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# Judicial Commission of New South Wales

This annual report summarises the results and performance of the Judicial Commission of NSW for 2022–23 measured against our strategies and targets. We also outline our strategic focus for 2023–24. This and earlier annual reports are available on our public website at [www.judcom.nsw.gov.au](http://www.judcom.nsw.gov.au).

## Letter of Submission



The Honourable Michael Daley 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 2023.

This report is submitted in accordance with section 49 of the *Judicial Officers Act* 1986 and Division 7.3 of the *Government Sector Finance Act* 2018. It is required to be laid before both Houses of Parliament.

Yours sincerely

The Honourable Andrew Bell  
Chief Justice of NSW  
President  
Judicial Commission of NSW  
Dated: 7 November 2023

U Doyle  
Chief Executive  
Judicial Commission of NSW

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## Acknowledgement of Country

The Judicial Commission acknowledges the Gadigal people of the Eora Nation, the traditional custodians of the land on which the Commission's office is based in inner Sydney and we recognise their continuing connection to land, water and Community. We pay our respects to their Elders past and present.

We pay our respects to the Traditional Owners of the lands where we work as well as across the lands we travel through.



*The logo depicted is the Judicial Commission's Ngara Yura (Aboriginal cultural awareness) Program logo, a program established in response to the 1991 Royal Commission into Aboriginal Deaths in Custody. The words "Ngara Yura" are from the Eora language group of the inner Sydney region meaning: "To listen and hear the people."*

Cover: The theme for this year's Annual Report is increasing outreach and communication with a focus on listening and inviting comment; our cover concept and section artwork embodies a visual representation of these themes. The imagery used is that of a textural, tonal eucalyptus tree, zoomed in to create an abstract, artistic visual that may be interpreted as paths, directions, and growth. With a unique and shape-driven reeded effect applied to the image, a sense of the outward-facing direction the Judicial Commission is committed to, and the theme of increasing outreach, is explored. The reeded effects create a sense of dynamic movement. The prominent typographic treatment of the number forms similarly contributes to the visual representation of themes of visibility, communications and openness to conversation.

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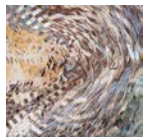
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Building a resilient, sustainable and secure organisation, adaptive to changing technologies and modes of communication.

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As an independent organisation, we build and replenish judicial capacity to ensure the NSW public has confidence in their judicial officers.

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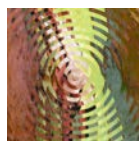
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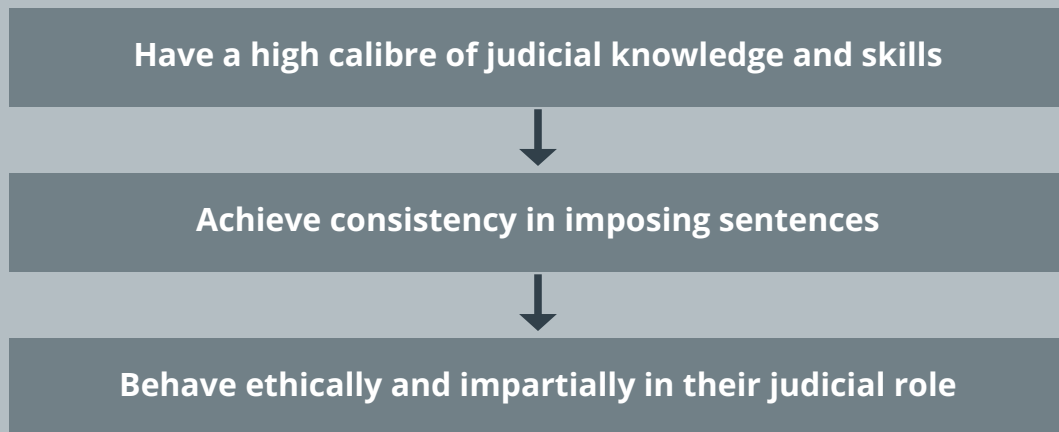


Materials in this chapter set out greater detail of the Commission's activities and assist with navigating the report.

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## 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.

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## 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 two directors, is responsible for our daily operations. See pp 13–17 for their profiles and achievements. An independent Audit and

Risk Committee monitors our risk profile and advises the Chief Executive: see p 65 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 12 and our services delivery chart on p 19.

### Our resources

Staff — We employed 35 people (33 full-time equivalent) as at 30 June 2023 and had a staff turnover rate of 11.4%. See pp 75, 78.

Revenue — \$5.297 million (last year: \$5.077 million) revenue from the NSW Government. See p 89.

Other revenue — \$1.349 million from self-generated revenue including \$1.199 million from sale of goods and services. See p 89.



Our Ngarra Yura Program (Aboriginal cultural awareness) hosted 2021 Senior Australian of the Year, Dr Miriam Rose Ungunmerr Baumann AM, as one of the speakers in the 2022 First Nations Speaker Series. Dr Rose is a renowned artist, Dadirri practitioner and the Northern Territory's first qualified Aboriginal teacher. She is pictured with (l-r) with Mr Jamie Blaker; Ms Joanne Selfe, the Commission's Ngarra Yura Project Officer; the Honourable Justice Jacqueline Gleeson; the Honourable Justice Rachel Pepper; Ms Barbara O'Neill, Indigenous Trauma Practitioner and Respected Older Person on the Walama List; and Ms Una Doyle, Chief Executive, Judicial Commission. Dadirri is an Aboriginal contemplative way of deep listening and is used to support the processes of sharing stories, trauma recovery and learning.

## 2022–23 highlights and key events

### Program 1: Delivering continuing judicial education



- 94% judicial satisfaction with the continuing judicial education program. See p 29.
- Facilitated our fourth Exchanging Ideas Symposium in collaboration with the NSW Bar Association and Law Society of NSW.
- Delivered 46 education events including 8 webinars to support newly appointed magistrates.
- Developed internal multimedia capacity to expand our range of online offerings.

### Program 2: Providing legal information



- Published *Sentencing Trends & Issues 48: Sentencing for domestic violence in the Local Court* in July 2022.
- Launched *The Judicial Commission e-resource series — Trauma-informed courts: Guidance for trauma-informed judicial practices* in November 2022.
- Commenced work on preparing judicial officers for the commencement of the coercive control legislative reforms. This included attending meetings of the Government Reference Group on Coercive Control; reporting to the Coercive Control Taskforce; preparing education materials for judicial conferences and drafting text for the Bench Books. See p 36.

### Program 3: Examining complaints



- Examined 74 complaints in reporting period. See p 46.
- Introduced new guidelines and procedures to assist with expedition of complaints handling and began our transition to a paperless complaints-handling system.

### Engaging with our partners and the community



- Met with the Commonwealth Attorney-General's working group to share our experience as the federal Government looks to establish a judicial commission.
- Commission staff delivered 18 presentations about the Commission's role in the NSW justice system, the Judicial Information Research System (JIRS), the complaints process, specific research projects recently undertaken, and continuing judicial education.

### Management and accountability



- Positive level of staff engagement (79%), low turnover and high retention. See pp 75, 78.
- High uptake of professional development. See p 78.
- Realigned our internal structure with changing management responsibilities and workflow demands.

### Sustainability



- Conducted a staff wellbeing workshop for all staff, focusing on stress management and wellbeing resilience in a changing workplace.
- Commenced a recycling program, including holding two office clean-up and recycle days, re-purposed components of obsolete desktop computers, and recycled discontinued office equipment and furniture.

### Financial performance



- Ended financial year with overall surplus of \$49,000 compared to budgeted deficit of \$147,000. Total expenditure for the reporting period was under budget. See p 88.

## Looking at the last 5 years

	2018-19	2019-20	2020-21	2021-22	2022-23	Trend
<b>Program 1: Delivering continuing judicial education</b>						see pp 27-32
Number of judicial education days each year	1,191	885	1063	1214	779*	↓
Number of educational events	41	26	37	37	46	↑
Overall satisfaction rating with judicial education events	90%	92%	92%	90%	94%	↑
% of attendance by judicial officers at annual conferences	87%	91%	93%	89%	81%	↓
% of attendance at magistrates' induction/orientation programs	100%	100%	100%	100%	95%†	↓
Average number of training days offered to each judicial officer	4.4	3.5	3.7	4.1	3.7	↓
Average number of training days undertaken by each judicial officer	3.8	2.8	3.3	3.7	2.4	↓
% of judicial officers who attended at least 2 days of judicial training	84%‡	59%	75%	72%	60%	↓
Number of publications (bench book and handbook updates, bulletins, flyers, journals, videos and podcasts)	39	43	56	45	75§	↑
<b>Program 2: Providing legal information (includes research and sentencing)</b>						see pp 33-42
JIRS usage (total page hits per year)	1,662,376	1,581,806	1,480,397	1,351,309	1,392,543	↑
% of JIRS availability	99%	99%	99%	99%	99%	=
Number of enhancements to JIRS	4	5	4	8	7	↓
<b>Timeliness of sentencing material on JIRS</b>						
- Legislation (within days of receipt)	7 days	1 day	1 day	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	1-8 mths	1-8 mths	1-4 mths	=
Number of new <i>Sentencing Trends &amp; Issues</i> papers and <i>Sentencing Snapshots</i>	0	1	1	2	2	=
Timely updates to the major bench books	14	13	16	11#	16	↑
Lawcodes: % of new and amended offences coded and distributed within 4 days of commencement	100%	95%	98%	98%	100%	↑
<b>Program 3: Examining complaints</b>						see pp 43-51
% of complaints examined within 6 months of receipt	94%	71%	78%	73%	81%	↑
% of complaints examined within 12 months of receipt	99%	100%	94%	98%	100%	↑
Complaints received/referred (number)	63	57	57	43	96	↑
Complaints examined (number)	68	48	72	41	74	↑
<b>Our people</b>						see pp 73-79
Staff (number)	32	33	32	30	35	↑
Length of service: 5 years or greater	76%	78%	73%	76%	60%	↓
<b>Management and accountability</b>						see pp 59-72
Access to information requests	0	0	0	0	0	=
<b>Sustainability</b>						see pp 80-86
Total energy used	311 GJ	267 GJ	281 GJ	310 GJ	301 GJ	↓
% of recycled paper used	100%	100%	100%	100%	100%	=
<b>Financial performance</b>						see pp 87-112
Revenue from NSW Government	\$6.890 M	\$4.907 M	\$5.355 M	\$5.077 M	\$5.297 M	↑
Retained revenue (sale of goods & services, investment income, etc)	\$1.123 M	\$1.090 M	\$1.098 M	\$1.281 M	\$1.349 M	↑
Expenditure	\$8.020 M	\$6.370 M	\$6.734 M	\$6.414 M	\$6.597 M	↑

\* The 2023 Local Court Annual conference did not fall in the 2022-23 financial year.

† This was due to COVID-19 — these magistrates will attend the 2023 program.

‡ Correction to 2017-18 and 2018-19 reports due to calculation error.

§ We changed our measure this year to count all publications individually.

# We changed our method of counting in 2021-22 to include the 4 major bench books.

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.
- ▶ **1990** — Chief Justice Gleeson, the Commission's President, launched the Sentencing Information System database, designed to help judicial officers achieve consistency in their approach to sentencing.
- ▶ **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. 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 provided professional development programs to 350<sup>\*</sup> 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** — From mid-March 2020, staff worked remotely to minimise spread of COVID-19.
- ▶ **2021** — Our Ngarra 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.
- ▶ **2022** — Commission's Chief Executive Ernest Schmatt AM PSM retired in February 2022; Chief Justice Bathurst AC retired in March 2022. Chief Justice Bell became President of the Commission in March 2022; Our *Handbook for Judicial Officers* won international recognition in Best Publication category of the ACLEA awards.
- ▶ **2023** — New Chief Executive Una Doyle appointed 4 July 2022. Review of Commission's structure and goals resulted in a realignment of roles and responsibilities to better support our business.



## President's foreword

I am pleased to present the foreword to the Judicial Commission's Annual Report for 2022–23 which was another busy and productive year for the Commission.

This report details the Commission's activities and performance over the past year in furthering its aims of education and accountability and disseminating sentencing and legal information, and outlines the Commission's strategic direction going forward.

### The year in review

In the reporting year, the Commission continued to enjoy the strong support of the NSW judiciary to whom it provides invaluable continuing judicial education and support while also dealing with an increased volume of complaints against judicial officers. The importance of the role played by the Commission is reflected in the fact that a number of other States have or are moving towards establishing judicial commissions on the model of the Commission, and as at the time of presenting this report, it is anticipated that legislation for the establishment of a federal judicial commission is not far away.

Most significantly, 2022 saw the appointment on 4 July 2022 of Ms Una Doyle to the position of Chief Executive of the Commission and her leadership starts a new chapter in the Commission's history. Ms Doyle had previously served for a number of years as the Commission's Director, Education and Research and in that role had won the respect and confidence not only of the Commission but the NSW judiciary. In her first year of leadership as Chief Executive, she has brought a new dynamism to the Commission and has impressed with her energy and initiative. A new 5-year strategic plan is now under development, following a judiciary-wide survey of the Commission's services.

Ms Doyle's former position as Director, Education and Research was filled in March 2023 by Ms Catherine Kenny and she has already overseen several successful judicial

conferences. Ms Angela Huang also joined the staff of the Commission in 2022–2023 as Principal Lawyer, Advisory, with principal responsibility for assisting the Commission with the processing of complaints against judicial officers.

Professor Brian McCaughan AM completed four consecutive terms of service as an appointed member of the Commission on 10 October 2022. His significant contribution to the Commission over that time and insights and experience from his work on the NSW Medical Board is warmly acknowledged.

### Governance and operations

The Commission meets on a monthly basis other than in January and July although ad hoc meetings are called from time to time. These meetings are generally held in person although provision is made for members of the Commission to participate remotely in circumstances where they are not able physically to attend meetings. The audit and risk committee of the Commission also held regular meetings.

### Complaints

2022–2023 saw a significant increase in complaints against judicial officers, with complaints by so-called "sovereign citizens" responsible for much of this increase. Almost half of the complaints received concerned allegations of a failure to provide a fair hearing. Often, they reflect disappointment in the substantive outcome of disputes.

No complaints were referred to a Conduct Division during 2022–2023. A small number of complaints were referred to the relevant head of jurisdiction.

Although there has been an increase in the number of complaints against judicial officers, they remain very low in number relative to the volume of matters heard by judicial officers in NSW on an annual basis.



## Continuing judicial education

The Commission offered 46 education events during 2022–2023, nine more than the previous year. Almost half of these were webinars, a legacy in part of the pandemic and the work done by the Commission through that trying period in maintaining judicial education and support to judicial officers in NSW. The dual-mode practice of online and face-to-face sessions is now firmly embedded in the Commission's education system, allowing for greater flexibility and accessibility to the program. This is especially important given the geographical spread of judicial officers throughout the State. That having been said, the value of personal interaction, including in the judicial educational context, cannot be overstated.

