial officers: guidelines	118
Appendix 2	
Conduct Division: guidelines for examination of complaints	118
Appendix 3	
Continuing judicial education policy	118
Appendix 4	
Education and Bench Book Committees 2020–21 .	119
Appendix 5	
Conference topics 2020–21	120
Appendix 6	
Judicial education seminars, workshops and field trips 2020–21	122
Appendix 7	
Articles published 2020–21	122
Appendix 8	
Publications list	123
Appendix 9	
Ngara Yura Program	125
Appendix 10	
Assistance to other jurisdictions and organisations 2020–21	125
Appendix 11	
Working with other organisations 2020–21	126
Appendix 12	
Visitors to the Commission 2020–21	127
Appendix 13	
Overseas visits 2020–21	127
Appendix 14	
Exchange of information 2020–21	127
Appendix 15	
Commission officers' presentations 2020–21	128
Appendix 16	
Access to government information 2020–21	129
Appendix 17	
Checklist of reportable requirements 2020–21	131

Appendix 1

Complaints against judicial officers: guidelines

View "Guide for complainants" online at www.judcom.nsw.gov.au/complaints/guide-for-complainants/.

Appendix 2

Conduct Division: guidelines for examination of complaints

View "Conduct Division: guidelines for the examination of complaints" online at www.judcom.nsw.gov.au/complaints/conduct-division-guidelines-for-examination-of-complaints/.

Appendix 3

Continuing judicial education policy

View "Continuing Judicial Education Policy" online at www.judcom.nsw.gov.au/education/continuing-judicial-education-policy/.

Photo previous page: Our library provides bibliographical support for the Commission's research, education and publishing programs.



Appendix 4

Education and Bench Book Committees 2020–21

EDUCATION COMMITTEES

Standing Advisory Committee on Judicial Education

- The Honourable Justice J Basten, Supreme Court (Chair)
- The Honourable Justice N Pain, Land and Environment Court
- His Honour Judge P Lakatos SC, District Court
- His Honour Deputy Chief Magistrate M Allen, Local Court
- Chief Commissioner N Constant, Industrial Relations Commission
- Ms U Doyle, Director, Education, Judicial Commission of NSW (Convenor).

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 A Payne
- The Honourable Justice R White
- The Honourable Justice L McCallum
- The Honourable Justice P Johnson
- The Honourable Justice I Harrison
- The Honourable Justice P Garling RFD
- The Honourable Justice A Black
- The Honourable Justice R Wright
- Mr C D'Aeth, Principal Registrar
- Ms U Doyle, Director, Education, Judicial Commission of NSW (Convenor).

Land and Environment Court Education Committee

- The Honourable Justice N Pain (Chair)
- The Honourable Justice T Moore
- Senior Commissioner S Dixon
- Commissioner D Dickson
- Ms S Froh, Registrar
- Ms U Doyle, Director, Education, Judicial Commission of NSW (Convenor).

District Court Education Committee

- Her Honour Judge P Hock (Chair)
- His Honour Judge G Lerve
- Her Honour Judge S Huggett
- Her Honour Judge D Yehia SC
- His Honour Judge J Hatzistergos AM
- Her Honour Judge J Culver
- Her Honour Judge J Girdham SC
- His Honour Judge J Pickering SC
- His Honour Judge M Dicker SC
- His Honour Judge W Hunt
- His Honour Judge C O'Brien AM
- His Honour Judge R Weinstein SC
- His Honour Judge J Smith SC
- Mr J Howard, Judicial Registrar
- Ms U Doyle, Director, Education, Judicial Commission of NSW (Convenor).

Local Court Education Committee

- Her Honour Deputy Chief Magistrate J Mottley AM

- His Honour Deputy Chief Magistrate M Allen (Chair)
- His Honour Magistrate I Guy
- Her Honour Magistrate V Swain
- His Honour Magistrate L Mabbutt
- Her Honour Magistrate S McIntyre
- His Honour Magistrate M Antrum
- His Honour Magistrate R Stone
- Her Honour Magistrate K Robinson (until 14 June 2021)
- Her Honour Magistrate C Huntsman
- Her Honour Magistrate E Kennedy
- His Honour Magistrate P Stewart
- His Honour Magistrate R Hudson
- Ms B Delbridge, Policy Officer, Chief Magistrate's Office
- Ms U Doyle, Director, Education, Judicial Commission of NSW (Convenor).

Children's Court Education Committee

- His Honour Judge P Johnstone (Chair)
- His Honour Magistrate A Sbrizzi
- Her Honour Magistrate T Sheedy
- Her Honour Magistrate D Maher
- Ms R Davidson, Executive Officer
- Ms R Kang, Senior Children's Registrar (until 22 February 2021)
- Mr S Handebo, Registrar (from 23 February 2021)
- Ms U Doyle, Director, Education, Judicial Commission of NSW (Judicial Commission Representative).

Ngara Yura Committee

- The Honourable J Allsop AO, Chief Justice, Federal Court of Australia
- The Honourable Justice L McCallum, Supreme Court (Chair)
- The Honourable Justice R Pepper, Land and Environment Court
- Her Honour Judge D Yehia SC, District Court
- Her Honour Deputy Chief Magistrate J Mottley AM, Local Court
- His Honour Magistrate B van Zuylen, Local Court
- Her Honour Magistrate S Duncombe, Local Court
- Mr J Behrendt, Managing Director, Chalk & Behrendt
- Mr A Smith, Barrister, University Chambers
- Mr E Schmatt AM PSM, Chief Executive, Judicial Commission of NSW
- Ms U Doyle, Director, Education, Judicial Commission of NSW (Convenor).

BENCH BOOK COMMITTEES

Criminal Trial Courts Bench Book Committee

- The Honourable Justice P Johnson (until 8 February 2021)
- The Honourable Justice RA Hulme (Chair)
- The Honourable Justice R Button
- The Honourable Justice H Wilson (from 16 February 2021)
- His Honour Judge P Zahra SC



- His Honour Judge D Arnott SC
- Her Honour Judge S Huggett
- Her Honour Judge N Noman SC
- Ms P Mizzi, Director, Research and Sentencing, Judicial Commission of NSW (Convenor).

Civil Trials Bench Book Committee

- The Honourable Acting Justice A Emmett AO (from 23 March 2021)
- The Honourable Justice P Garling RFD (Chair)
- The Honourable Justice R Darke
- His Honour Judge P Mahony SC
- His Honour Judge R Weinstein SC
- Her Honour Magistrate S McIntyre
- Her Honour Magistrate J Atkinson
- The Honourable M Campbell QC (until 24 February 2021)

- Mr E Schmatt AM PSM, Chief Executive, Judicial Commission of NSW
- Ms U Doyle, Director, Education, Judicial Commission of NSW
- Ms A Murphy, Legal Editor, Judicial Commission of NSW (Convenor).

Local Court Bench Book Committee

- Her Honour Deputy Chief Magistrate J Mottley AM (Chair)
- His Honour Deputy Chief Magistrate M Allen
- Her Honour Magistrate T O'Sullivan
- Her Honour Magistrate S McIntyre
- Her Honour Magistrate D Maher
- Ms B Delbridge, Policy Officer, Chief Magistrate's Office
- Ms P Mizzi, Director, Research and Sentencing, Judicial Commission of NSW.