In this context, the Commission arranged conferences for each of the Supreme, Land & Environment, District and Local Courts during 2022–2023. These are important annual events which not only provide an opportunity for ongoing judicial education but, perhaps more importantly, allow judicial officers to share experiences and challenges with their peers. Judging is, for the most part, a solitary endeavour and thus fostering collegiality is particularly important. The Judicial Commission plays a vital role in achieving this. Judicial satisfaction with the educational work of the Commission remains high at 94%, up by 4% from the previous reporting year.

## Provision of legal information

Another important component of judicial education is the Commission's extensive publications program. The reporting year 2022–2023 saw the Commission issue 75 publications, including 24 updates to bench books. These publications provide timely updates to judicial officers in relation to legislative changes and important recent decisions, spanning practice and procedure and substantive legal developments.

Bench books are regularly updated with oversight by committees of current and retired judicial officers. They play a critical role in ensuring efficient and accurate decision making as judicial officers cope with the ever-expanding statute book and the complexity of particular areas of the law including sentencing.

The Judicial Information Research System (JIRS) continued to be heavily used by judicial officers to assist their day-to-day decision making. JIRS had 1.39 million page hits in the reporting year.

Particular focus this past year has been on:

- Preparing judicial officers for the commencement of the coercive control legislative reforms (*Crimes Legislation Amendment (Coercive Control) Act 2022*), expected to commence in mid-2024. This included drafting an article for the *Judicial Officers' Bulletin*; attending meetings of the Government Reference Group on Coercive Control; reporting to the Coercive Control Taskforce; preparing education materials for judicial conferences and drafting text for the *Criminal Trial Courts Bench Book*, *Sentencing Bench Book* and *Local Court Bench Book*.
- Publishing a Sentencing Trends & Issues paper, *Sentencing Trends & Issues 48: Sentencing for domestic violence in the Local Court* and launched *The Judicial Commission e-resource series — Trauma-informed courts: Guidance for trauma-informed judicial practice*. The latter complements a growing awareness of trauma-informed court practices.

## Ngara Yura Program

This is the Commission's Aboriginal cultural awareness program. During the year, the Commission hosted a First Nations Speaker Series. A one day "Exchanging Ideas Symposium" with the NSW Bar Association and the Law Society of NSW in February 2023, aimed at providing a platform for various conversations, informal discussion and sharing of perspectives about constitutional reform, treaty and truth telling. In May 2023, the Commission hosted "Constitutional Reform: Next steps in 'Muru Ngubadi', the Path of Respect".

## Other engagements

In the course of 2022–2023:

- the Commission continued with capacity-building assistance to Papua New Guinea. A delegation from the Supreme and National Courts of Papua New visited the Judicial Commission 15–19 August, 28–30 September 2022 and 27 February–3 March 2023 to liaise with Commission's IT staff about the PNG Integrated Criminal Case System Database (ICCSDB) and the PNG Legal Information Network (PngLIN) services that the Commission hosts.
- The Commission also assisted Indonesian delegates from the Judicial Commission of the Republic of Indonesia (JCRI) to identify potential ways to improve its complaints-handling mechanisms.
- Senior Commission staff further engaged with counterparts at the Judicial Council of Ireland, Judicial Institute for Scotland and the Judicial College of England and Wales regarding sharing of training strategies and materials to support the Commission's coercive control education program.
- The Commission also met and shared information with the Commonwealth Attorney-General's working group as the federal Government looks to establish a judicial commission for federal judicial officers.
- Members of the Commission's publications team also collaborated with the Supreme Court of NSW in relation to the forthcoming publication of a book to commemorate the bicentenary of the Supreme Court in 2024.

## My thanks

I take this opportunity to record my appreciation of the work not only of the staff of the Judicial Commission but also the many current and retired judges who contribute significantly to the work of the Commission through its bench book and other committees. All of this is above and beyond their demanding day jobs as judicial officers and is a mark of their dedication to the rule of law in NSW. I also acknowledge the ongoing commitment of the members of the Commission itself.

The Honourable Andrew Bell  
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 operations and results for 2022–23.

### Key driver for the year

A key driver of the Commission's work this reporting year has been re-energising the organisation under new leadership. Externally, we have expanded our engagement with the community, strengthened partnerships with like-minded organisations and worked to promote increased access to our large body of curated information. In the last 12 months, we have employed various strategies to further these goals, including commencing development of a new website and renewing our connections with key stakeholders.

Internally, there has been a strong focus on modernising systems and processes and empowerment of staff; ensuring robust and efficient business processes that directly contribute to successful business operations and growth; and a respectful and rewarding work environment to underpin a positive workplace culture.

### Delivering continuing judicial education

A major focus in 2022–23 has been on supporting the implementation of the impending coercive control legislative reforms (*Crimes Legislation Amendment (Coercive Control) Act 2022*). Commission staff have been engaged with communicating these reforms using various delivery channels. Activities began well before the legislation was assented to, including working with the NSW Department of Communities and Justice and judicial officers and will continue beyond the commencement date. The commitment of the Commission's time and resources to these reforms is directly connected to our stated mission to promote the highest standards of judicial decision making.

Throughout the past year we have continued to build on our primary base of education offerings and expand our range of programming with the aid of new technologies. Embracing a blend of in-person and online delivery has enabled us to reach a wider audience. Pleasingly, judicial officers' satisfaction with the program continues to remain

high at 94%. In February 2023, our Aboriginal cultural awareness program, Ngara Yura, partnered with the NSW Bar Association and the Law Society of NSW to host a one-day "Exchanging Ideas Symposium" aimed at providing a platform for various conversations, informal discussion and sharing of perspectives about constitutional reform, treaty and truth telling.

### Providing legal information

We continued to increase our publishing output with 199 *Recent Law* items posted on JIRS together with 153 summaries of select appeal decisions. Updates to bench books, journals, bulletins, videos and podcasts continued. We also refreshed our longstanding publication, *The Judicial Review*, in line with revitalisation of our publishing portfolio.

Updates to our JIRS continued, and we conducted a judiciary-wide survey in May 2023 to help us ensure the content is meeting the needs of judicial officers.

### Examining complaints

In line with previous years, we finalised a majority of complaints received during the year. Of the complaints examined in 2022–23, 96% of complaints (71 of 74) examined were summarily dismissed. This is consistent with the average 5-year dismissal rate of 96.7%. There were no referrals to a Conduct Division this year.

The Commission established a Principal Lawyer — Advisory position in August 2022. This position assists the Chief Executive with managing the complaints function. The creation of the role has resulted in consistency across the complaints function and has demonstrably improved the Commission's complaints processing timeframes since its establishment.

### Engaging with our partners and the community

With an increase in public interest in the work of judicial commissions, we have been engaging with a number of government bodies to share our knowledge.



We continued to engage with the broader community around Australia and internationally. Our commitment to close working relationships with our neighbours in the Pacific was demonstrated by our renewed contacts with our counterpart in New Zealand, Te Kura Kaiwhakawā (Institute of Judicial Studies), co-presenting at the IOJT Conference in Ottawa and with the Judicial Commission of the Republic of Indonesia (JCRI), sharing information about complaints-handling processes. We welcomed visitors from the Supreme and National Courts of Papua New Guinea on occasion.

Closer to home, our links with the Australasian Institute of Judicial Administration (AIJA) and Judicial College of Victoria (JCJ) strengthened as we worked closely to share information and support each others' endeavours in judicial education.

Throughout the year, we have been collaborating with the Supreme Court of NSW, contributing to a commemorative publication of the bicentenary of the Supreme Court due for publication next year.

Our Ngara Yura Committee (overseeing our Aboriginal cultural competency program) continued to partner with the NSW Bar Association and Law Society of NSW to offer a series of webinars, focusing on First Nations' culture and identity. We also worked with the Francis Forbes Society for Australian Legal History to co-present a lecture on the impact of protectionist-era policies on First Nations people.

## Our people

We recognise that our people are a key strength and have made pathways for growth a priority. This past year has seen a review of team structures to better align with delivery of our core functions, an increase in learning and development opportunities and a strong focus on staff wellbeing.

With a continued focus on staff development, 2022–23 saw an exceptionally high uptake of training and development opportunities, with almost 85% of staff participating in professional development. Additionally, our annual staff survey indicated that 79% of staff felt engaged with their work and understood how their work contributed to the Commission's purpose and mission. We farewelled longstanding staff members Ms Pierrette Mizzi and Mr Ian MacKinnell and thank them for their significant contributions over many years.

## Our management and accountability

The Honourable Andrew Bell, Chief Justice of NSW and our President, presided over 10 Commission meetings during the year. These meetings were held to examine complaints, monitor our strategic direction and approve a range of activities. During the year, four audit and risk committee meetings were held, chaired by Ms Jan McClelland AM. The committee provided valuable advice on our financial and performance reporting and risk oversight and management.

One of our long-serving appointed members, Professor Brian McCaughan AM, completed his term of service in October 2022. I would like to express my sincere gratitude for his valuable contribution over the past 12 years.

Contributing to the spirit of renewal, Ms Catherine Kenny joined us in March 2023 in a new position of Director, Education and Research, leading the combined education, research and statistics portfolios.

In response to our changing external environment, we conducted a number of audits in 2022–23, consisting of a Business Continuity Plan (BCP), Disaster Recovery Health Check and IT Review, resulting in a more forward-looking approach in our new BCP. We continued to strengthen our cyber security measures in response to the recommendations of the 2021–22 review.

To assist with modernising our record-keeping process, we initiated a review of our Functional Retention and Disposal Authority. In November 2022, a new Functional Retention and Disposal Authority: FA433 was approved by the State Archives and Records Authority of NSW, paving the way for a more streamlined approach to records management.

## Financial result

Our financial result for the year was a surplus of \$49,000 compared to a forecast deficit of (\$147,000). While there was a slight increase in expenditure this year, total expenses were under budget in the reporting period. Our total income was \$6.646 million, of which \$5.297 million was government funding. The Commission's self-generated revenue of \$1.199 million 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: 2023–24 and beyond

The Commission's strategic objectives are framed by our three core statutory functions and our secondary goals. Under new leadership, our strategic focus is on responding to the opportunities and challenges presented by external influences such as flexible working arrangements, reduced budgets and the impact of fast-paced technological change, including artificial intelligence and the imperative for robust cyber security systems.

The positive outcomes associated with the recent pandemic continue to be relevant as we apply lessons learned during that period — the value of technology, the significance of flexibility and the importance of staying ahead of the curve.

In 2023–24, we will maintain delivery of our core services while transitioning to new platforms and expanding our suite of judicial education programs. We will continue to ensure that our publications provide judicial officers with accurate, current and accessible legal information. Entering a period of fiscal constraint, we will endeavour to manage the significant challenge of performing our core functions with less revenue to fund them.

I am excited to see what we have achieved in a single year. The Commission has shown that it can adapt and innovate and more importantly, has embraced the opportunity to traverse a path of renewal.

## My thanks

The Commission's successful performance this year is due to the dedicated effort and support from many people. I extend my thanks to President Bell, Chief Justice of NSW, for his leadership, vision and support. My thanks to the Commission members for their guidance and assistance and the many judicial officers who give their time and expertise to serve on our education and bench book committees. I am grateful to the Commission's staff who are the mainstay of this organisation and are committed to our mission to promote the highest standards of judicial behaviour, performance and decision-making.

Una Doyle  
Chief Executive, Judicial Commission of NSW

## Organisational structure

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 13, 65.

Figure 1. Our organisational structure

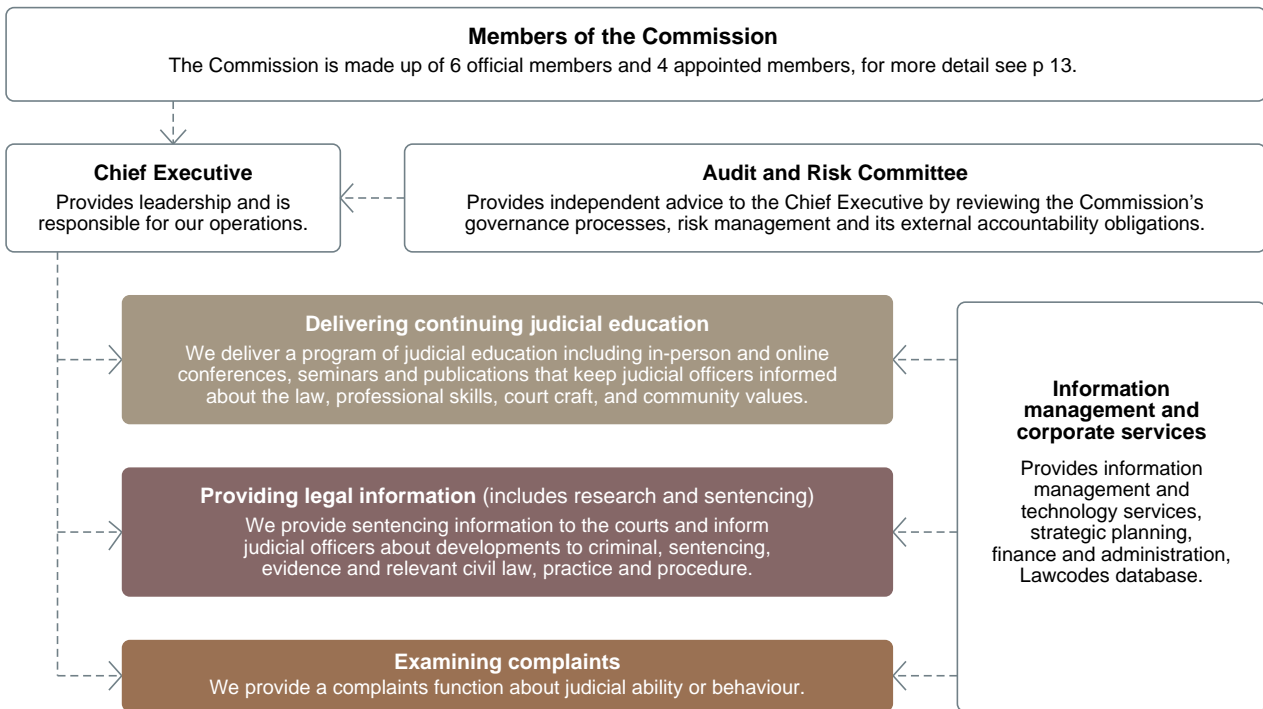
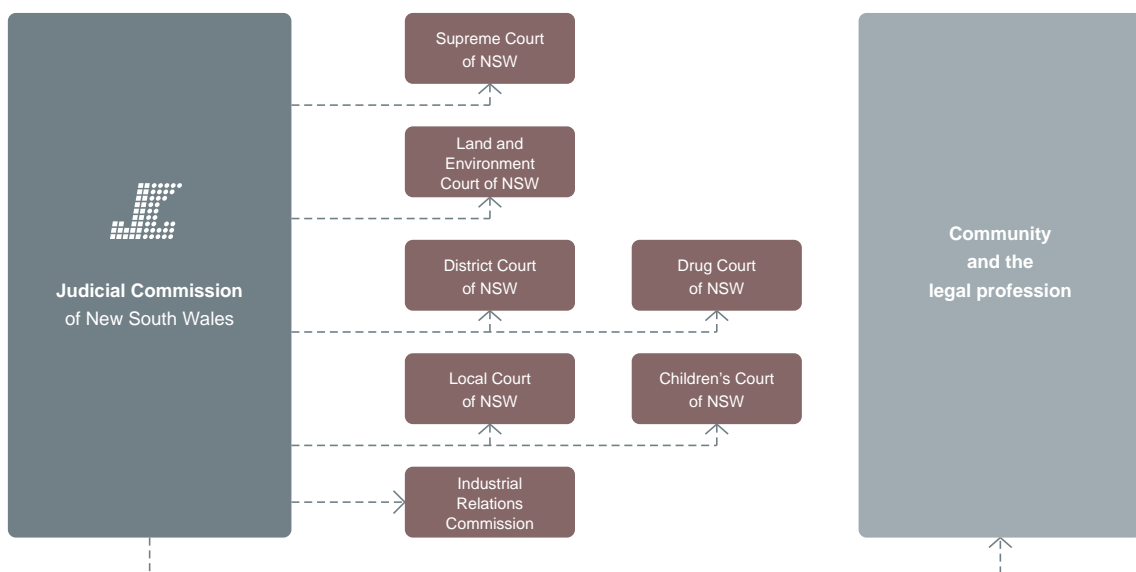


Figure 2. Who we provide our services to in the justice system



## 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 3 on p 17 illustrates the relationship between the Commission members and the executive team.

### President



#### **The Honourable Andrew Bell**

Chief Justice of NSW — commenced 7 March 2022

Chief Justice Bell was called to the NSW Bar in 1995, appointed Senior Counsel in 2006 and was sworn in as President of the NSW Court of Appeal in February 2019. He succeeded the Honourable Tom Bathurst AC QC as Chief Justice of NSW in March 2022. 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. Prior to his appointment to the Bench, his Honour served as Senior Vice-President (2018–19) and Treasurer (2017–18) of the NSW Bar Association and was the Editor of *Bar News* from 2005 to 2012. Chief Justice Bell 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. In his prior capacity as President of the Court of Appeal, the Chief Justice was a member of the Commission from March 2019.

As President, the Chief Justice is responsible for presiding at meetings and has a deliberative vote.

### Official members



#### **The Honourable Justice Julie Ward**

President, NSW Court of Appeal — commenced 7 March 2022

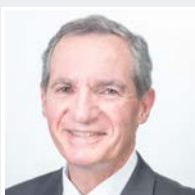
Justice Ward studied Arts/Law at the University of Sydney, graduating in Law in 1982 with First Class Honours and the University Medal. Her Honour was admitted as a solicitor of the Supreme Court in 1982. Following graduation, Justice Ward worked for a year as the associate to Sir Nigel Bowen, the first Chief Justice of the Federal Court. Justice Ward worked for Stephen Jaques Stone James (now King & Wood Mallesons) for two years, then completed a BCL with first class honours at Oxford University, having won a post-graduate scholarship from Sydney University. Justice Ward was made a partner of Mallesons in 1988. At that time she was the youngest female partner to be appointed at that firm. Her Honour was appointed to the Supreme Court of NSW in September 2008. She was the first female solicitor directly appointed to the Supreme Court bench. She sat in the Equity Division of the Court, until her appointment to the Court of Appeal in November 2012. She was appointed Chief Judge in Equity in March 2017 and President of the Court of Appeal in March 2022.



### **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 and an honorary Doctors of Laws by Western Sydney University in 2022. He was awarded the World Jurist Association Medal of Honour in 2023. He has lectured in post-graduate environmental law for over 30 years. He is currently a Visiting Professor at Durham University (UK), an Adjunct Professor at the University of Sydney, Western Sydney University and Southern Cross University and former Visiting Fellow at Corpus Christi College and Magdalen College at Oxford University (UK). He has authored over 150 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 Governing Council and Vice President for Oceania for the Global Judicial Institute on the Environment (GJIE).



### **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 Australian Judicial Officers' Association (formerly known as 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 was appointed an Officer of the Order of Australia in 2020.



### **His Honour Judge Peter Johnstone**

Chief Magistrate of the Local Court of NSW — commenced 6 September 2021

Judge Johnstone was appointed Chief Magistrate in 2021. He was formerly President of the Children's Court of NSW, appointed to that role in 2012. Judge Johnstone was admitted to legal practice in 1973. Prior to his appointment, he was at the law firm Blake Dawson Waldron (now Ashurst) where he had been the Managing Partner. He was appointed an Acting District Court judge in 1997 then a full-time judge of the District Court in 2006.



### **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



### **Professor 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; reappointed 15 December 2021 for 3 years

Professor 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, Professor Cashmore became an Officer 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; reappointed 4 March 2022 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.



### **Professor Brian McCaughan AM** MB BS FRACS

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; appointment ended 10 October 2022

Professor McCaughan is an Emeritus Cardiothoracic Surgeon based at the Royal Prince Alfred Medical Centre, Sydney, and was a 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. Until recently he was 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 Yair Miller OAM** BA

Appointed 28 October 2015 for 3 years; reappointed 28 October 2018 for 3 years; reappointed 15 December 2021 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 — appointed 4 July 2022

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

Ms Una Doyle was appointed Director, Education at the Commission in December 2015 and Chief Executive of the Commission on 1 July 2022. Ms Doyle has worked for over 25 years in law, legal education and executive management. Prior to joining the Judicial Commission, Ms Doyle was the Head of Professional Development, Membership and Communications, at the Law Society of NSW and the Director of Continuing Professional Education at the College of Law. She was a member of the leadership team both at the College of Law and Law Society of NSW, with responsibilities including governance, financial oversight and high-level strategic planning. She is a past President of ACLEA, the International Association for Continuing Legal Education (2016–2017) and co-chaired ACLEA's International Committee from 2007–2009. She was President of the Continuing Legal Education Association of Australasia from 2005–2007, and has served as a member of its Executive for five terms, including as Treasurer from 2019 to 2021.

As Chief Executive, Ms Doyle is responsible for all the Commission's operations. She has input into all aspects of the Commission's work, from financial management to research, complaints, information systems management and education activities.



### 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 her absence. Mr Sagi commenced employment with the Commission in 1992 and has over 30 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.

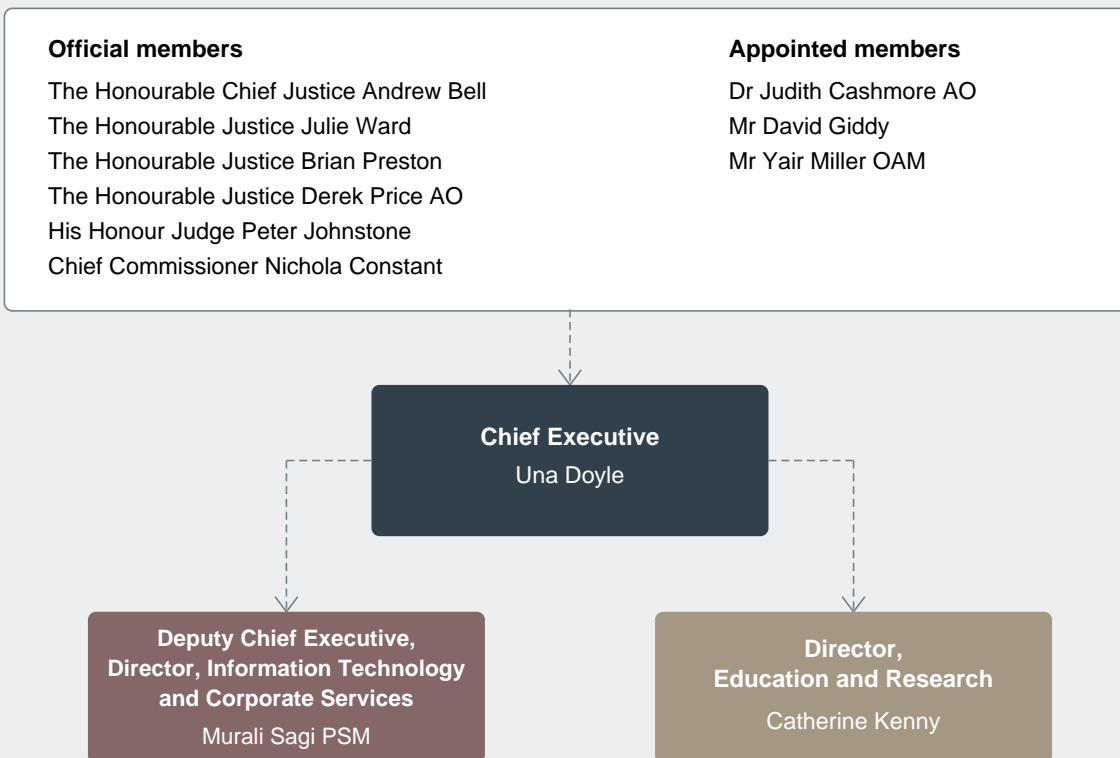


### Director, Education and Research

**Ms Catherine Kenny** BA (Hons) LLB (Hons)

Ms Catherine Kenny has worked for over 30 years in legal education. Having previously worked at the Judicial Commission leading the programs section, she re-joined in March 2023 to take up the new role of Director, Education and Research with oversight of the education (programs and publications), research (JIRS resources including the bench books) and statistics sections of the Commission. Following legal practice, Catherine has predominantly worked in professional and postgraduate education and project management in this sector. She was Director of CLE at the Queensland Law Society for several years and later returned to the Society to establish the Building and Construction Payments and Adjudication Authority. Following her time as Acting CEO and Executive Officer — Business Development of the College of Law (Queensland), she worked in-house as a Learning and Development Advisor for a legal firm. Prior to rejoining the Commission, she was project managing infrastructure and strategic projects for the Corporate Secretariat, College of Law, with a particular focus on governance and strategic outcomes. She has a strong interest in legal education, holding membership of a number of professional associations including the Continuing Legal Education Association of Australasia (CLEAA) and the International Association for Continuing Legal Education (ACLEA).

Figure 3. Commission members and executive team as at 30 June 2023



# Strategy

**Building a resilient, sustainable and secure organisation, adaptive to changing technologies and modes of communication.**

Outline of our key strategic objectives ..... 19

Key outcomes for this reporting year ..... 22

Strategic outcomes 2021-23 and targets 2022-24 ..... 24

# 02



## Outline of our key strategic objectives

The Commission's strategic objectives are framed by our 3 core statutory functions and our secondary goals which are outlined below. Our core statutory functions are to:

1. organise and supervise a scheme for the continuing education of judicial officers to ensure that judicial decision making is based on current law, that judicial knowledge and skills are of the highest calibre, and to promote high standards of judicial performance
2. deal with complaints against judicial officers about their ability or behaviour and refer complaints that are not summarily dismissed to heads of jurisdiction or the Conduct Division as appropriate
3. publish information about criminal and civil law, with a focus on sentencing, to assist the courts to achieve consistency in imposing sentences.

### Program 1: 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.	Skills-based workshops, seminars, field trips, webinars and other digital and distance education to enhance judicial skills, attitudes and knowledge.	See pp 27–32 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.	Provide the Judicial Wellbeing portal on JIRS.  Provide tailored online resources for each court.	See pp 27–32 for an overview of our activities this year.

### Program 2: 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 39.	Bench books contain relevant legislation, case law, legal or sentencing principles, and may also include precedents which apply when conducting criminal and civil trials, procedural guidelines, suggested jury directions, and sample orders.	Produce in-depth research studies.	See pp 33–42 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.	Email alerts to notify judicial officers of significant changes to the law or about sentencing methods.	Provide comprehensive information about treatment options and rehabilitation facilities for offenders on JIRS.	See pp 33–42 for an overview of our activities this year.

### Program 3: Examining complaints

Result	Strategies		Performance	
People of NSW have an efficient complaints mechanism. Confidentiality and independence of judicial officers are maintained.	Examine complaints efficiently, independently, objectively and effectively.	Inform the complainant and judicial officer involved the outcome of the Commission's examination of the complaint.	Provide information, publications and talks about our role/function while monitoring patterns in complaints and addressing recurring issues in our judicial education program.	See pp 43-51 for an overview of our activities this year.

Our secondary goals are directed to ensuring the Commission is a resilient, sustainable and secure organisation, adaptive to changing technologies and modes of communication. These goals include:

- sharing our knowledge, resources and accumulated experience with the NSW public, the legal profession, partner organisations and emerging jurisdictions to promote their capacity
- promoting, through existing and emerging media, public awareness of the Commission's role, responsibilities and contribution to judicial performance in order to enhance public confidence in the judiciary
- reviewing and building on operational performance through developing staff wellbeing, skills and knowledge, and refining and developing our technological and financial resources
- participating in the national and international community of judicial education providers to develop and implement best practice in NSW
- generating income to supplement funds received from Treasury to enhance the Commission's performance of its primary functions.

#### Management improvement plans: a time of cultural and operational transformation

The Commission's strategic objectives are framed by our three core statutory functions and our secondary goals as outlined above. Historically, our strategic approach has been designed to support these functions. In 2022, the Commission refined some of these strategies.

Under new leadership, our focus is on responding to the opportunities and challenges presented by external influences such as flexible working arrangements, reduced budgets; and the impact of fast-paced technological change, including artificial intelligence and the imperative for robust cyber security systems.

Keeping abreast of change is essential for us to remain relevant and responsive to our stakeholders. A new 5-year strategic plan is now under development, following a judiciary-wide survey of our services.

In 2022 we began the process of refreshing our systems and services, as follows:

- A testament to the Commission's enduring success has been its robust complaints-handling process, considered a model for other jurisdictions in Australia, as well as having been a model for many international institutions in the past. Streamlining of processes and embracing technology solutions in the past year has contributed to reduced timeframes in responding to, and the finalisation of, complaints, a significant benefit to both complainants and judicial officers.
- Following a judiciary-wide survey of our services this year, we will refresh and update our online resources. We have a reputation for providing high-quality judicial education and online resources; we will ensure we are well-placed to continue to expand this work into the future.
- Reviews of the Commission's structure and resourcing were undertaken in 2022 to assess core capabilities required to maintain current services and facilitate innovation. This has resulted in a less siloed approach in our workplace, thereby increasing productivity and sharing of key information. In turn, this supports our response to significant external environmental challenges such as shrinking budgets, increasingly time-poor judicial officers and maturing technology platforms.
- We overhauled our Business Continuity Plan to embed a focus on safeguarding critical business processes and ensuring the safety of employees, customers, and stakeholders. Our objectives in maintaining business continuity during adverse events include minimising disruptions to critical business functions and processes; safeguarding data, information and assets, and facilitating a timely and effective recovery to normal operations.