Appendix 5

Conference topics 2020–21

ANNUAL CONFERENCES

Land and Environment Court Annual Conference, June 2021

- “Crossing biotechnology frontiers”, Dr Susan Pond AM, Chair, NSW Smart Sensing Network, University of Sydney
- “Innovations in responding to the impact of drought on water catchments, water supplies and water ecosystems”, Dr Ian Wright, Senior Lecturer, School of Natural Sciences, University of Western Sydney
- “Field Trip: Tomago Wetlands Restoration site, Hunter Wetlands National Park and Migratory Shorebird Habitat Research Project, Kooragang Island”, Associate Professor William Glamore, Principal Research Engineer, University of NSW and Ms Jo Erskine, Ranger, National Parks & Wildlife Service
- “Dinner speaker: Taken a Shakin: A city identified by change”, Ms Julie Baird, Museum Director, Newcastle Museum
- “The grant of conditional approval”, The Honourable Justice Brian Preston, Chief Judge, Land and Environment Court of NSW
- “Artificial Intelligence: how it might improve economic, environmental & societal wellbeing”, Scientia Professor Toby Walsh, Scientia Professor of Artificial Intelligence, University of NSW
- “Maintaining respectful behaviour in the workplace”, Ms Stacey Kelly, Principal Consultant, Seed People Consulting
- “Dealing with litigant mental health issues in the courtroom”, Ms Jane Armstrong, Principal Master MHFA Instructor, Mental Health First Aid Australia
- “Session A: Beyond operations: The importance of embodied carbon in the built environment (and how we can reduce this)”, Dr Philip Oldfield, Director of the Architecture Program, University of NSW

- “Session B: Rethinking Waste: Upcycling Waste Materials into Advanced Building Elements”, Associate Professor Sandra Loschke, Associate Professor of Architecture, Associate Dean Indigenous Strategy, The University of Sydney.

District Court of NSW Annual Conference, April 2021

- “Politicians in the Law Reports”, Her Excellency the Honourable Margaret Beazley AC QC, Governor of NSW
- “Challenges to the Rule of Law in Modern Society”, The Honourable Chief Justice Tom Bathurst AC, Chief Justice of NSW, Supreme Court of NSW
- “Recent Court of Appeal Decisions”, The Honourable Justice Andrew Bell, President, Court of Appeal
- “Artificial Intelligence, Courts and the Rule of Law”, Mr Edward Santow, Human Rights Commissioner, Australian Human Rights Commission
- “Judges and Technology — the Future of Judging”, Professor Tania Sourdin, Dean, Head of Newcastle Law School, University of Newcastle
- “Expert Evidence”, The Honourable Justice Elizabeth Fullerton, Supreme Court of NSW
- “Indigenous Justice Panel”
 - “Intergenerational Trauma”, Dr Robyn Shields AM, Deputy Commissioner, NSW Mental Health Commission
 - “Creating Futures Program”, Mr Daniel Daylight, Program Manager, Creating Futures Team, Weave.
- “Your District Court”, The Honourable Justice Derek Price AO, Chief Judge, District Court of NSW
- “Transitioning to a Courtroom Without Paper”, Mr Philippe Doyle Gray
- “Enough? A Dialogue about Appropriate and Inappropriate Judicial Conduct”, Ms Kylie Nomchong SC, Barrister, Denman Chambers, The Honourable Virginia Bell AC SC and The Honourable Christopher Kourakis, Chief Justice of South Australia, Supreme Court of South Australia



- “Innovation in the Detection of Crime and Innovation in Law Enforcement”, Mr Michael Phelan, Chief Executive Officer, Australian Criminal Intelligence Commission
- “Common Themes in CCA Appeals”, The Honourable Justice Natalie Adams, Supreme Court of NSW
- “Applications and Objections pursuant to the Evidence Act 1995 — keeping the trial moving”, The Honourable Justice Geoffrey Bellew, Supreme Court of NSW
- “Court of Criminal Appeal Round-Up 2020”, The Honourable Justice Robert A Hulme, Supreme Court of NSW.

Local Court of NSW Annual Conference, June 2021

- “Welcome Address”, His Honour Judge Graeme Henson AM, Chief Magistrate of NSW
- “Is the Bench Ready for Artificial Intelligence?”, Professor Dan Hunter, Dean of Law, Queensland University of Technology
- “The Corrective Services Trajectory: From Reception to Release”, Mr Kevin Corcoran PSM, Assistant Commissioner, Custodial Corrections, Corrective Services NSW, Ms Danielle Matsuo, Director State-wide Programs, Corrective Services NSW, Mr Neil McNamara, Senior Project Officer, Office of Statewide Administration of Sentences and Orders, Corrective Services NSW and Ms Samantha Grady, A/Senior Manager, Sentence Administration Corporate, Corrective Services NSW
- “The Hearsay Rule”, The Honourable Justice Geoffrey Bellew, Supreme Court of NSW
- “Criminal Law Update”, The Honourable Justice Robert Beech-Jones, Supreme Court of NSW
- “30th year of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC)”, Professor Elena Marchetti, Deputy Head of School, Research, Griffith Law School, Griffith University
- “Justice Health and Forensic Mental Health — Court Diversion for Adults and Young People (including First Nations people)”, Mr Christopher Puplick AM, Chair of the Board, NSW Justice Health and Forensic Mental Health Network, Professor David Greenberg OAM, Clinical Director Statewide Community and Court Liaison Service, Justice Health and Forensic Mental Health Network and Dr John Kasinathan, Clinical Director Adolescent Mental Health, Justice Health and Forensic Mental Health Network
- “Vicarious Trauma Research Outcomes”, Professor Jill Hunter, University of NSW, Professor Richard Kemp, Professor of Forensic Psychology, University of NSW and Dr Kevin O’Sullivan, Conjoint Senior Lecturer, UNSW School of Psychology
- “Dealing with Vicarious Trauma in the Judiciary”, Ms Robyn Bradey, Mental Health Consultant, RB Counselling & Consultancy Services
- “Civil Law Update”, The Honourable Justice Peter Garling RFD, Supreme Court of NSW
- “Space Race - 2.0”, Dr Brad Tucker, Astrophysicist/Cosmologist, Australian National University
- “Open Forum”, His Honour Judge Graeme Henson AM, Chief Magistrate of NSW, Her Honour Deputy Chief Magistrate Jane Mottley AM, Local Court

of NSW, His Honour Deputy Chief Magistrate Michael Allen, Local Court of NSW and Her Honour Magistrate Teresa O’Sullivan, State Coroner, Coroner’s Court of NSW.

OTHER CONFERENCES

Local Court of NSW Southern Regional Conference, March 2021

- “Domestic Violence Legislative Changes”, Her Honour Magistrate Karen Robinson, Local Court of NSW
- “The Use of AVL, Witnesses Giving Evidence, and the Attendance of Parties in Times of COVID-19”, His Honour Magistrate Michael Barko, Local Court of NSW
- “Mental Health and Cognitive Impairment Forensic Provisions Act 2020”, His Honour Magistrate Hugh Donnelly, Local Court of NSW
- “Civil Session”, Her Honour Magistrate Susan McIntyre, Local Court of NSW
- “Admissibility of Body Worn Camera Evidence”, His Honour Magistrate Gregory Grogin, Local Court of NSW
- “Open Forum”, His Honour Judge Graeme Henson AM, Chief Magistrate of NSW and His Honour Deputy Chief Magistrate Michael Allen, Local Court of NSW
- “Animal Cruelty Prosecutions in the Local Court”, His Honour Magistrate Michael Antrum, Local Court of NSW
- “A JIRS Refresher”, Ms Pierrette Mizzi, Director, Research and Sentencing, Judicial Commission of NSW.

Local Court of NSW Northern Regional Conference, March 2021

- “Civil Session”, Her Honour Magistrate Susan McIntyre, Local Court of NSW
- “The Use of AVL, Witnesses Giving Evidence, and the Attendance of Parties in Times of COVID-19”, His Honour Magistrate Michael Barko, Local Court of NSW
- “Mental Health and Cognitive Impairment Forensic Provisions Act 2020”, His Honour Magistrate Hugh Donnelly, Local Court of NSW
- “Domestic Violence Legislative Changes”, Her Honour Magistrate Karen Robinson, Local Court of NSW
- “Animal Cruelty Prosecutions in the Local Court”, His Honour Magistrate Michael Antrum, Local Court of NSW
- “Open Forum”, His Honour Judge Graeme Henson AM, Chief Magistrate of NSW and His Honour Deputy Chief Magistrate Michael Allen, Local Court of NSW
- “Admissibility of Body Worn Camera Evidence”, His Honour Magistrate Gregory Grogin, Local Court of NSW
- “A JIRS Refresher”, Ms Pierrette Mizzi, Director, Research and Sentencing, Judicial Commission of NSW.

ORIENTATION PROGRAMS

Local Court of NSW Magistrates’ Orientation Program, September 2020

- “Local Court of NSW Magistrates’ Orientation Program”.

Appendix 6

Judicial education seminars, workshops and field trips 2020–21

Land and Environment Court of NSW

- “LEC Field Trip: Visit to the CBD apartment project spanning King, Phillip & Elizabeth Streets”, Mr Daniel Bourke, Associate, fjmt studio and Mr Richard Francis-Jones, Design Director, fjmt studio, Field Trip, 15 April 2021.

District Court of NSW

- “Scientific Approaches to Expertise (live-streaming)”, Dr Kristy Martire, Associate Professor, University of NSW, Twilight Seminar, 18 August 2020
- “Admissibility of tendency and coincidence evidence in criminal trials”, The Honourable Justice Robert A Hulme, Supreme Court of NSW, The Honourable Justice Richard Button, Supreme Court of NSW and Her Honour Judge Deborah Sweeney, District Court of NSW, Twilight Seminar, 16 February 2021.

Local Court of NSW

- *Local Court of NSW Metropolitan Series I, 8–12 February 2021*
 - “Mental Health and Cognitive Impairment Forensic Provisions Act 2020”, His Honour Magistrate Hugh Donnelly, Local Court of NSW

- “Domestic Violence Legislative Changes”, Her Honour Magistrate Karen Robinson, Local Court of NSW
- “The Use of AVL, Witnesses Giving Evidence, and the Attendance of Parties in Times of COVID-19”, His Honour Magistrate Michael Barko, Local Court of NSW
- “Admissibility of Body Worn Camera Evidence”, His Honour Magistrate Gregory Grogin, Local Court of NSW
- “A JIRS Refresher”, Ms Pierrette Mizzi, Director, Research and Sentencing, Judicial Commission of NSW.

Children’s Court of NSW

- “Children’s Court of NSW Section 16 Meeting”, Twilight Seminar, 5 February 2021.

Ngara Yura Program

- “Ngara Yura visit to Weave”, Ms Siobhán Bryson, Chief Executive Officer, Weave and Mr Daniel Daylight, Program Manager, Creating Futures Team, Weave, Field Trip, 29 April 2021.

Appendix 7

Articles published 2020–21

Legend: JOB — *Judicial Officers’ Bulletin*, TJR — *The Judicial Review*

- L Andelman, “Spotlight on women in the Equality before the Law Bench Book” (2020) 32(9) *JOB* 93
- TF Bathurst, “Demystifying judicial commissions” (2020) 14(3) *TJR* 215
- A Bell, “Private international law in practice across the divisions: some recent developments and case law” (2020) 14(3) *TJR* 229
- VM Bell, “Reform of the law governing jury directions and the determination of criminal appeals” (2020) 14(3) *TJR* 183
- T Butler et al, “Tackling violent crime using pharmacotherapy” (2020) 32(10) *JOB* 103
- K Lumley and E Choueifaty, “Retirement of the Honourable Justice Virginia Bell AC” (2021) 33(1) *JOB* 8
- C D’Aeth, “Virtual courts in the time of coronavirus” (2020) 32(8) *JOB* 83
- U Doyle, “Judicial education in the time of COVID-19” (2020) 32(11) *JOB* 118
- U Doyle and P Mizzi, “What do judicial officers think of the 2018 sentencing reforms?” (2020) 32(9) *JOB* 95
- P Doyle Gray, “Remote justice in the time of COVID-19 and beyond” (2020) 32(7) *JOB* 65
- JJ Edelman, “The future of the Australian business corporation: a legal perspective” (2020) 14(3) *TJR* 199
- H Fraser, “Introducing the Research Hub for Language in Forensic Evidence” (2020) 32(11) *JOB* 117
- W Gravett, “The dark side of artificial intelligence: challenges for the legal system” (2021) 33(5) *JOB* 47
- P Mizzi and RA Hulme, “Reforming the admissibility of tendency and coincidence evidence in criminal trials” (2020) 32(11) *JOB* 113
- K O’Sullivan et al, “A fragile bastion: UNSW judicial traumatic stress study” (2021) 33(1) *JOB* 1
- M Ierace, “Introducing the new Mental Health and Cognitive Impairment Forensic Provisions Act 2020” (2021) 33(2) *JOB* 15
- P Keane, “Silencing the sovereign people” (2020) 14(3) *TJR* 161
- SM Kiefel, “The academy and the courts: what do they mean to each other today?” (2020) 14(3) *TJR* 147
- M Langton, “Thirty years on from the Royal Commission, what needs to change?” (2021) 33(3) *JOB* 25
- L McCallum, “Black letter law” (2021) 33(4) *JOB* 37
- K Nomchong, “Sexual harassment and the judiciary” (2020) 32(6) *JOB* 55
- S Norrish, “Thirty years on from the Royal Commission, what can judicial officers do?” (2021) 33(3) *JOB* 29
- G Phillips, “Introducing the new Personal Injury Commission of NSW” (2021) 33(2) *JOB* 20
- BJ Preston, “The Land and Environment Court and the Judicial Commission: a shared pursuit of court excellence” (2020) 32(8) *JOB* 79
- J Sanders, “Diversion under the new Mental Health and Cognitive Impairment Forensic Provisions Act 2020” (2021) 33(2) *JOB* 18
- T Spohr, “Criminal practice during a pandemic: a defence lawyer’s experience” (2020) 32(8) *JOB* 85.



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 NSW, 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 NSW, 1992
6. Sentencing drug offenders: Analysis of sentences imposed in the higher courts of NSW, 25 September 1989–31 December 1991, 1992
7. "Special circumstances" under the Sentencing Act 1989 (NSW), 1993
8. Alcohol as a sentencing factor: A survey of attitudes of judicial officers, 1994
9. Sentence Indication Hearings Pilot Scheme, 1994
10. Sentenced homicides in NSW 1990–1993, 1995
11. The evidence of children, 1995
12. Judicial views about pre-sentence reports, 1995
13. The Sentencing Act 1989 and its effect on the size of the prison population, 1996
14. Magistrates' attitudes to drink-driving, drug-driving and speeding, 1997
15. Child sexual assault, 1997
16. Sentencing disparity and the gender of juvenile offenders, 1997
17. Sentencing disparity and the ethnicity of juvenile offenders, 1998
18. Periodic detention revisited, 1998
19. Sentencing drug offenders: Analysis of sentences imposed in the higher courts of NSW, 1 January 1992–31 December 1997, 1999
20. Apprehended Violence Orders: A Survey of Magistrates, 1999
21. Sentencing dangerous drivers in NSW: Impact of the Jurisic guidelines on sentencing practice, 2002
22. Circle Sentencing in NSW: A Review and Evaluation, 2003
23. Sentenced Homicides in NSW 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. The Nexus Between Sentencing and Rehabilitation in the Children's Court of NSW, 2005
27. Crown Appeals Against Sentence, 2005
28. Partial Defences to Murder in NSW 1990–2004, 2006
29. Full-time imprisonment in NSW 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 NSW, 2010
34. Sentencing offenders convicted of child pornography and child abuse material offences, 2010
35. Conviction appeals in NSW, 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
40. Transparent and consistent sentencing in the Land and Environment Court of NSW: orders for costs as an aspect of punishment, 2017