In Table 1, our short- and long-term strategies are outlined. As the Commission enters a redevelopment phase, we are working to refresh and strengthen this long-standing institution.

Table 1. Strategies to achieve our key strategic objectives

Objective	2023–24	2024–2025 and beyond
Rejuvenate and implement an efficient, responsive and time-sensitive complaints system	Introduce a more considered and efficient response mechanism for both complainants and judicial officers.	Develop a secure online portal where complaints can be lodged and tracked, better managing response times and allowing for improved analysis of complaint patterns.
Revisit our approach to education and research	<p>Implement the findings of our judicial officers' survey to reposition our resources for maximum utility.</p> <p>Conduct a comprehensive review of our research area to ensure that the structure and resourcing is capable of sustaining the growing body of information and volume of work.</p> <p>Employ more innovative educational techniques to better support our curriculum throughout the State.</p> <p>Refresh our suite of publications, undertaking an audit of our rich library of resources to focus on those of most value.</p>	<p>Greater focus on enhanced distance learning to improve support of our regional judicial officers.</p> <p>Expansion of pre-bench and related support programs for new judicial officers.</p>
Introduce a greater focus on our resources and human capital	<p>Conduct a structural and strategic review of all operations to ensure that resourcing is evenly distributed across the three principal functions of the Commission, being complaints, education and research.</p> <p>Address resourcing challenges by investigating various options, including expanding our intern program, collaborating with counterpart bodies to streamline offerings, improving our processes, and harnessing a range of technology solutions for greater efficiency in corporate services and accounts.</p>	<p>Provide greater opportunities for staff to cross-skill, encouraging greater collaboration and improving job satisfaction.</p> <p>Improve human resources capability and focus on succession planning across all areas of the Commission.</p>
Revise our approach to communications, relationships and visibility	<p>Refresh our website with a greater focus on what we do and how we do it, highlighting our energy, agility and skill in maximising output with minimal resources.</p> <p>Reposition the importance of First Nations inclusion, given the justice system's centrality in their incarceration.</p> <p>Strengthen our connection to allied agencies; build strong relationships with key personnel.</p>	Reposition as more outward facing, showcasing our work in research, education, and technological design excellence.
Re-evaluate our financial and corporate services	<p>Review allocation of funding across the key areas to ensure that core areas are funded adequately.</p> <p>Explore opportunities for financial grants for special projects.</p> <p>Reprioritise our ICT resources to address internal business needs and increase support of judicial officers.</p>	Develop a financial plan that aligns with our strategic plan.
Evaluate our governance methodology	<p>Renew our Business Continuity Plan to ensure the continuous operation of the Commission in the event of disruptions, emergencies, or disasters.</p> <p>Update and reframe policies to maintain robust governance and administration of a public body.</p> <p>Engage the skills of our Audit and Risk Committee to assist with a review of our risk management approach.</p>	Revisit succession planning and renewal for key committees.

## Key outcomes for this reporting year

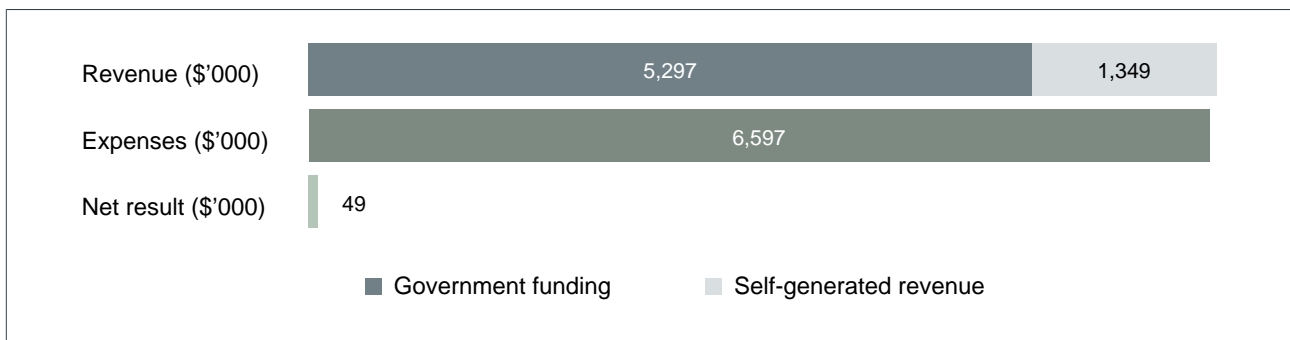
### Results in brief and strategic direction

**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 2023–24.**

#### Financial performance

We received an unmodified report for our financial statements from the Auditor-General of NSW. Looking ahead, we will work to minimise our expenditure and maintain self-generated income. See “Financial performance” chapter from p 87.

Figure 4. 2022–23 revenue, expenses and net result



#### Program 1: Delivering continuing judicial education

Key results	Key challenge	Strategic direction
Judicial officers rated their satisfaction with the education program at 94%. See p 29.	Encouraging busy judicial officers to take up continuing education offerings. See p 32.	Enhance the scope of our programs, using new delivery platforms and technology we have acquired.
Judicial skills, knowledge and attitudes were enhanced with 46 education events offered. See pp 27–32.	Availability of specialist speakers for conferences, seminars and webinars.	Working with courts to ensure that judicial officers are supported during the expected introduction of new coercive control laws in 2023–24.

#### Program 2: Providing legal information

Key results	Key challenges	Strategic direction
75 publications to inform judicial officers about changes to the law, court practice and procedure and community values. See p 37.	Managing the restructure of the Research unit, recruitment and training four new staff members, including two new law student interns and two lawyers seconded from the NSW Office of Director of Public Prosecutions. One lawyer was recruited specifically to work on the new coercive control reforms expected to commence in June 2024. See p 36.	Planning for the commencement of the anticipated coercive control legislation.
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 1.39 million page hits (3.1% increase). See p 38.	Managing the significant work associated with the introduction of the new coercive control reforms, including research, drafting material and liaising with various agencies and judicial officers to prepare the judiciary for the reforms. See p 36.	Continue the systematic review of the <i>Sentencing Bench Book</i> and <i>Criminal Trial Courts Bench Book</i> to improve information for currency and accessibility.  Relaunch <i>The Judicial Review</i> as the <i>Judicial Quarterly Review</i> to provide more current, topical articles for judicial officers.



### Program 3: Examining complaints

Key results	Key challenges	Strategic direction
<p>74 formal complaints examined. Examination of 100% of complaints finalised within 12 months of receipt.</p> <p>Three complaints referred to head of jurisdiction. No complaints referred to a Conduct Division. See p 46.</p>	<p>Managing an increased volume of complaints that are unfounded or contain vexatious or frivolous allegations; and an increase in the number of enquiries received from members of the public. This is a trend that other complaints-handling bodies in NSW and across Australia are similarly experiencing.</p> <p>Explaining to a complainant in plain English why their complaint was dismissed under statutory criteria in the <i>Judicial Officers Act 1986</i>. See p 48.</p>	<p>Continue to examine all complaints efficiently, effectively, independently and objectively.</p> <p>Continue to investigate and develop solutions to deal with an increasing level of complaints and enquiries. This includes the creation of additional website resources for complainants in a variety of different languages, and the roll-out of an online complaints portal in future.</p>

### Engaging with our partners and the community

Key results	Key challenges	Strategic direction
<p>Efficiently coded and distributed 100% of new and amended NSW offences in the Lawcodes database. See p 56.</p> <p>Responded to requests for research assistance from government departments and agencies, and members of the legal profession. See p 56.</p> <p>Assisted interstate courts and agencies by sharing information as to the operations of a judicial commission.</p> <p>Expanded Drug Court of NSW case management system to its new regional location in Dubbo.</p>	<p>Ensuring criminal justice agencies, in particular NSW Police and Revenue NSW, were provided with offence information through Lawcodes as soon as it became law.</p> <p>Balancing an increasing level of requests for assistance from government departments and other jurisdictions with the need to focus on supporting our core functions. See p 57.</p>	<p>Expand the range of online legal information we provide (including new publications) and continue to provide access to bench books and research studies for the public as part of our community engagement strategy.</p> <p>Work to increase our visibility and improve access to our information and resources through greater contact with community partners and via our new website.</p> <p>Continue to support Papua New Guinea to enhance the current case management system.</p>

### Management and accountability

Key results	Key challenges	Strategic direction
<p>10 Commission and 4 Audit Risk Committee meetings held, ensuring robust governance. See pp 64, 68.</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 68.</p> <p>79% staff engagement as measured in our yearly staff survey. See p 75.</p> <p>We refreshed committees; new committees and advisory panels were established as required.</p>	<p>Ensuring integrity of governance and management of risks while providing continuity of our operations as budgets shrink.</p> <p>Conducting a comprehensive review of our record-keeping framework Functional Retention and Disposal Authority: FA 292.</p> <p>Maintaining a sense of community and inclusion throughout change as we adapt to a new internal structure.</p>	<p>Revise our strategic direction to incorporate updated key performance indicators and targets.</p> <p>Finalise our major review of organisational policies.</p> <p>Continue our transition to a digital record-keeping system.</p> <p>Develop further strategies to assess and understand where our productivity can be improved, thereby helping us to meet key performance indicators.</p> <p>Value and support our staff, while working with the budgetary challenge of the whole of government savings directive.</p>

## Strategic outcomes 2021–23 and targets 2022–24

Strategy	Measure	2021–22 result
<b>Program 1: Delivering continuing judicial education</b>		
Judicial officers informed about changes to the law, community values, court practice and procedure	Maintain/increase number of publications	45 publications
	Maintain/increase number of specialised education events offered	37 education events
	Education events assisted judicial officers to reach the national standard of 5 judicial education days each year, see Note 1	4.1 days offered 3.7 days undertaken
Judicial skills, attitudes and knowledge enhanced	Maintain/increase ratings that our services provide judicially relevant and stimulating education and information	77% of participants satisfied that events relevant and applicable 69% satisfied that events enhanced knowledge and capability
Judicial officers satisfied with their education	Maintain/improve satisfaction rates from last year	90% overall satisfaction
<b>Program 2: Providing legal information</b>		
Judicial officers have access to current law to assist in decision making	Maintain/increase use of Judicial Information Research System (JIRS)	1.35 million total page hits
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"> <li>• 223 <i>Recent Law</i> items posted on JIRS</li> <li>• 174 summaries of select appeal decisions published on JIRS</li> <li>• 2 updates to <i>Criminal Trial Courts Bench Book</i></li> </ul>
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 8 months of receipt
	Maintain information about sentences that other judicial officers have given in similar circumstances	Published 55 summaries of significant appeal decisions in the <i>Judicial Officers' Bulletin</i>
Information about sentencing communicated	Maintain/increase publication of sentencing trends, new sentencing snapshots and research papers	0 <i>Sentencing Trends &amp; Issues</i> papers 2 <i>Sentencing Snapshots</i>
	Provide information in response to requests for specific sentencing issues	38 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	8 enhancements
<b>Program 3: Examining complaints</b>		
Timely acknowledgment and completion of preliminary examination of complaints	Maintain/decrease time taken to conduct preliminary examination of complaints	Examine 73% within 6 months; 98% within 12 months
High standard of judicial performance	Compare number of complaints to number of court matters heard during the year, see Note 4	397 judicial officers in NSW heard around 355,000 court matters in 2021–22 43 complaints about 40 judicial officers made, 0 complaint referred by the Attorney General
	Compare number of complaints dismissed under section 20 of the <i>Judicial Officers Act 1986</i> with complaints that require further action	95% of complaints were summarily dismissed under section 20 of the <i>Judicial Officers Act 1986</i> 0 complaints referred to Conduct Division, 2 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 415 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	21 of 43 complaints received arose from allegations of failure to give fair hearing (49%) and 9 of 43 complaints from allegations of an apprehension of bias (21%)

**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.

2022-23 target	2022-23 result	Status	2023-24 target
<b>Program 1: Delivering continuing judicial education</b>			
34 publications	75 publications	↑	34 publications
34 education events	46 education events	↑	34 education events
n/a, see Note 1	3.7 days offered 2.4 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	80% of participants satisfied that events relevant and applicable and 70% 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	94% overall satisfaction	↑	85% overall satisfaction
<b>Program 2: Providing legal information</b>			
1.5 million total page hits	1.39 million total page hits	↓	1.5 million total page hits
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"> <li>199 <i>Recent Law</i> items posted on JIRS</li> <li>153 summaries of select appeal decisions published on JIRS</li> <li>4 updates to <i>Criminal Trial Courts Bench Book</i></li> </ul>	✓	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	4 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 within 4 months of receipt	✓	1-4 months
as required	Published 50 summaries of significant appeal decisions in the <i>Judicial Officers' Bulletin</i>	✓	as required
as required, see Note 3	1 <i>Sentencing Trends &amp; Issues</i> papers 1 <i>Sentencing Snapshots</i>	✓	as required, see Note 3
as required, see Note 3	24 research requests	✓	as required, see Note 3
as required	Done	✓	as required
5 enhancements	7 enhancements	↑	5 enhancements
<b>Program 3: Examining complaints</b>			
Examine 90% within 6 months; 100% within 12 months	Examine 81% within 6 months; 100% within 12 months	↓ ✓	Examine 90% within 6 months; 100% within 12 months
n/a, see Note 4	372 judicial officers in NSW heard around 300,000 court matters in 2022-23 96 complaints about 77 judicial officers made, 0 complaints referred by the Attorney General	✓	n/a, see Note 4
n/a, see Note 4	96% of complaints were summarily dismissed under section 20 of the <i>Judicial Officers Act 1986</i> 0 complaints referred to Conduct Division, 3 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 410 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	45 of 96 complaints received arose from allegations of failure to give fair hearing (47%) and 15 of 96 complaints from allegations of an apprehension of bias (16%)	✓	n/a, see Note 4

\* The 2023 Local Court Conference did not fall in the 2022-23 financial year so has not been counted in this figure.