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. Common offences in the higher courts, July 1994
7. Sentencing homicide: The effect of legislative changes on the penalty for murder, June 1994
8. From murder to manslaughter: Partial defences in NSW — 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 — Local Courts, June 1996
14. Sentencing Deception Offenders: Part 2 — 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 NSW 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 Amendment (Indictable Offenders) Act 1995, February 2000
 20. Sentencing female offenders in NSW, 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 Court, September 2003
 29. Suspended Sentences in NSW, 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. Successful Completion Rates for Supervised Sentencing Options, June 2005
 34. Trends in the Use of s 12 Suspended Sentences, 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
 46. Common offences in the NSW Local Court: 2015, May 2017
 47. Navigating the Bail Act 2013, June 2020
- Sentencing Snapshots**
- Domestic Violence Offences in the Local Court, June 2021
- Journals**
- Judicial Officers' Bulletin (Vols 1–33) (1988–)
 - The Judicial Review (Vols 1–14) (1992–)
- Bench Books**
- Local Court Bench Book (online only) (1988–)
 - Criminal Trial Courts Bench Book (1989–)
 - Equality before the Law Bench Book (online only) (2006–)
 - Sentencing Bench Book (2006–)
 - Civil Trials Bench Book (2007–)
- Handbooks**
- Sexual Assault Trials Handbook (online only) (2007–)
 - Land and Environment Court of NSW Commissioners' Handbook (online only) (2010–)
 - Children's Court of NSW Resource Handbook (online only) (2013–)
- Brochures**
- Judicial Commission of NSW, 1997
 - Sentencing Information System: An invitation to subscribe, 2001
 - Disabilities information, 2001
 - Pro-bono schemes in NSW, 2004
 - Judicial Information Research System, 2005
 - Presentation pointers: Getting started and getting through your presentation, 2008
 - From controversy to credibility: 20 years of the Judicial Commission of NSW, 2008
 - Complaints against judicial officers, 2013
- DVDs**
- The role of the judge, 2004
 - Concurrent evidence: New methods with experts, 2005
 - Circle Sentencing in NSW, 2009
 - The Bail Act 2013: Selected Scenarios, 2014



Appendix 9

Ngara Yura Program

View Ngara Yura Committee Terms of Reference online at:

www.judcom.nsw.gov.au/education/ngara-yura-program/ngara-yura-committee-terms-of-reference/.

Appendix 10

Assistance to other jurisdictions and organisations 2020–21

In 2020–21, the Commission provided assistance, advice and shared information and experience with the following:

Complaints function

- Shared experience with the Fair Work Commission concerning a proposal for the establishment of a process for handling complaints about their tribunal members.
- Shared experience in dealing with complaints with the Judicial Commission of Victoria.

Judicial education

- Te Kura Kaiwhakawā (Institute of Judicial Studies), New Zealand: we shared information and advice about our mentoring program with staff of the IJS in July 2020.
- Support of the *Bugmy* Bar Book project: the Bar Book Project, launched in November 2019, continues to develop chapters of research as a resource for practitioners to assist in the preparation and presentation of evidence to establish the application of the *Bugmy* principles. We continue to make the *Bugmy* Bar Book available on JIRS and committee chairs Peter McGrath SC and Richard Wilson SC gave a live presentation of the *Bugmy* Bar Book via webinar in July 2020.
- Department of Communities and Justice and NSW Council of Aboriginal Regional Alliances (NCARA): we held discussions with the Department in support of negotiations with the NCARA regarding strategies to reduce the number of young First Nations people being breached on bail following non-violent offences, in August 2020.
- District Court of Western Australia: we assisted the court with information regarding judicial staff appointment and training in September 2020.
- Justice Health and Forensic Mental Health Network: in October 2020 we worked with Justice Health to better inform judicial officers as to court diversion processes.
- Australasian Institute of Judicial Administration (AIJA): we worked with the AIJA to collaborate on a webinar addressing implicit bias in October.
- Australian Human Rights Commission — Respect@Work Report: we worked with Kate Jenkins, Sex Discrimination Commissioner to present a webinar for judicial officers on Recommendation 40 of the Report in December 2020.
- Justice Advocacy Service: we worked with JAS to disseminate information about their court services and programs and collaborated on content for an online learning tool in January 2021.
- Vicarious Trauma Research Project with UNSW: the research outcomes were published in October 2020 and we continued our support of this project,

in February 2021 we published an article in our *Judicial Officers' Bulletin* and hosted a recorded interview with the research team led by Professor Jill Hunter, Dr Kevin O'Sullivan, adjunct academic and psychologist, Professor Prue Vines and Professor Richard Kemp, UNSW. We also arranged a presentation by the research team at the Local Court of NSW Annual Conference in June 2021.

- Assistance to the Australian Government's Australia Awards program in South Asia: in April 2021 we provided information relating to education programs for drug courts and explored opportunities for a virtual study tour next year.
- Judicial Council on Cultural Diversity (JCCD) — Professional Development Working Group on Recommended National Standards for Working with Interpreters in Courts and Tribunals: we participated in the Working Group to give feedback on a proposed course outline for the Standards, in April 2021
- Department of Communities and Justice — *Family Is Culture Review Report: Independent Review of Aboriginal Children and Young People in OOHC* (2019): in the first half of 2021 we began working with the Department to implement our response to the recommendations of this report.
- Department of Communities and Justice — NSW Government response to the Law Reform Commission's *Report 148: Consent in relation to sexual offences*: throughout 2021 we have worked closely with policy staff on a strategy to manage this significant reform package.
- Asia Pacific Judicial Educators Meeting: a meeting of the Australian and New Zealand educators was held in June 2021. The purpose of the meeting was to share information and explore opportunities for further collaboration (an in-person meeting of the full group in May 2020 was cancelled due to COVID-19 travel restrictions).
- Law Society of NSW: we assisted with publication of an article for the *LSJ* (Law Society Journal) on bail, June 2021

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 (QSI): we continue to host, maintain and support QSI. The Commission renewed the MoU with the Supreme Court Library Queensland until 30 September 2022.



- Commonwealth Sentencing Database (CSD): we continue to host, maintain and support the CSD which is a joint project with the Commonwealth Director of Public Prosecutions and the National Judicial College of Australia. The MoU is renewed on an annual basis.
- Papua New Guinea Sentencing Database (PNGSD): we continue to host, maintain and support the PNGSD for the Supreme and National Courts of PNG.
- Papua New Guinea Pilot Integrated Criminal Case System Database (ICCS): we successfully completed the pilot phase of the project and the Memoranda of Understanding for PNGSD and ICCS were renewed

until 30 June 2022. The ICCS continues to be expanded to all provinces across the country in a phased manner.

- 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. The agreement with Justice and Community Services Directorate (ACT Government) has been renewed until 30 June 2022.

Other

- Australasian Reporting Awards.

Appendix 11

Working with other organisations 2020–21

Our officers represent the Commission on a number of committees and steering groups. Details of their involvements are:

Mr Ernest Schmatt AM PSM — Chief Executive

Member of:

- Deputy Secretary General of the International Organization for Judicial Training
- Advisory Board to the Commonwealth Judicial Education Institute, Halifax, Canada
- Asia Pacific Judicial Educators (APJE)
- 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 Cluster Working Group
- Justice Sector Chief Information Officer's Committee
- Information Security Community of Practice
- NSW Public Sector Community of Finance Professionals
- Chair, NSW Fellows Committee, Australian Computer Society
- Mentor, University of Technology Sydney
- Mentor, University of Sydney
- Mentor, Engineers Australia, Sydney.

Ms Una Doyle — Director, Education

Member of:

- Co-Chair, International Committee 2019–21, the Association for Continuing Legal Education (ACLEA)
- Member, Austin 2021 Mid-Year Meeting Conference Planning Committee, the Association for Continuing Legal Education (ACLEA)
- Vice President and Treasurer, Executive Committee 2020–21, Continuing Legal Education Association of Australasia (CLEAA)
- Asia Pacific Judicial Educators (APJE)
- National Judicial Orientation Program Steering Committee, National Judicial College of Australia (NJCA)

- Professional Development Working Group on Recommended National Standards for Working with Interpreters in Courts and Tribunals, Judicial Council on Cultural Diversity (JCCD)
- Family is Culture Response — Lead Collective.

Ms Pierrette Mizzi — Director, Research and Sentencing

Member of:

- Sexual Assault Review Committee, Office of the Director of Public Prosecutions (NSW)
- Bugmy Bar Book Committee
- Consent Implementation Working Group, Department of Communities and Justice
- Forensic Patients in the Correctional System Committee, Office of the Director of Public Prosecutions (NSW)
- Sentencing and Parole Reform Monitoring Group, Department of Communities and Justice
- Early and Appropriate Guilty Plea Reforms Monitoring Group, Department of Communities and Justice
- Aboriginal Legal Service Bugmy Evidence Project Steering Committee.

Ms Kate Lumley — Manager, Publications and Communications

- Member of Family is Culture Response — Lead Collective.

Ms Antonia Miller — Lawcodes (Research)

- Adjudicator for Australasian Reporting Awards.



Appendix 12

Visitors to the Commission 2020–21

Visitors

- Justice Sarah Derrington, President, the Australian Law Reform Commission and the ALRC Judicial Impartiality Inquiry Consultation Roundtable Working Group — 1 March 2021.

Delegations

There were no delegations this year due to the ongoing global pandemic.

Appendix 13

Overseas visits 2020–21

There were no overseas visits this year due to COVID-19 restrictions.

Appendix 14

Exchange of information 2020–21

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 2020–21, the Commission had discussions and / or exchanged information with the following organisations:

Australian

- Attorney-General's Department (Cth)
- Australasian Institute of Judicial Administration (AIJA)
- Australian Bureau of Statistics
- Australian Institute of Criminology
- Australian Law Reform Commission (ALRC)
- Bar Association of NSW
- Bureau of Crime Statistics and Research (NSW)
- College of Law
- Commonwealth Director of Public Prosecutions
- Continuing Legal Education Association of Australasia
- Corrective Services NSW
- Council of Australasian Tribunals
- Department of Aboriginal Affairs
- Department of Attorney-General and Justice (NT)
- Department of Communities and Justice (NSW)
- Department of Foreign Affairs and Trade
- Department of Justice and Attorney-General (Qld)
- Department of Premier and Cabinet (NSW)
- Fair Work Commission
- Federal Court of Australia
- High Court of Australia
- Independent Commission Against Corruption
- Judicial College of Victoria
- Judicial Commission 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 Civil and Administrative Tribunal
- 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 (NSW)
- Personal Injury Commission
- Public Defenders (NSW)
- Roads and Maritime Services
- Royal Commission into Institutional Responses to Child Sexual Abuse (Cth)
- Sentencing Advisory Council (Vic)
- Supreme Court of Western Australia
- University of New England, Faculty of Law
- University of Newcastle, Faculty of Law
- University of NSW, Faculty of Law
- University of Sydney, Faculty of Law
- University of Wollongong, Faculty of Law
- Western Sydney University.

International

- American Judicature Society
- Asia Pacific Judicial Reform Forum
- Association For Continuing Legal Education (ACLEA)
- British Columbia Prosecution Service
- Canadian Association of Provincial Court Judges
- Center for Judicial Education and Training, Jerusalem, Israel
- Commonwealth Judicial Education Institute, Halifax, Canada
- Commonwealth Magistrates' and Judges' Association, United Kingdom
- International Association of Women Judges
- International Organization for Judicial Training
- Judicial College, England and Wales



- Judicial Education Reference, Information and Technical Transfer (JERITT) Project, Michigan, USA
- Magisterial Service of Papua New Guinea
- National Association of State Judicial Educators, Michigan, USA
- National Judicial Institute, Canada
- Papua New Guinea Centre for Judicial Excellence
- Philippine Judicial Academy
- State Courts Singapore
- Supreme and National Courts of Papua New Guinea
- Te Kura Kaiwhakawā (Institute of Judicial Studies), New Zealand.

Appendix 15

Commission officers' presentations 2020–21

- Mr M Sagi PSM, "Decision Support Tools Demonstration", presentation to the National Judicial College of Australia, webinar, 28 July 2020
- Mr M Sagi PSM, "Sentencing Remarks Tool Demonstration", presentation to the National Judicial College of Australia, webinar, 20 August 2020
- Mr M Sagi PSM, "Bail Assistant Demonstration", presentation to the Honourable Justice Garling and his staff, Judicial Commission of NSW, Sydney, 3 September 2020
- Ms U Doyle, presentation at the Local Court of NSW Magistrates' Orientation Program, Kiama, 20 September 2020
- Ms J Selfe, "Keynote Presentation", presentation to the National Library of Australia staff, Launch NLA Innovate Reconciliation Action Plan, Canberra, 12 November 2020
- Mr M Sagi PSM, "Court Booking System Demonstration", presentation to the registry staff, Supreme Court of NSW, 12 November 2020
- Mr M Sagi PSM, "Commonwealth Sentencing Database Demonstration", presentation to the Commonwealth Director of Public Prosecutions staff, webinar, 16 December 2020
- Ms U Doyle, "Emerging Issues — Introduction", presentation to the Association for Continuing Legal Education (ACLEA), 2021 Mid-Year Conference, virtual, 27 January 2021
- Ms U Doyle, "A Buyer's Journey — Introduction", presentation to the Association for Continuing Legal Education (ACLEA), 2021 Mid-Year Conference, virtual, 27 January 2021
- Ms P Mizzi, "A JIRS refresher", presentation at the Local Court of NSW Metropolitan Series I, Sydney, 8–12 February 2021
- Ms P Mizzi, "A JIRS refresher", presentation at the Local Court of NSW Southern Regional Conference, Kiama, 3 March 2021
- Ms P Mizzi and Mr M Zaki, "Using comparable cases and statistics on sentence", presentation to the legal practitioners, Law Society of NSW, webinar, 19 March 2021
- Mr M Zaki, "Introduction to the Judicial Information Research System (JIRS)", presentation to the Supreme Court tipstaves, webinar, 22 March 2021
- Ms P Mizzi, "A JIRS refresher", presentation at the Local Court of NSW Northern Regional Conference, Port Macquarie, 24 March 2021
- Ms U Doyle, "Familiarisation", presentation at the National Judicial Orientation Program, Brisbane, 18 April 2021
- Mr M Sagi PSM, "Commonwealth Sentencing Database Demonstration", presentation to the Chief Justice of SA and National Judicial College of Australia staff, webinar, 27 April 2021
- Mr M Sagi PSM, "Decision Support Tools Demonstration", presentation to the Fair Work Commission staff, webinar, 4 June 2021
- Mr M Zaki, "JIRS introduction and training", presentation to the LEC Judge's associate and tipstaff, virtual, 4 June 2021
- Mr M Sagi PSM, "JCCD Training Modules on Commission's Moodle Platform", presentation to the Judicial Council on Cultural Diversity, Canberra, 11 June 2021
- Ms J Selfe, "Under One Sky Yesterday, Today and Forever", presentation to the NSW and ACT primary and secondary students, 2021 Schools Reconciliation Challenge, Museum of Applied Arts and Sciences, 23 June 2021