**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

# Operations and Performance

**As an independent organisation, we build and replenish judicial capacity to ensure the NSW public has confidence in their judicial officers.**

Program 1: Delivering continuing judicial education ..... 27

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Engaging with our partners and the community ..... 52

03



## Program 1: Delivering continuing judicial education

**Judicial officers were informed about changes to the law, court practice and procedure, and community values through 46 education events held in 2022–23.**

### Performance results 2022–23

Table 2. Results for Program 1: delivering continuing judicial education

Results	Measures / Targets	Performance	Status
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 Target: 34 publications	75 publications, <sup>†</sup> including 24 bench book and handbook updates, 1 Sentencing Trends & Issues, 1 e-resource series, 1 new and 14 updates to <i>Sentencing Snapshots</i> , 11 bulletins, 11 <i>Recent Law</i> flyers, 1 journal issue, 11 videos: see p 37  Monthly Judicial Commission meetings and/or bench book committees and experts reviewed publications	↑
	Maintain or increase number of specialised education events offered Target: 34 education events	46 events offering the option to attend online or in-person: see pp 29, 30	↑
	Education sessions assisted judicial officers to reach the national standard* of 5 judicial education days each year	3.7 education days offered, 2.4 days undertaken: <sup>‡</sup> see p 32	✓
Judicial skills, attitudes and knowledge were enhanced	Maintain or increase ratings that our services provide judicially relevant and stimulating education and information Target: 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	80% satisfied that events were relevant and applicable and 70% satisfied enhanced knowledge and capability: see p 29	✓ ✓
	Provide relevant number of skills-based workshops and content	6 skills-based workshops: see p 30	✓
	Information in the <i>Equality before the Law Bench Book</i> is current and addresses access and diversity issues	<i>Equality before the Law Bench Book</i> was updated to include a new chapter on "Trauma-informed courts" examining the adverse physical and psychological health problems in adulthood that may arise due to unresolved early life trauma.	✓
Judicial officers were satisfied with our education program	Maintain or improve satisfaction rates Target: 85% overall satisfaction from participants who provide feedback	Evaluations of education sessions show satisfaction with our continuing education program was 94%: see p 29	↑
	Maintain or increase voluntary attendance rates <sup>‡</sup>	Attendance rates decreased to 2.4 average training days undertaken by each judicial officer: <sup>‡</sup> see p 32	↓
We responded to concerns about judicial performance raised in the complaints process	Design education events based on specific concerns raised in complaints	Programs addressed appropriate judicial behaviour: see Appendix 5 for list of topics	✓

\* 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.

† We changed our measure to count all publications individually.

‡ The 2023 Local Court Annual conference did not fall in the 2022–23 financial year.

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



### Highlights 2022–23

- We continued work addressing recommendations in the *Family Is Culture Review Report: Independent Review of Aboriginal Children and Young People in OOHC*, publishing information in numerous Bench Books.
- We published a new e-resource on “Trauma-informed courts” examining the adverse physical and psychological health problems in adulthood that may arise due to unresolved early life trauma and providing general guidance for judicial officers in running a trauma-informed court. This is available on our website.
- We introduced a recurring theme-based webinar series — The Civil Webinar Series. This series is designed to address key topics relating to the civil jurisdiction of the Local Court delivered via webinar in “bite-sized” pieces and offers a quick overview of common civil topics providing a refresher for those not regularly running civil cases or those newer to the jurisdiction.
- In partnership with the Supreme Court of NSW, we commenced work on a seminal history of the Supreme Court to mark 200 years of the Court’s operations in 2024.

### Challenges 2022–23

- Encouraging busy judicial officers to take up continuing education offerings.
- Availability of specialist speakers for conferences, seminars and webinars.

### Judicial education expenditure

- \$3.5 million as at 30 June 2023 (52.4% of overall expenditure).

### Looking ahead 2023–24

- Building on the work we have done throughout 2022–23 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 introduction of new coercive control laws in 2023–24.
- Reviewing our programs and publications as part of the development of our new organisational strategic plan.
- Working with courts and psychologists to promote and provide resources for the wellbeing of all judicial officers.
- Continuing to integrate our Research and Education functions to provide more whole-of-organisation resources.

## Listening to judicial officers

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

"This was a practical and informative workshop that addressed the tricky aspects of aggregate sentencing in a way that was comprehensible and comprehensive."

"Very informative and helpful to have practical scenarios to work through. Also, very helpful to have the paper and go through general sentencing principles."

"As a new magistrate I was wanting assistance with aggregate sentencing and this has been great."

Local Court Webinar: Aggregate Sentencing Workshop, July 2022

"Overall a great conference with an interesting, engaging and relevant content."

"A great conference. Wish it would be longer. Content was/is so relevant and useful."

"Very useful and practical conference."

Local Court of NSW Southern Regional Conference, March 2023

"Great topics. Useful information with good opportunities for interaction."

"Excellent and relevant topics. Sessions were interactive and relevant."

"This was the best NRC I have attended. So relevant and helpful."

Local Court of NSW Northern Regional Conference, March 2023

"Good spread of different and relevant topics."

"I think seeing other aspects of the court's work different from what I do is very worthwhile."

"Useful information and has inspired me in both IT implementation and also health."

District Court of NSW Annual Conference, April 2023

"Overall, this was wonderful and thought provoking and relevant."

"Thank you so much, it was incredibly educational, insightful and unexpected in the best way. Getting to know others was extremely beneficial too."

"A very useful 2 days — well connected to the theme."

Land and Environment Court of NSW Annual Conference, May 2023

## Satisfaction with our continuing judicial education

### **94% judicial satisfaction with the 46 events that comprised the education program in 2022–23.**

#### **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 members of the public the opportunity to raise concerns about the ability or behaviour of a NSW 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 46 for details about complaints made during the year.

On an overall measure of satisfaction, judicial officers who provided feedback on events were 94% satisfied with the continuing education program (last year: 90%), which comprised 46 discrete events. Programs offered in 2022–23 were delivered across multiple platforms, utilising delivery methods embedded since the COVID-19 pandemic. Eighty per cent of respondents agreed that the education sessions were applicable to their work and 70% agreed that they enhanced their knowledge and capability. There was 97% satisfaction rating for support received from Commission staff.

#### **Satisfaction remains high with annual conference program**

Judicial officers who provided feedback were 92% satisfied (last year: 90%) with their annual conference as shown in Figure 5. An annual conference is held for each of the State's courts. The education committee of each court, working with the Programs team 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 four 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 94% satisfied (last year: 88%) with the seminar program. Discrete sessions were held during the year via a combination of online and in-person programs that covered a range of educational topics for judicial officers. 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 (97%) with their workshops as shown in Figure 7. Six 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 2018–23

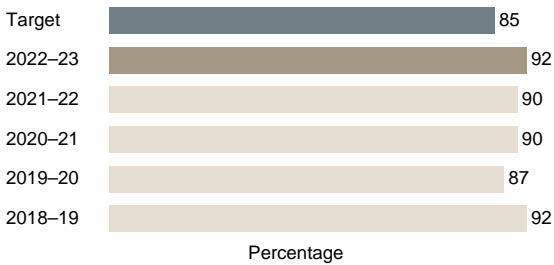


Figure 6. Satisfaction with seminars and gaol/forensic visits 2018–23

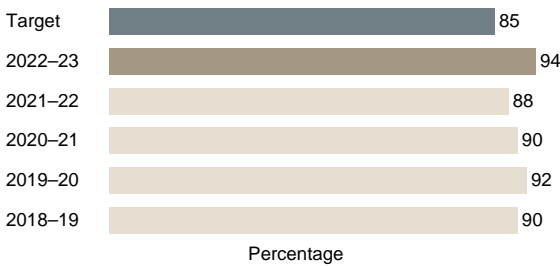


Figure 7. Satisfaction with magistrates workshops 2018–23

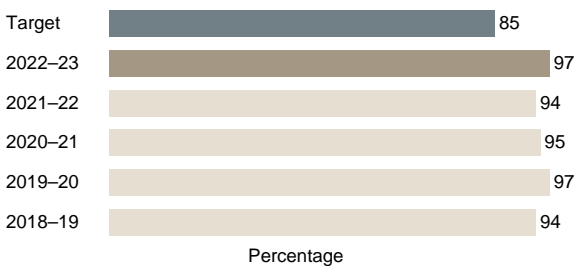
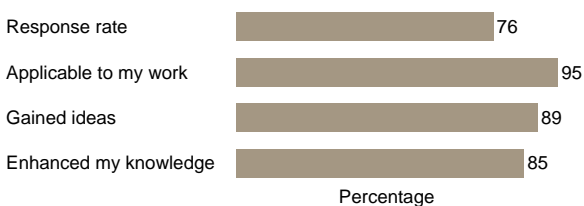


Figure 8 shows that the majority of magistrates who provided feedback were satisfied with the professional and practical benefits of these sessions with 95% finding the workshop was applicable to their work (last year: 93%) and 85% finding the session enhanced their knowledge and capability (last year: 78%).

Figure 8. Rating of professional and practical benefits of 2022–23 workshops



We do not set quantitative targets for these ratings.

### Online offerings

Throughout 2022–23 we continued to offer online programs and we have found there is an increased desire for hybrid programs. Historically, judicial officers in regional and metropolitan areas have benefited the most from programs delivered online. The value of this medium for delivering education was highlighted when the COVID-19 pandemic necessitated the cancellation of most in-person events. This reporting period saw an increased demand for more online programs particularly webinars. During the past year we offered 21 webinars, 13 of those for the Local Court (last year: 17, 5 of which were for the Local Court).

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 36 for information about JIRS). During the past year we published 11 videos and podcasts (last year: 9) on a range of topics relevant to the judicial task.

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 35 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 24 judicial orientation packages (last year: 23), access to JIRS and computer support (if required) for new judicial officers.

In partnership with the Local Court, we provided 3 pre-bench sessions for 9 new magistrates (last year: 6) 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.

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

We delivered one-on-one introductory sessions on JIRS for new judicial officers (see p 37) and also to Supreme Court and Land and Environment Court associates and tipstaves to assist them with providing research support to judges. JIRS logins are also issued to associates and tipstaves to assist them with supporting judges.

The National Judicial Orientation Program (NJOP), conducted with our national partner, 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. An orientation program was held in November 2022 and again in March 2023. The Judicial Commission supported the National Judicial College of Australia in presenting these programs.

**High satisfaction with Ngarra Yura Program**

Participation in our First Nations cultural competency program remains steady and satisfaction is high. Participants who provided feedback were 91% satisfied (last year: 89%) as shown in Figure 9. The Ngarra 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.

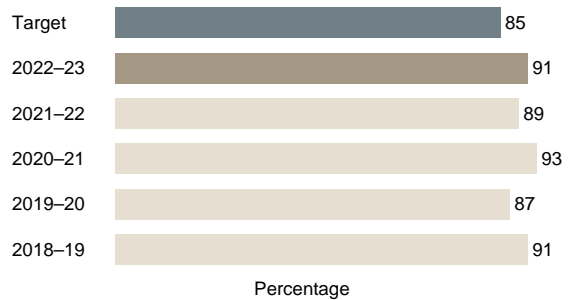
Our Aboriginal project officer, Ms Joanne Selfe, works with the Ngarra Yura committee to develop and implement a range of strategies, including tailored education activities. The Ngarra Yura Program adopts a multi-faceted approach, with partnerships, community visits, seminars and publications designed to promote intercultural 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/ngarra-yura-program/ngarra-yura-committee-terms-of-reference/](http://www.judcom.nsw.gov.au/education/ngarra-yura-program/ngarra-yura-committee-terms-of-reference/)).

Throughout 2022–23 we continued to offer a range of programs including webinars on significant topics.

During the year, we hosted a First Nations Speaker Series and a seminar series with guest speakers as part of our regular joint program with the NSW Bar Association and the Law Society of NSW. To support judicial officers gain some understanding of the upcoming referendum on the Aboriginal and Torres Strait Islander Voice to Parliament, we hosted a one day “Exchanging Ideas Symposium” in February 2023 as part of the same joint program, aimed at providing a platform for various conversations, informal discussion and sharing of perspectives about constitutional reform, treaty and truth telling. In May 2023, we hosted “Constitutional Reform: Next steps in ‘Muru Ngubadi’, the Path of Respect” a webinar to inform judicial officers how the consultation and design process for the upcoming referendum was evolving from a legal perspective.

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

Figure 9. Satisfaction with Ngarra Yura Program 2018–23



Case study  
**Children’s Court of NSW section 16 conference**

On 12 May 2023, the Children’s Court held the first of its bi-annual section 16 conferences. Both Children’s Registrars and Children’s Magistrates were invited to participate in a special edition of the Conference, where they travelled by bus to visit several service providers in Western Sydney. This included Cobham Youth Justice Centre, where Youth Justice Executive Director, Paul O’Reilly provided an overview of the work undertaken at the centre, followed by a tour of the Cobham site and its facilities. The Court also visited Narang Bir-rong Aboriginal Corporation’s head office in Penrith. There, the attendees watched the recent Mounty Yarns short film produced by Just Reinvest NSW and heard from Narang Bir-rong CEO Heidi Bradshaw on Aboriginal culture and history and the issues affecting Aboriginal children and their families in contact the State’s care and protection system. Finally, the attendees visited A Place to Go House. The A Place to Go project offers short-term accommodation for young people who are unable to return home, while longer-term planning is undertaken. The Children’s Magistrates and Children’s Registrars were afforded the opportunity to meet two young people who had received support from A Place to Go. They shared their experiences of being supported by the initiative and their progress since.



The Children’s Magistrates and Children’s Registrars at Narang Bir-rong

### 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 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.

During the year, we offered 3.7 days of education for each judicial officer compared with 4.1 days last year. The overall average attendance rate was lower with 2.4 judicial education days a year (last year: 3.7 days). The number of education days offered this year is fewer due to the timing of the Local Court Conference which did not fall in this financial year: the 2022 conference was held in June 2022 and the 2023 conference held in August.

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.

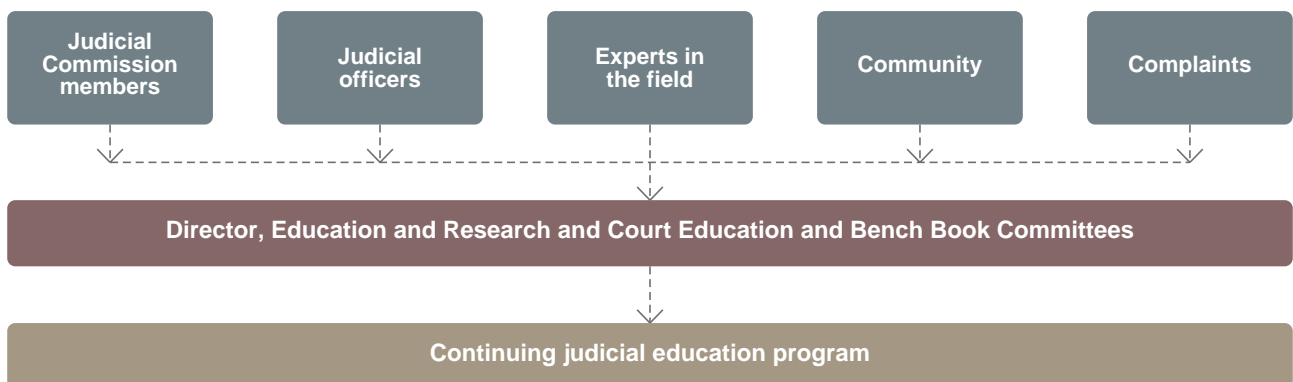
Services delivered during the year include:

- induction and orientation sessions for new judicial officers
- annual conferences for four 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 37 for details about our published legal information program
- technology training and support.

### Leveraging judicial expertise

The Director, Education & Research 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



## 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.**

### Performance results 2022–23

Table 3. Results for providing legal information

Results	Measures / Targets	Performance	Status
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) Target: 1.5 million page hits each month Maintain access to current law in JIRS	1,392,543 total page hits: see p 38  JIRS was 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	Updating demonstrated by: <ul style="list-style-type: none"> <li>• 199 <i>Recent Law</i> items posted on JIRS throughout the year</li> <li>• 153 summaries of select appeal decisions published on JIRS</li> <li>• <i>Recent Law</i> flyer sent monthly to judicial officers</li> <li>• 4 updates published to the <i>Criminal Trial Courts Bench Book</i></li> <li>• 4 updates published to the <i>Sentencing Bench Book</i></li> <li>• 4 updates published to the <i>Local Court Bench Book</i></li> <li>• 4 updates published to the <i>Civil Trials Bench Book</i></li> </ul> Revised commentary in bench books linked to new cases and legislation	✓  ✓
Accurate sentencing information was available to judicial officers	Maintain sentencing statistics on JIRS showing range and frequency of penalties imposed for particular offences Target: 1–4 months Maintain information that explains why a sentence was passed Maintain information about sentences that other judicial officers have given in similar circumstances	Sentencing data received, audited and loaded on JIRS within 1–4 months of receipt: see p 38 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 153 summaries of significant appeal decisions on JIRS and 50 in the <i>Judicial Officers' Bulletin</i> : see p 37	✓  ✓  ✓
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 &amp; Issues</i> , <i>Sentencing Snapshots</i> and research papers Provide information in response to requests for specific sentencing issues	We communicated information about specific criminal and sentencing law, for example, by: <ul style="list-style-type: none"> <li>• drafting and publishing significant amendments to various chapters of the <i>Criminal Trial Courts Bench Book</i> and <i>Sentencing Bench Book</i> to reflect significant reforms made by the <i>Mental Health and Cognitive Impairment Forensic Provisions Act 2020</i> and publishing relevant <i>Recent Law</i> case summaries interpreting or applying these reforms</li> <li>• significant revision of the <i>Coronial matters</i> chapter of the <i>Local Court Bench Book</i></li> </ul> 1 <i>Sentencing Trends &amp; Issues</i> and 1 <i>Sentencing Snapshots</i> published: see p 39 Responded to 24 research requests: see p 39	✓  ✓  ✓
Judicial officers were informed about sentencing options and rehabilitation facilities for offenders	Maintain current information about service providers in Court-based and other diversionary programs database on JIRS	Updated information regarding Court-related diversionary programs; General Resources was reviewed and renamed as Other Resources. The Magistrates' Resources page was extensively reviewed Updated and restructured Foetal Alcohol Spectrum Disorder legal resource available on JIRS	✓
JIRS was improved to meet judicial officers' needs	Maintain/increase number of improvements to JIRS Target: 5 enhancements	7 major enhancements were made to JIRS to respond to feedback: see p 39	↑

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



### Highlights 2022–23

- Published *Sentencing Trends & Issues 48: Sentencing for domestic violence in the Local Court* in July 2022.
- Launched *The Judicial Commission e-resource series — Trauma-informed courts: Guidance for trauma-informed judicial practices* in November 2022.
- We commenced work on preparing judicial officers for the commencement of the coercive control legislative reforms, expected to commence in 2024. This included drafting an article for the *Judicial Officers' Bulletin*; attending meetings of the Government Reference Group on Coercive Control; reporting to the Coercive Control Taskforce; preparing education materials for judicial conferences and drafting text for the *Criminal Trial Courts Bench Book*, *Sentencing Bench Book* and *Local Court Bench Book*.
- The Sentencing Bench Book Committee, comprising judges of the Supreme and District Courts, was formed to oversee and approve the updates to the *Sentencing Bench Book*, including the substantial review to streamline its content and structure.
- We implemented changes required by the restructure of the Commission, including recruiting and training new staff, managing the shift in certain responsibilities and roles, and reconfiguring office and desk use.

### Challenges 2022–23

- Managing the restructure of the Research unit, recruitment and training four new staff members, including two new law student interns and two senior lawyers.
- Maintaining the use of JIRS at levels consistent with that of previous years.
- Managing the significant work associated with the introduction of the new coercive control reforms, including research, drafting material and liaising with various agencies and judicial officers to prepare the judiciary for the reforms.

### Legal information expenditure

- \$2.6 million as at 30 June 2023 (38.9% of overall expenditure).

## Looking ahead 2023–24

- Continue the systematic review of the *Sentencing Bench Book* and *Criminal Trial Courts Bench Book* to improve currency and accessibility, given the increased complexity of criminal law.
- Relaunch *The Judicial Review* as the *Judicial Quarterly Review* to provide more current, topical articles for judicial officers.
- Publish the significant amendments made to the *Criminal Trial Courts Bench Book*, *Sentencing Bench Book*, and *Local Court Bench Book* and an article in the *Judicial Officers' Bulletin* about the coercive control reforms and assist in the implementation of a resources directory and large-scale education programs about these reforms.
- Continue to engage with judicial officers to ensure JIRS meets their needs and to liaise with the legal profession to keep them informed of developments in the presentation of the sentencing statistics and other information on JIRS. This includes by assessing and implementing the results of our survey of judicial officers about JIRS.
- Continue to collaborate across teams within the organisation to improve the presentation of legal information on JIRS, including sentencing statistics. This includes the creation of videos to assist JIRS users.

## 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 about our Judicial Information Research System (JIRS) and other resources during the year:

"[T]he recent *Domestic Violence Sentencing Trends and Issues* paper is very impressive and useful — I've referred to the sentencing law and principles section twice this week. I also found the statistics and discussion around selected offences extremely helpful (and reassuring). It is a highly professional and thought-provoking publication."

Magistrate's feedback, August 2022

"The resource re trauma-informed practice is an excellent one. I will circulate it to all my colleagues"

Victorian magistrate's feedback on e-resource *Trauma-informed courts: guidance for trauma-informed judicial practices*, February 2023

"Even as we speak I am in court in a CSA trial with a JIRS tab open. The case notes and commentary on JIRS are incredibly valuable."

Barrister's feedback on JIRS, April 2023

"[I] commend you on a well-written and thoroughly researched article on domestic violence sentencing in the *Local Court* in the April 2023 *Judicial Officers' Bulletin*. It is these types of papers which assist magistrates and practitioners alike in comprehending the significance of domestic violence matters in our Court and, with respect, the correct application of principle. I very much enjoyed reading it."

Magistrate's feedback, April 2023

"The Handbook is excellent. A fabulous resource."

Queensland magistrate's feedback on the *Handbook for Judicial Officers*, May 2023

"[We] absolutely love the *Sentencing Bench Book* and *Criminal Trial Courts Bench Book* and use them every day."

Criminal lawyers' feedback, June 2023

"... Bench Books (what wonderful things they are) ..."

Senior Lecturer, Macquarie University, feedback, June 2023



“I’ve not used or seen a better resource that has helped me understand the myriad of issues in our community. When I assist people who live these experiences, I feel better equipped to empathise and engage meaningfully with that person.”

Lawyer’s feedback on *Equality before the Law Bench Book*, June 2023

“I would like to thank both of you, and all of the Commission, for the assistance which you have provided to me (and all Judges) over the years that I have served as a Judge of the Court. There is no doubt that JIRS (and the range of other electronic facilities available for Judges in this State) constitute the benchmark in Australia. I would not have been able to perform my duties as a Judge effectively without access to these invaluable resources.”

Retiring Supreme Court judge, June 2023

### Key challenges and how we addressed them

An ongoing challenge concerned implementing our program to substantially review and rewrite content in the *Sentencing Bench Book*. To address this challenge, we formed a Judicial Commission committee, comprising judges of the Supreme and District Courts, to oversee, guide and approve updates to the *Sentencing Bench Book*: see case study on p 42. Two updates to the *Sentencing Bench Book* were published under the new Committee in February and April 2023 (in addition to other significant updates in the second half of 2022).

Next year, a major criminal law reform will commence when coercive control becomes an offence. The new laws are complex and unique and require a careful and considered approach to informing judicial officers and amending our various bench books. This multi-faceted task requires significant resourcing. The update to the *Criminal Trial Courts Bench Book* to incorporate these legislative reforms is planned for the next reporting period, just before the new laws take effect. A temporary senior research officer position was created to assist with the implementation of the new coercive control reforms.

The commencement of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* required substantial updates to the *Criminal Trial Courts Bench Book*, *Sentencing Bench Book* and *Local Court Bench Book*. All these updates were completed and published before the end of the 2022–23 financial year.

### 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.

### 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 criminal 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 sentencing proceedings. Bench books are constantly updated compendiums of relevant legislation, case law, legal or sentencing principles, and may also include precedents which apply when conducting criminal and civil trials, 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 lawyers 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 2022–23

We published 75 publications (last year: 45) as well as standalone *Recent Law* items and case summaries on JIRS. This included:

- 24 updates to the bench books and handbooks (last year: 21)
- 1 *Sentencing Trends & Issues 48: Sentencing for domestic violence in the Local Court*
- *Trauma-informed courts: guidance for trauma-informed judicial practices* (e-resource series)
- 199 *Recent Law* items on JIRS to explain important cases and legislation
- 153 summaries of significant sentence appeal decisions on JIRS, 50 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
- 11 *Recent Law* flyers
- 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 new *Sentencing Snapshots: common offences in the Children's Court* and 14 updates to the statistical data.

We launched *The Judicial Commission e-resource series* in November 2022.

We also published 11 videos on JIRS including:

- First Nations' issues
- discharging a juror/jury in the District Court
- on categorising, admitting and using identification evidence in the Children's Court
- on self-represented litigants in the District Court, and
- our new civil webinar series.

More details of these publications are found in Appendix 8.

### Delivering information through JIRS

Figure 12 on p 39 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.

### Providing training on JIRS for judicial officers

On request for new judicial officers, we provide JIRS training. During the year, our managing lawyers presented:

- JIRS training for Supreme Court and Land and Environment Court associates and tipstaves (4 sessions)
- personalised presentations to new judges of the Supreme Court and District Court regarding the use of JIRS (7 sessions), and
- personalised presentations to new magistrates of the Local Court regarding the use of JIRS (11 sessions).

### 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 BOCSAR. During the year, we also surveyed judicial officers with a view to improving the design and content of JIRS.

### Use of JIRS has increased

Use of the JIRS database is gradually returning to pre-COVID-19 usage levels. Over the year the number of page hits was up by 3.1% (last year: 8.7% 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 43.4% of the use of JIRS in 2022–23. Magistrates on their own accounted for 27.1% of the use of JIRS in 2022–23. Usage increased for District Court judges and their associates by 11.1% during 2022–23.

There was a 1.9% increase 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). Lawyers at government agencies continue to request their own accounts — an indication of the importance of JIRS to government lawyers as they prepare submissions for court. The 1.6% decrease in the use of JIRS by professional associations is balanced by the 2.0% increase in “other subscribers” which includes barristers and law firms who might otherwise access JIRS via their professional associations.

Table 4 shows the overall trends, how the use of JIRS is distributed and the change in use over a 5-year period. In addition to reporting on JIRS usage, we have included usage of some of our key legal information components on JIRS in Table 5. This table shows that the key components continue to prove popular, with an increase in the use of statistics and case summaries. See also Figure 11

All published judgments from NSW courts and the High Court are automatically loaded onto JIRS on receipt. We met our target (of within 1–4 months) to load sentencing statistics on JIRS for all courts. 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. Number of JIRS pages accessed 2018–23

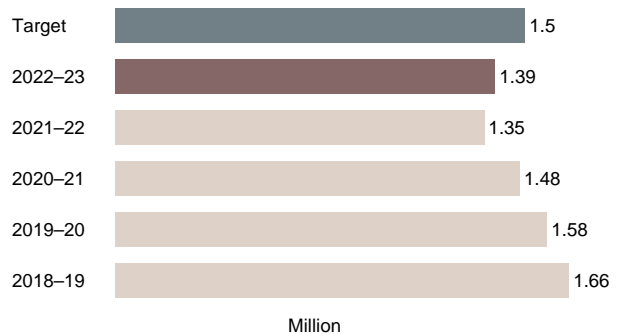


Table 4. Overall JIRS use 2018–23 (hits per year)

Users	2018–19 hits	JIRS %	2019–20 hits	JIRS %	2020–21 hits	JIRS %	2021–22 hits	JIRS %	2022–23 hits	JIRS %	Change %
Supreme Court	24,181	1.5	25,002	1.6	23,816	1.6	20,619	1.5	18,850	1.4	-8.6 ↓
District Court	175,292	10.5	184,477	11.7	164,156	11.1	187,045	13.8	207,859	14.9	+11.1 ↑
Local Court	402,682	24.2	362,074	22.9	425,291	28.7	370,859	27.4	377,684	27.1	+1.8 ↑
Land and Environment Court	232	0.0	1,100	0.1	331	0.0	555	0.0	1,318	0.1	+137.5 ↑
Government agencies*	701,745	42.2	630,785	39.9	524,632	35.4	442,626	32.8	451,155	32.4	+1.9 ↑
Professional associations†	33,753	2.0	27,243	1.7	18,285	1.2	14,068	1.0	13,838	1.0	-1.6 ↓
Other subscribers‡	324,376	19.5	351,097	22.2	323,886	21.9	315,537	23.4	321,839	23.1	+2.0 ↑
<b>Total</b>	<b>1,662,376</b>	<b>100.0</b>	<b>1,581,806</b>	<b>100.0</b>	<b>1,480,397</b>	<b>100.0</b>	<b>1,351,309</b>	<b>100.0</b>	<b>1,392,543</b>	<b>100.0</b>	<b>+3.1 ↑</b>

\* 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 5. Key legal information component usage on JIRS 2018–23 (hits per year)

JIRS component	2018–19	2019–20	2020–21	2021–22	2022–23	Change %
Sentencing statistics	195,666	196,262	177,464	157,528	165,814	+5.3 ↑
Recent law articles	69,729	73,354	65,817	59,971	58,114	-3.1 ↓
Summaries of judgments	17,908	13,976	6,019	4,599	5,283	+11.3 ↑



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

Description	What we do	JIRS Component
Early notice of important legal developments.	<ul style="list-style-type: none"> <li>identify significant decisions and legislative changes</li> <li>extract core principles of case law and legislation and post online</li> <li>prepare and distribute monthly <i>Recent Law</i> flyer.</li> </ul>	Announcements and <i>Recent Law</i>
Statistics on the range and frequency of penalties imposed in similar cases.	<ul style="list-style-type: none"> <li>receive sentencing data from NSW Bureau of Crime Statistics and Research (BOCSAR)</li> <li>audit data</li> <li>process and load data on JIRS within 1–4 months of receipt.</li> </ul>	Sentencing statistics
Full text of judgments and case summaries for selected cases.	<ul style="list-style-type: none"> <li>receive cases from the High Court, NSW Court of Criminal Appeal, 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</li> <li>post judgments within 1 day of receipt</li> <li>prepare and publish <i>Recent Law</i> items as quickly as our resources permit for important decisions</li> <li>prepare important NSWCCA case summaries for sentence appeals as quickly as our resources permit</li> <li>link cases and summaries to sentencing principles and practice component and the Criminal Trial Courts and Civil Trials Bench Books</li> </ul>	Case law
Concise commentary on sentencing principles.	<ul style="list-style-type: none"> <li>summarise sentencing principles from new cases and legislation and post as <i>Recent Law</i> items</li> <li>link principles in bench book to case law and legislation</li> </ul>	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"> <li>identify significant decisions and legislative changes which impact on the content of the particular bench book</li> <li>bench book committees consider content and draft amendments</li> <li>publish updates on JIRS</li> </ul>	Bench books
All NSW and Commonwealth Acts, Regulations and Rules.	<ul style="list-style-type: none"> <li>receive legislation from NSW Parliamentary Counsel's Office and Commonwealth Attorney-General's Department</li> <li>process and load legislative changes within 24 hours of receipt</li> <li>alert users to commencement date of criminal legislation via <i>Recent Law</i> items</li> <li>link legislation to relevant case law and sentencing statistics</li> <li>verify currency of legislation weekly</li> </ul>	Legislation
<i>Sentencing Trends &amp; Issues</i> , <i>Judicial Officers' Bulletin</i> , <i>The Judicial Review</i> .	<ul style="list-style-type: none"> <li>identify relevant topic or research area</li> <li>commission author</li> <li>edit and typeset manuscript</li> <li>publish online.</li> </ul>	Publications
Essential information on treatment options and rehabilitation facilities.	<ul style="list-style-type: none"> <li>identify relevant service providers</li> <li>maintain currency of information</li> </ul>	Diversions 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 24 research requests (last year: 38) and gave multiple 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 during the year

Enhancements to JIRS were made during the year in response to feedback from our users. The majority of enhancements were to the underlying technology to allow for improvements to our search facility on JIRS which has been made available to staff for testing and feedback before release. Improvements include:

- the Bail page on JIRS was substantially revised and restructured. Decisions dealing with s 22B of the *Bail Act* 2013, which makes provision for bail applications made following conviction and before sentence for offences where full-time imprisonment will be imposed, were added to the page. Text in the Bail chapter of the *Local Court*

*Bench Book* was also revised to include further commentary regarding the operation of s 22B of the *Bail Act*.