Appendix 16

Access to government information 2020–21

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 GIPA 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

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

Checklist of reportable requirements 2020–21

Compliance with NSW Treasury Annual Report Compliance Checklist requirements (updated September 2021)

Requirement	Page No. Reference
Letter of Submission	Inside front cover
Charter	pp 2, 4, 79
Aims and objectives	pp 4, 8–13
Access	Back cover
Management and structure	pp 8, 18–22, 80
Summary review of operations	See “Overview” chapter from p 3
Funds granted to non-government community organisations	None
Legal Change	p 79
Economic or other factors	Commentary on economic factors is throughout, including results tables for each chapter (pp 24–25, 34–35, 46–47, 56–57, 66–67, 76–77, 92–93) and Financial report from p 94. Commentary on the impact of the COVID-19 global pandemic is also throughout, including results tables for each chapter and specific discussion on pp 4, 36, 72, 74 and 77
Management and activities	Results tables for each chapter (pp 24–25, 34–35, 46–47, 56–57, 66–67, 76–77, 92–93)
Research and development	Not applicable
Human resources	pp 65–74
Consultants	Statement that no consultants used: see p 72 and p 93
Workforce Diversity	p 70
Disability Inclusion Action Plans	The Commission is not required to have a disability inclusion action plan: see p 70
Land Disposal	The Commission does not own and did not dispose of any property
Promotion	See p 63 and Appendix 13
Consumer Response	While the Commission rarely receives complaints about its operations, it is responsive to feedback offered by participants at events, users of our publications and JIRS, and members of the general public. Complainants can be disappointed in the results of our complaints function, due to the nature and extent of our powers to examine: see pp 51–53 and case studies on p 54
Payment of Accounts	See “Our finances” chapter from p 91, including Tables 20 and 21 on p 93 See financial statements from p 94
Time for Payment of Accounts	No interest was paid due to late payments: see p 93 and financial statements from p 94
Risk management and insurance activities	See “Our governance and ethics” chapter from p 75, including pp 84–88
Internal audit and risk management policy attestation	p 87
Disclosure of Controlled Entities	The Commission has no controlled entities
Disclosure of Subsidiaries	The Commission has no subsidiaries
Multicultural Policies and Services Program	See “Our multicultural plan” from p 70
Agreements with Multicultural NSW	No agreements have been entered into
Work Health and Safety (WHS)	p 74
Budgets	See “Our finances” chapter from p 91 and financial statements from p 94
Financial Statements	See financial statements with audit opinion from p 94 No significant matters requiring a response to Auditor-General were raised
Identification of audited financial statements	pp 97 and 116
Inclusion of unaudited financial statements	Not applicable
Additional matters for inclusion in annual reports	Statement re <i>Privacy and Personal Information Protection Act</i> 1988: p 83 After balance date events: p 116 Total external costs: p 133 Website: inside front cover and back cover
Investment performance	Not applicable
Liability management performance	Not applicable
Exemptions	Although the Commission meets the definition of “small statutory body”, it reports on an annual basis, not triennially
Numbers and remuneration of senior executives	p 88, see Figure 20 and Table 18
Implementation of Price Determination	Not applicable
<i>Government Information (Public Access) Act</i> 2009	p 83 and Appendix 16
Cyber Security Policy (CSP) attestation	p 86
Public Interest Disclosures (PID)	No public interest disclosures made
Requirements arising from employment arrangements	Not applicable
Public availability of annual reports	Annual reports starting from 2001–02 are available on the Commission’s website: www.judcom.nsw.gov.au/publications/#annual-reports



Table of case studies

Increasing focus on judicial wellbeing	27	Collaboration: spotlight on the Australasian Institute of Judicial Administration	64
Ngara Yura Visit to WEAVE, Waterloo, 29 April 2021	30	Recruiting in the midst of a pandemic	72
Looking back but moving forward: reflecting on the 1991 Royal Commission into Aboriginal Deaths in Custody	32	Engaging new people through online induction	74
Informing judicial officers about reforms to tendency evidence law	37	Testing our responses to the COVID-19 pandemic working environment	77
Educating judicial officers about mental health reforms	44	Collaborating at the Commission to improve how we produce our annual report	82
Examining complaints	54	Cyber security at the Commission	85
Collaborating with other justice agencies to improve outcomes for First Nations children in out-of-home care	59	Our Information Technology team leads the way in cyber security skills	90
Uncovering fast-paced changes for mandatory face masks	60		

Table of figures

Chapter	Figure	Figure title	Page
Overview	1	Our organisational structure	8
	2	Who we provide our services to in the justice system	8
	3	2020–21 revenue, expenses and net result	10
	4	Commission members and executive team as at 30 June 2021	22
Delivering continuing judicial education	5	Satisfaction with annual conference program 2016–21	28
	6	Satisfaction with seminars and gaol/forensic visits 2016–21	28
	7	Satisfaction with workshops 2016–21	28
	8	Rating of professional and practical benefits of 2020–21 workshops	29
	9	Satisfaction with Ngara Yura Program 2016–21	30
	10	Delivering continuing judicial education design process	31
Providing legal information	11	The Judicial Information Research System (JIRS): a complete judicial decision support system	40
	12	Number of JIRS pages accessed 2016–21	41
Examining complaints	13	Common causes of complaint: basis of allegation 2019–21	51
	14	How the complaints process works	53
Our people	15	5-year comparison of average number of employees by employment category	68
	16	Top 10 Commission results in People Matter Survey 2020	69
	17	5-year trends in workforce diversity	70
	18	Staff turnover 2016–21	72
	19	Staff training days 2016–21	73
Our governance and ethics	20	Gender breakdown of senior executive positions by PSSE Bands 2019–21	88
	21	5-year trend in energy use	90
Our finances	22	2020–21 revenue, expenses and net results compared against budget and 2019–20 actuals	92
	23	Revenue	93
	24	Expenses	93

Table of tables

Chapter	Table	Table title	Page
Delivering continuing judicial education	1	Results for delivering continuing judicial education	24
Providing legal information	2	Results for providing legal information	34
	3	Overall JIRS use 2016–21 (hits per year)	41
	4	Key legal information component usage on JIRS 2016–21 (hits per year)	41
	5	Use of our publications on JIRS 2016–21 (hits per year)	42
	6	PDF downloads of publications from JIRS, public website and JIRS Resources app 2016–21 (hits per year)	42
	7	Public website usage of our publications 2016–21 (hits per month)	43
	8	Results for examining complaints	46
Examining complaints	9	Particulars of complaints examined 2016–21	49
	10	Criteria for dismissing complaints under section 20 of the <i>Judicial Officers Act 1986</i>	49
	11	Time taken to conduct preliminary examination of complaints 2016–21	50
Engaging with our partners and the community	12	Results for engagement with our partners and the community	56
Our people	13	Results for our people	66
Our governance and ethics	14	Performance of good governance and ethics	76
	15	Commission members' meeting attendance for 2020–21	80
	16	Meeting attendance by Audit and Risk Committee (ARC) 2020–21	85
	17	Insurance premiums 2018–21	88
	18	Average senior executive remuneration 2019–21	88
Our finances	19	Results for financial performance against budget	92
	20	Aged analysis at the end of each quarter	93
	21	Accounts paid on time within each quarter	93