- adding links from legislation to extrinsic materials on the Parliament of NSW website
- including a new legal resource page on Foetal Alcohol Spectrum Disorder (FASD)
- including a new resource on the Child Sexual Offence Evidence Program (CSOEP)
- including printable loose-leaf updates for download
- including the Land and Environment Court of NSW sentencing statistics, where additional information regarding the cases making up the statistics was provided
- one new computer-generated publication, *Sentencing Snapshots: common offences in the Children's Court*, illustrating sentencing patterns, was produced from our sentencing statistics. Further publications including, *Sentencing Snapshots: domestic violence offences in the Local Court*, *Sentencing Snapshots: common offences in the Local Court* were revised and updated.

this year as part of that review. The Magistrates' Resources and General Resources pages on JIRS will be reviewed and updated.

- Further review of the Bail page is required as a result of changes to the *Bail Act* 2013 and associated decisions of the Court of Criminal Appeal and Supreme Court.
- The search facility on JIRS will continue to be enhanced, making it easier for users to access targeted information more quickly.
- We continue to consider more efficient means of presenting the content of our bench books to improve accessibility to legal information in an online environment.

#### 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.

#### Looking ahead

- We will review how particular content on JIRS is presented in consultation with key stakeholders. A new Drug Court of NSW page will be published

Table 6. Use of our publications on JIRS 2018–23 (hits per year)

Publication	2018–19	2019–20	2020–21	2021–22	2022–23	Change %
Criminal Trial Courts Bench Book	48,752	42,160	46,086	37,435	42,932	+14.7 ↑
Local Court Bench Book	45,810	47,053	46,916	39,022	35,847	-8.1 ↓
Sentencing Bench Book	45,514	42,145	33,558	28,371	29,140	+2.7 ↑
Civil Trials Bench Book	3,279	3,263	3,607	2,832	3,022	+6.7 ↑
Judicial Officers' Bulletin	2,511	2,087	2,462	2,735	2,502	-8.5 ↓
Sexual Assault Trials Handbook	3,525	2,689	3,121	2,598	2,294	-11.7 ↓
Children's Court of NSW Resource Handbook	1,491	1,351	1,411	1,527	1,862	+21.9 ↑
Equality before the Law Bench Book	529	527	447	425	517	+21.6 ↑
Handbook for Judicial Officers*				1,081	477	-55.9 ↓
The Judicial Review†	182	206	261	152	192	+26.3 ↑
<b>Total</b>	<b>154,724</b>	<b>141,481</b>	<b>137,869</b>	<b>116,247</b>	<b>118,785</b>	<b>+2.2 ↑</b>

\* First published October 2021.

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

Table 7. PDF downloads of publications from JIRS, public website and JIRS Resources app 2018–23 (hits per year)\*

Publication	2018–19	2019–20 <sup>†</sup>	2020–21	2021–22	2022–23	Change %
Research monographs <sup>‡</sup>	14,657	27,814	26,969	21,683	18,269	-15.7 ↓ <sup>§</sup>
Criminal Trial Courts Bench Book	8,228	8,420	6,123	6,012	6,946	+15.5 ↑
Sentencing Trends & Issues <sup>‡</sup>	5,115	5,271	5,862	4,488	5,013	+11.7 ↑
Sentencing Bench Book	5,789	4,668	3,474	3,407	4,257	+24.9 ↑
Sexual Assault Trials Handbook	8,351	7,362	6,053	4,772	4,055	-15.0 ↓
Civil Trials Bench Book	10,893	10,630	6,234	4,417	4,053	-8.2 ↓
Local Court Bench Book	2,827	3,610	2,901	3,070	2,963	-3.5 ↓
Handbook for Judicial Officers <sup>#</sup>				1,411	2,869	+103.3 ↑
Equality before the Law Bench Book	2,504	3,105	1,861	2,762	1,964	-28.9 ↓
Children's Court of NSW Resource Handbook	374	2,702	1,892	1,615	1,287	-20.3 ↓
<b>Total</b>	<b>58,738</b>	<b>73,582</b>	<b>61,369</b>	<b>52,220</b>	<b>51,676</b>	<b>1.0 ↓</b>

\* **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](http://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.

§ The Commission is currently producing a different style of publication in response to user preferences.

# First published October 2021.

### Use of our publications on JIRS continues at a high level

The total number of pages of our publications viewed on JIRS has increased 2.2% from 2021–22, with use of half our publications increasing as shown in Table 6 on p 40.

### 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<sup>™</sup> and Google Android<sup>™</sup> devices. Table 7 shows PDF downloads have slightly decreased by 1% for our publications. *Sentencing Trends & Issues* increased on account of the release of *Sentencing for domestic violence in the Local Court* in July 2022.

The impact of our online publications is measured by:

- JIRS use (judicial officers and the legal profession) (see Table 6 on p 40)
- Informit viewings (academic use)
- website use (public viewing) (see Table 7 above and Table 8 on p 42).

### Informit viewings of our publications decreased

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 a decrease of 23.6% in total viewings from the previous year (last year: 89.7% increase). The most popular articles accessed concerned juvenile justice issues, First Nations issues, and judicial activism.

### Public website usage of our publications increased

The total number of pages viewed increased from 116,316 per month in 2021–22 to 140,397 per month in 2022–23, an increase of 20.7% in the use of our publicly available online resources: see Table 8 on p 42. We attribute the increase in publications use over the past year on our website to the general resumption of activities post COVID-19.

The most accessed resources were the *Sentencing Bench Book*, *Civil Trials Bench Book* and the *Criminal Trial Courts Bench Book*. The *Sentencing Bench Book* provides information and legal principles relevant to sentencing law in NSW and for Commonwealth offences that NSW courts decide. The *Civil Trials Bench Book* provides information about all aspects of running civil proceedings and rules about evidence admitted in civil trials. 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 8. Public website usage of our publications 2018–23 (hits per month)\*

Publication	2018–19	2019–20	2020–21	2021–22	2022–23	Change %
Sentencing Bench Book	36,054	34,062	30,488	29,323	41,547	+41.7 ↑
Civil Trials Bench Book	56,456	47,776	40,275	38,548	39,194	+1.7 ↑
Criminal Trial Courts Bench Book	36,557	34,362	27,555	27,333	32,431	+18.6 ↑
Local Court Bench Book	22,305	20,097	17,859	14,403	14,967	+3.9 ↑
Handbook for Judicial Officers†				1,633	5,872	+259.7 ↑
Equality before the Law Bench Book	1,696	3,226	2,641	2,408	3,126	+29.8 ↑
Sexual Assault Trials Handbook	3,088	2,581	2,505	1,510	1,714	+13.5 ↑
Sentencing Trends & Issues	1,504	1,894	1,258	1,159	1,545	+33.4 ↑
<b>Total</b>	<b>157,660</b>	<b>143,998</b>	<b>122,581</b>	<b>116,316</b>	<b>140,397</b>	<b>+20.7 ↑</b>

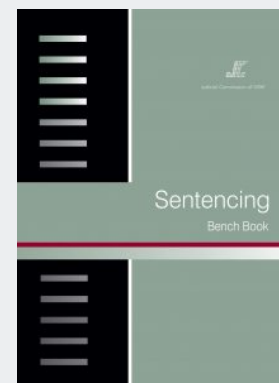
\* **Important note:** in late December 2018 the Commission's website was relocated to a remote host on the Internet. This move resulted in our usage data for six months of 2018–19 and the first month of 2019–20 being incomplete. The usage of JIRS and the JIRS app were not affected by this change, only the usage of the Commission's website ([www.judcom.nsw.gov.au](http://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.

† First published October 2021.

## Case study

### The Sentencing Bench Book and the creation of the Sentencing Bench Book Committee

A major focus this year has been continuing the substantial update to the *Sentencing Bench Book*. To assist with this process, the Commission approved the creation of a Sentencing Bench Book Committee to oversee, guide and approve the more significant revisions to the Book. The Committee is Justice N Adams, (Committee Chair), Justices Yehia and Sweeney, District Court Judges Townsden and Beckett, and Mark Zaki, Managing Lawyer, Judicial Commission (Committee Convenor). The Committee met, together with Judicial Commission staff, to discuss updating the Book in February and April 2023. Chief Executive Officer of the Judicial Commission, Una Doyle, opened the inaugural meeting, introducing and welcoming the Committee members, outlining the vision for the future of the *Sentencing Bench Book*. Two updates were published under the newly formed Committee — in February and May 2023.



The creation of the Sentencing Bench Book Committee brings the update and revision practices of the Book into line with those relating to the *Criminal Trial Courts Bench Book*, the *Civil Trials Bench Book* and *Local Court Bench Book*. The Committee not only provides guidance on updates to the Book, but also acts as a check or safeguard against the Book's obsolescence, and the input from experienced judges from the Supreme and District Courts ensures published material in the Book is of a very high standard. The creation of the Committee and its work to date is an achievement.

## Program 3: Examining complaints

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

### Performance results 2022–23

Table 9. Results for examining complaints

Results	Measures / Targets	Performance	Status
Finalised majority of complaints received during the year	Maintain the percentage of complaints examined and finalised during the year	The Commission examined 74 complaints from a total of 109 complaints (received and pending from last year): see p 46	✓
Timely completion of preliminary examination of complaints	Maintain or decrease the time taken to conduct preliminary examination of complaints  Target: Examine 90% within 6 months; 100% within 12 months, unless exceptional circumstances exist	The Commission examined 81% within 6 months and 100% within 12 months: see p 46	↓ ✓
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	372 judicial officers in NSW heard around 300,000 court matters in 2022–23. 96 complaints about 77 judicial officers were made to the Commission: see p 46  96% of complaints (71 of 74 examined) were summarily dismissed under section 20 of the <i>Judicial Officers Act</i> : see p 46  Three complaints required further action: 3 referred to head of jurisdiction (last year: 2) and 0 to Conduct Division (last year: 0): see p 46  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, noting that the documents available to members of the public on the Commission's website were revised and updated in September 2022  We responded to 410 requests for information: see p 48	✓
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	47% of complaints arose from allegations of failure to give a fair hearing  16% of complaints arose from allegations of an apprehension of bias  Education sessions held and resources produced during the year addressed these issues: see p 47 and Appendices 5 and 6	✓
Independence of judicial officers was maintained	Maintain confidentiality of complaints process	The Commission examined all complaints according to statutory criteria and established protocols, including its revised Guidelines: see pp 48–50	✓

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



### Challenges 2022–23

- Managing an increased volume of complaints that are unfounded or contain vexatious or frivolous allegations; and an increase in the number of enquiries received from members of the public. This is a trend that other complaints-handling bodies in NSW and across Australia are similarly experiencing.
- In November 2022, the Commission implemented a “Zero Tolerance” Policy in response to a rise in abusive callers engaging in inappropriate language towards staff members. The Policy ensures that the Commission maintains an effective and accessible complaints-handling process, but also prioritises the safety of employees in the workplace.
- Explaining to a complainant in plain English why the Commission dismissed their complaint according to our statutory criteria.

### Complaints expenditure

- \$0.6 million as at 30 June 2023 (8.7% of overall expenditure).

### Looking ahead 2023–24

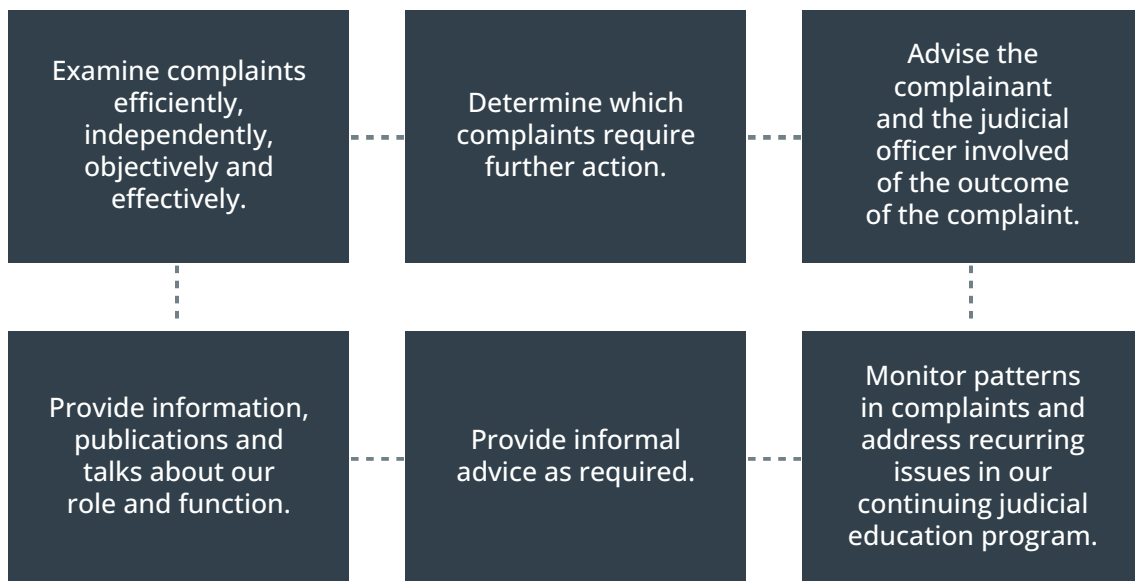
- Continue to examine all complaints efficiently, effectively, independently and objectively.
- The Commission will continue to investigate and develop solutions to deal with an increasing level of complaints and enquiries. This includes the creation of additional website resources for complainants in a variety of different languages, and the roll-out of an online complaints portal in future.
- We will aim to finalise the majority of complaints that do not require further examination within 6 months and the preliminary examination of all complaints within 12 months, unless exceptional circumstances exist.
- We will endeavour to ensure that the complaints process better informs the content of our education sessions.
- Continually work to improve our technical capacity to identify, monitor and report on trends in complaints, maintain the skills and knowledge of staff and ensure complaint systems and processes are of the highest standard.