Glossary

Appointed member	A non-judicial member of the Judicial Commission of NSW: see also Official member.
ARC	Audit and Risk Committee.
Bench books	Reference books for judicial officers.
BOCSAR	NSW Bureau of Crime Statistics and Research.
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.
COVID-19	A contagious novel coronavirus declared a pandemic by the World Health Organization on 11 March 2020. The Prime Minister activated the Australian Health Sector Emergency Response Plan for Novel Coronavirus (COVID-19) on 27 February 2020. From March 2020, the NSW State Government imposed public health regulations to minimise its spread. See NSW Government information at www.nsw.gov.au/covid-19 .
Education day	Calculated on the basis of 5 to 6 instructional hours attended by a judicial officer.
ICCSA	Integrated Criminal Case System Database developed and maintained by the Commission for Papua New Guinea.
JIRS	See Judicial Information Research System (JIRS).
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	<p>As defined in the <i>Judicial Officers Act 1986</i>:</p> <ul style="list-style-type: none"> • a judge or associate judge of the Supreme Court of NSW • a 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. <p>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. A Commissioner of the Land and Environment Court is not a judicial officer.</p>
Lawcodes	The Lawcodes database of unique codes for NSW and Commonwealth criminal offences enables all NSW justice sector agencies to electronically exchange information. The Judicial Commission developed and maintains this database and general access to it is provided through our website.
Ngara Yura Program	First Nations cultural awareness program for judicial officers.
NJOP	National Judicial Orientation Program.
Official member	A judicial member of the Judicial Commission of NSW: see also Appointed member.
PNGSD	Papua New Guinea Sentencing Database.
Pre-bench and orientation sessions/program	Induction training for newly-appointed magistrates to assist them with their transition to the bench.
Tipstaves	Plural of tipstaff. A tipstaff is a recent law graduate employed for a 12-month period in a judge's chambers.
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.

Annual Report of the Judicial Commission of NSW 2020–21

© Judicial Commission of NSW

Cost: Total external cost of \$840 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
The Commission's website complies with ARIA web accessibility requirements.

Project manager: Dominique Cornelia

Writers: Una Doyle and Kate Lumley

Cover design: Maddie Lumley

Proofreading: Ian MacKinnell and Tanya Su

Photography: Archived photos, Joe Moreno and Graeme Prince

Index

Apart from the title of publications or legislation, entries in italic indicate compliance with statutory reporting requirements.

A

Aboriginal Cultural Awareness Program — see Ngara Yura Program

accounts, payment of, 90, 92, 93

acknowledgement of country, inside front cover

aims and objectives, 4, 8–13

annual reporting requirements, 131

assistance to other organisations and jurisdictions, 41, 56, 58, 125–126

Association for Continuing Legal Education (ACLEA), 5, 16, 22, 25, 126

Attorney General, inside front cover, 18, 39, 50, 51, 53, 79

audit and risk management

Audit and Risk Committee (ARC), 4, 8, 11, 74, 76, 79, 80, 81, 83, 84, 86, 87, 112

business continuity, 85

compliance with Treasury guidelines, 81, 85, 86

external audit, 86

forward plan, 86

independence, 81

insurance, 88

internal audit, 85, 86

Internal Audit and Risk Management Attestation, 87

meetings, 84

outcomes 2020–21, 76

recognising and managing risk, 84

risk management policy, 84

Australasian Institute of Judicial Administration (AIJA), 63, 64, 73

Australasian Reporting Awards

adjudicating, 126

gold award, 5, 15, 17, 74, 82, 83

B

bench book committees, 25, 31, 37, 81, 119

budget review, 111

Bugmy Bar Book project, 39, 125

C

challenges, 10–11, 25, 35, 36, 47, 57, 67, 77, 93

charter, legislative, 79

Chief Executive, 62

appointment and role, 80

executive team, 21–22

media enquiries, response to, 51, 56, 63

message, 16–17

Commission meetings, 80

Commission members — see members

community engagement, 56, 59, 69

community values, 10, 12, 24, 31

complaints, 17

bias allegations, 12–13, 25, 47, 50, 54

challenges 2020–21, 47

Conduct Division, referred to, 47, 49, 50, 52, 53

dismissal of, criteria for, 49

dismissed, 49

examination guidelines, 48, 51, 53, 118

examined, 5, 6, 9, 11, 12–13, 12, 47, 49, 50

finalisation of, 11, 47, 49, 50

formal complaints governance, 48, 80

highlights, 47

informal enquiries, response to, 51

matters that cannot be examined, 52

outcome of, advising, 51, 53

performance results 2020–21, 6, 46–47

process, 51, 53

received, 49

referred to head of jurisdiction, 50

trends, 50

compliance

legislation framework, 79

letter to Attorney General, inside front cover

consultants, 72, 93

consumer response, 51, 131

COVID-19, 4, 5, 7, 9, 10, 11, 14, 16, 25, 27, 28, 31, 32, 35, 36, 39, 42, 47, 56, 57, 59, 60, 61, 63, 67, 68, 73, 76, 77, 80, 85, 90

cyber security, 85, 86, 90

Cyber Security Attestation Statement, 86

D

disability inclusion action plan, 70

distance education, 29, 31

E

economic factors, 24–25, 34–35, 46–47, 56–57, 66–67, 76–77, 92–93

education committees, 28, 31, 81, 119

employees — see staff

establishment of Commission, 7–13

ethics — see governance and ethics

events after reporting period, 116

F

field trips, 31, 122

financial instruments, 112

financial management

assets, 88, 92, 93, 105–110

challenges 2020–21, 93

expenses, 92, 93, 102

NSW Treasury cash management reforms, 111

performance results, 92

revenue, 92, 93

self-generated revenue, 4, 93

summary, 102

total assets, 92, 93, 98

year ahead 2021–22, 93

financial position, 98

financial reports

cash flow, 100

changes in equity, 99

comprehensive income, 97–99

financial result, 17

results 2020–21, 92, 93

financial statements, 97–116

certification by CEO, 94

notes to and forming part of, 101–116

First Nations community visits, 9, 30

First Nations history and culture, 29

funding — see revenue

future direction — see strategic direction

G

glossary, 133

governance and ethics, 4, 5, 11, 17, 75

challenges 2020–21, 77

Code of Conduct, 82

energy use, 90

environmental footprint, 90

framework, 78

highlights 2020–21, 76

human rights, approach to, 89

legislation compliance framework, 79

NSW Government, 79

results 2020–21, 76

strategic plan, 79

sustainability, 90

year ahead 2021–22, 77

government information

access applications, 82, 84, 129–130

proactive release program, review of, 83

Government Information (Public Access) Act 2009 (GIPA), 83, 129–130

H

highlights and key events, 5

human resources, 68–74

human rights, approach to, 89

I

identification of audited financial statements, 97, 116

independent auditor's report, 95–96

Integrated Criminal Case System Database (ICCSDB), 62, 63, 89, 126

Internal Audit and Risk Management Attestation, 87

International Organization for Judicial Training (IOJT), 21, 39, 56, 63

investment performance, 97, 104, 131

J

Judicial Council on Cultural Diversity (JCCD), 62, 64, 71, 125

judicial education, continuing, 4, 5, 12, 14, 23, 24, 25, 28

annual conference program, 28, 31

attendance, 25, 31

challenges 2020–21, 25

committees — see bench book

committees; education committees

connecting judicial officers with First Nations communities and culture — see Ngara Yura Program

design process, 28, 31

distance education, 29, 31

enhancement of skills, knowledge and attitudes, 31

evaluating program performance, 28

feedback, 26

field trips, 31, 122

First Nations cultural awareness sessions and community visits, 9, 25, 30–31

highlights, 25

induction and orientation sessions, 6, 29

interactive learning applications, 29

judicial expertise, leveraging, 31

judicial officers informed about changes, 12, 24–25

Ngara Yura Program — see Ngara Yura Program

performance results, 6, 24–25

policy, 118

pre-bench education sessions for new magistrates, 25, 29

providing research and sentencing information — see legal information

satisfaction, 12, 24, 25, 28

seminars, workshops and field trips, 9, 28, 31, 122

year ahead 2021–22, 25

Judicial Information Research System (JIRS), 27, 34–44, 56, 59, 84, 86, 89
 access to, 10, 29, 39
 availability, 6, 35
 components of, 39, 40
 delivering information through, 39
 enhancements added, 41–42
 evaluating performance, 39, 41
 improvements, 41
 interactive learning app, 42
 maintaining, 35, 39
 most commonly accessed publications, 41
 publications accessed, 42, 43
Recent Law items/summaries, 6, 9, 12
 research assistance program, 41
 training, 29
Judicial Officers Act 1986, inside front cover, 3, 4, 7, 11, 12–13, 38, 46, 47, 48, 49, 50, 51, 53, 54, 62, 66, 73, 79, 80, 88, 101
Judicial Officers Regulation 2017, 48, 79
 jury directions, 37, 39, 42

L

land disposal, 131
Lawcodes, 6, 15, 17, 56, 57, 60, 61, 133
legal form of incorporation, 79
legal information, 12, 15, 33, 35
 case summaries, 38
 challenges 2020–21, 35
 email alerts, 9, 38
 evaluating program performance, 34–35
 feedback, 36
 highlights of program, 5, 35
 JIRS — *see* Judicial Information Research System (JIRS)
 offenders, treatment options and rehabilitation facilities for, 12, 35, 39, 89
 online information, 39, 42–43
 performance results 2020–21, 10, 34–35
Recent Law items/summaries, 6, 9, 12, 35, 36, 38, 39
 sentencing — *see* research and sentencing program
 year ahead 2021–22, 35
legislation, changes to, 79
library services, 73

M

management and structure, 8, 18–22, 80
members, 8, 18–22, 80
 appointed, 20
 conflicts of interest, 76, 83
 meeting attendance, 80
 official, 18–19
 remuneration arrangements for, 88
mission, 4
multicultural policies and services, 70–71

N

National Judicial Orientation Program (NJOP), 29, 63, 89
Ngara Yura Committee, 29, 64
Ngara Yura Program, 14, 25, 29, 30, 31, 32, 69, 70, 71, 89, 122, 125
non-government community organisations funds, 131

O

objectives, measurable, 12–13, 24–25, 34–35, 56, 66, 76
organisation, 4, 5, 6, 11, 17
 operations, summary review, 3–22

organisational chart, 8
 purpose, 4

overseas visits, 127
overview of Commission, 8

P

Papua New Guinea Sentencing Database (PNGSD), 57, 62, 63, 126
partners and the community, 62
 Asia-Pacific region, 62
 challenges 2020–21, 57
 contractual services, providing, 58, 63
 engagement with, 59
 enquiries, 63
 exchange of information, 58, 127
 feedback, 58
 government agencies, 60
 judicial education providers and universities, 63
 legal profession, 63
 public informed about work, 58, 59
 public use of information, 60
 results 2020–21, 56
 sharing technical expertise, 58
 year ahead 2021–22, 57

people — *see* staff

performance reporting, 83

personnel policies — *see* staff

presentations, officers', 59, 69, 128

President's foreword, 14–15

privacy management plan, 83

proactive release program, review of, 83

product — *see* services

profiles

appointed members, 20
 commission, 18–22
 executive team, 21–22
 official members, 18–19
 president, 18

public interest disclosures (PID), 131

publications, 43, 123–124

Annual Report, 5, 74, 82, 84
 bench books, 9, 12–14, 16, 25, 35, 36, 38, 39, 41, 42, 43, 58, 68, 84, 124
 brochures, 124
Children's Court of NSW Resource Handbook, 42, 84
Civil Trials Bench Book, 39, 42, 43, 84
Criminal Trial Courts Bench Book, 6, 12, 35, 37, 38, 42, 43, 44, 84
 DVDs, 124
 education monographs, 123
Equality before the Law Bench Book, 5, 16, 24, 25, 36, 42, 43, 59, 70, 71, 84, 89
 handbooks, 39, 58, 124
 journals, 4, 6, 16, 43, 124
Judicial Officers' Bulletin, 5, 12, 13, 14, 16, 25, 27, 32, 35, 36, 37, 38, 39, 42, 43, 44, 122, 125
Land and Environment Court of NSW Commissioners' Handbook, 42
Local Court Bench Book, 5, 35, 42, 43, 44, 84
 online publications, impact of, 43
 performance results 2020–21, 12–13
Recent Law flyer, 35
Recent Law items/summaries — *see* legal information, *Recent Law* items/summaries
 research monographs, 42, 123
Sentencing Bench Book, 5, 6, 12, 35, 38, 39, 42, 43, 84

Sentencing Snapshots, 13, 39, 41, 124
Sentencing Trends & Issues, 6, 12, 35, 36, 43, 58, 123
Sexual Assault Trials Handbook, 42, 43, 84
The Judicial Review, 39, 42, 43, 80, 122
 videos, 6, 16, 25, 27, 29, 39

purpose of annual report, inside front cover

R

records management, 83

remuneration, senior executives, 73, 88

research and sentencing program, 4, 38

revenue, 4, 5, 6, 10, 56, 63, 92, 93, 97

risk management — *see* audit and risk management

S

sentencing — *see* research and sentencing program

services, 4, 9

significant accounting policies, 101–102

significant issues — *see* challenges

staff, 11, 17

achievements, recognising, 74
 attendance, 72
 Australasian Reporting Awards, 74, 83
 challenges 2020–21, 67
 communicating with our employees, 74
 communication, 66
 community involvement, 69
 Employee Assistance Program, 70, 72
 flexible work arrangements, 72
JUDCOMmunications, 74
multicultural policies and services, 70–71
 People Matter Employee Survey, 68
 performance, 68
 performance reviews, 73
 productivity, 70
 results 2020–21, 66
 retention of, 72
 satisfaction, 66, 68
 training and professional development, 70, 72
 wages and conditions, 73
work health and safety, 74
 workforce diversity, 70–71
 year ahead 2021–22, 67

stakeholders, 5, 11, 17, 57, 76, 84

strategic direction, 10–13, 15, 17, 25, 35, 47, 57, 67, 77, 93

sustainability, 2, 6, 90

T

table of case studies, figures, and tables, 132

technology, 25, 31, 42, 63, 79, 86

training — *see* judicial education, continuing; staff, training and professional development

V

values, 2

vision, 2

visitors to the commission, 17, 56, 62, 69, 127

W

work health and safety, 66, 74

workforce diversity — *see* staff

Y

year ahead — *see* strategic direction



Judicial Commission
of New South Wales

Level 5, 60 Carrington Street, Sydney
NSW 2000 Australia
GPO Box 3634, Sydney NSW 2001

Telephone: 02 9299 4421
International +61 2 9299 4421

Office hours: 8:30 am – 5:00 pm
Email: judcom@judcom.nsw.gov.au
www.judcom.nsw.gov.au

ISSN 2204-4310