### 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 objective of the Commission's complaints function is to ensure that complaints about the ability or behaviour of current judicial officers are investigated in a timely and efficient manner in order to enhance public confidence in the judiciary of NSW and promote good practices and high standards of judicial performance. The function also protects the judiciary from unwarranted intrusions into their judicial independence.

### How we fulfil our statutory function



There are 372 judicial officers in NSW who heard around 300,000 court matters during 2022–23. The number of complaints we receive each year is low compared to the high volume of matters handled: see Table 11 on p 46. 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 2022* and two documents, *Complaints against judicial officers: guidelines* and *Conduct Division: guidelines for examination of complaints* (see Appendices 1 and 2).

## Complaints received and examined during the year

During 2022–23, 85 people made 96 complaints about 77 judicial officers (last year: 43 complaints about 40 judicial officers). Three complainants each made two complaints and four complainants each made three complaints. The rest of the complaints were lodged individually. We examined 74 complaints including 13 complaints pending as at 30 June 2022. Thirty-four complaints were pending as at 30 June 2023. Table 11 shows how we have dealt with all complaints received and examined over the last 5 years.

## Complaints examined and summarily dismissed

A consistent trend over the last 5 years is that, following a preliminary examination, most complaints were summarily dismissed under section 20 of the *Judicial Officers Act* 1986. This year, 96% of complaints (71 of 74) examined were summarily dismissed. This is consistent with the average 5-year dismissal rate of 96.7%. 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 12 on p 49 shows how the 71 complaints summarily dismissed were dealt with under section 20 this year.

## Timely examination of complaints

The time taken to examine a complaint will vary, depending on the complexity of the matters involved and the volume of material to be considered. Eighty-one per cent of the 74 matters were finalised within 6 months and 100% of complaints were finalised within 12 months of their receipt. Table 10 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 flow-on effects following the impacts of the COVID-19 pandemic in early 2022.

Table 10. Time taken to conduct preliminary examination of complaints 2018–23

	3 mths	6 mths (target 90%)	9 mths	12 mths (target 100%)
	%	%	%	%
2018–19	54	94	99	99
2019–20	29	71	96	100
2020–21	43	78	86	94
2021–22	34	73	90	98
<b>2022–23</b>	<b>45</b>	<b>81</b>	<b>100</b>	<b>100</b>

## Three complaints referred to the relevant head of jurisdiction

Three complaints were referred to the relevant head of jurisdiction under section 21(2) of the *Judicial Officers Act* (last year: 2). 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 48–50.

## No complaints 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* and this is treated as a complaint. The Commission received no references from the Attorney General this year (last year: 0).

Table 11. Particulars of complaints examined 2018–23

	2018–19	2019–20	2020–21	2021–22	2022–23
Complaints pending as at 30 June	26	19*	27	11	13
Complaints made during the year	63	57	57	43	96
<b>Total number of complaints</b>	<b>89</b>	<b>76</b>	<b>84</b>	<b>54</b>	<b>109</b>
Complaints examined and dismissed	66	45	72	39	71
Complaints referred to head of jurisdiction	1	3	0	2	3
Complaints referred to Conduct Division	1	0	0	0	0
Complaints withdrawn	1	1	1	0	1
<b>Total number of matters finalised</b>	<b>69</b>	<b>49</b>	<b>73</b>	<b>41</b>	<b>75</b>
Complaints pending as at 30 June	20†	27	11	13	34

\* 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.



## Identifying complaint patterns 2022–23

### Monitoring trends in complaints

Figure 13 below shows the type and percentage of complaints received during the year (total: 96). 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; dealing with difficult litigants; avoiding inappropriate comments and discourtesy; domestic violence and sexual assault issues; and cultural awareness training.

In 2022–23, 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 complaint 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. Twenty-nine (41%) of the 71 dismissed complaints were done so 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-two (45%) of the 71 dismissed complaints were done so 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: 38%).

#### Frivolous, vexatious or not in good faith

The Commission has seen an increase in the number of complaints being made which contain unfounded allegations and are often based on an incorrect understanding of the law, court processes and procedures. Some of these complainants identified as “sovereign citizens”. Nine complaints were dismissed by the Commission following preliminary examination on the basis that the complaint was frivolous, vexatious or not in good faith (last year: 0).

#### Incompetence

Six complaints alleged judicial incompetence this year (last year: 4).

#### Inappropriate comments and discourtesy

Eight complaints alleged that a judicial officer made inappropriate comments (last year: 0). Six complaints alleged discourtesy (last year: 5).

#### 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. In 2022–23, there was a slight increase in the number of complaints arising from AVO proceedings, namely, 15 (15.6%) complaints received arose from AVO proceedings (last year: 11.6%).

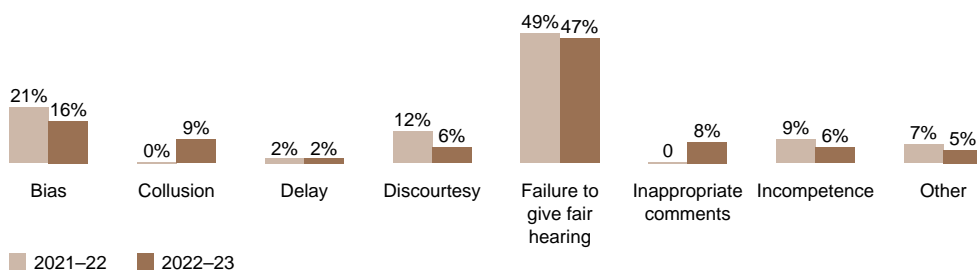
#### Self-represented litigants making complaints

A continued pattern we have noted is the high proportion of complaints that self-represented litigants make. This year, the trend remained consistent with the previous year, with 67 self-represented litigants (out of 96 complaints) making 70% of all complaints (last year: 70%).

#### 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 2022–23, these 2 categories accounted for 60 (63%) of the 96 received complaints (last year: 70%). 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 2021–23





### How we deal with complaints and enquiries

The Commission established a Principal Lawyer — Advisory position in August 2022. This position is a full-time role and assists the Chief Executive with managing the complaints function. The position is the first point of contact for potential complainants and plays a key role in the gathering and preparation of complaint materials for consideration by the Commission in its consideration of complaints. The role also undertakes other regulatory and legal advisory work that the Commission requires. The creation of the role has resulted in consistency across the complaints function and has demonstrably improved the Commission's complaints processing timeframes since its establishment.

### Responses to informal enquiries

During the year, we responded to 410 telephone, face-to-face and written enquiries from potential complainants, members of the legal profession and the media (last year: 415).

We are able to help people by providing information to assist with the self-resolution of their concerns, referring them to another agency, or advising them of the general 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

In September 2022, the Commission revised its complaint form, complaint guidelines and the information available on its website to provide a more streamlined and consistent approach to the information being provided to complainants.

In the wake of the COVID-19 pandemic, the Commission revised its complaint-handling processes and now accepts complaints lodged by email, in addition to complaints lodged by mail or via the Commission's mailbox, which is located directly outside of the Commission's premises. This has made the complaint submission process more accessible and simpler for complainants, and has further streamlined the Commission's complaint-handling processes.

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 in a form approved by the Commission
- 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](http://www.judcom.nsw.gov.au).

### Examining the complaint

Figure 14 on p 50 visually depicts how the complaints process works. If the complaint relates to a court matter, we may 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 of the correspondence 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 35-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's Office and Senior and Junior Counsel are usually 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

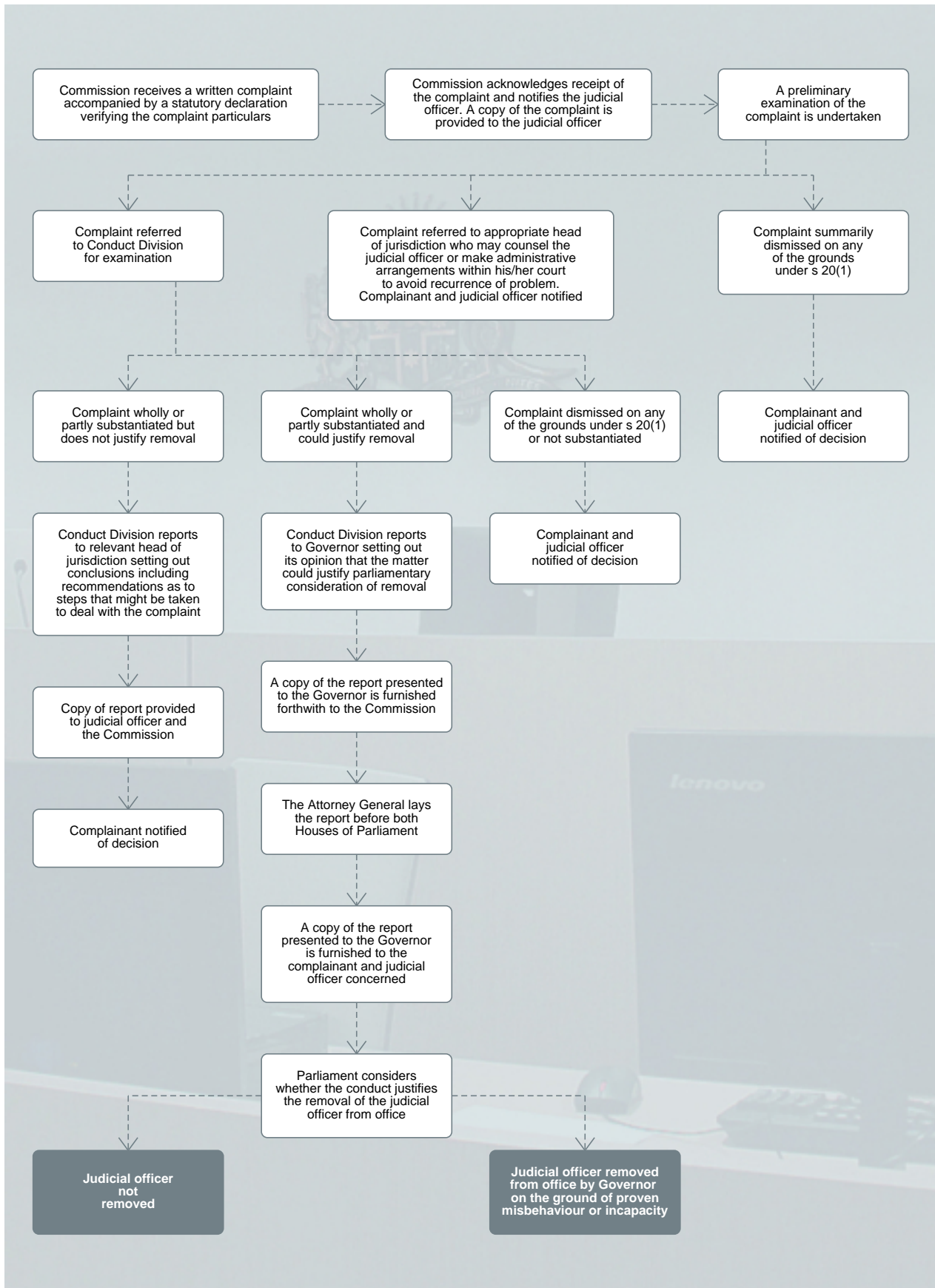
The complaints function is concerned only with examining complaints about a judicial officer's ability or behaviour. We do not have the power to:

- 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.

Table 12. 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)	2
The complaint is frivolous, vexatious or not in good faith, 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)(b), (f) & (h)	3
The complaint is frivolous, vexatious or not in good faith, and having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.	20(1)(b) & (h)	6
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 the complaint relates to the exercise of a judicial or other function that is or was subject to adequate appeal or review rights.	20(1)(e) & (f)	2
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 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)(e), (f) & (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.	20(1)(f)	1
The complaint relates to the exercise of a judicial or other function that is or was subject to adequate appeal or review rights, and having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.	20(1)(f) & (h)	22
The person complained about is no longer a judicial officer.	20(1)(g)	2
Having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.	20(1)(h)	32
<b>Total number of complaints dismissed under section 20</b>		<b>71</b>

Figure 14. How the complaints process works



In 2022–2023, the Commission revised its complaint processes enabling complainants to submit their complaints by email, in addition to mail and in person via a complaints box, located directly outside the Commission’s premises. Information about the complaints process has continued to be updated on the Commission’s website and our phone system has an Interactive Voice Response to enable the efficient record-keeping of enquiries, and the timely return of calls to potential complainants.

## Case studies

### Examining complaints

#### Complaint relates to the failure to give a fair hearing

##### The complaint

The complainant alleged that the judicial officer did not provide her with a fair hearing by denying her access to the courtroom and determined the matter without being afforded the opportunity to present her case. The complainant also alleged that this resulted in a denial of procedural fairness.

##### The Commission's examination

As part of the preliminary examination of the complaint, the Commission obtained a sound recording of the hearing before the judicial officer. Having considered the complaint and the sound recording, the Commission noted that the complainant was afforded multiple opportunities to identify herself to the court in order to present her case. The complainant, who identified as a "sovereign citizen", repeatedly refused to comply with her Honour's instructions to identify herself. As the complainant refused to identify herself, the judicial officer proceeded to determine the matter in accordance with the relevant legislation. The Commission found that there was no merit to the complainant's allegations and it was satisfied that the judicial officer had dealt with the complainant in a courteous and appropriate manner. There was no denial of procedural fairness. In the circumstances, the Commission summarily dismissed the complaint under section 20(1)(b) and (h) of the *Judicial Officers Act*, on the basis that the complaint was frivolous, vexatious or not in good faith, and having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.

#### Complaint relates to inappropriate comments

##### The complaint

The complainant lodged a complaint against the judicial officer, alleging that he made inappropriate and offensive comments relating to domestic violence allegations, and trivialised certain AVO breaches.

##### The Commission's examination

To examine the complaint, the Commission obtained and considered the transcripts of the court proceedings, the sound recordings and other relevant documentation, including the court file. In the course of the examination of the complaint, a written response was also requested from the judicial officer. The response from the judicial officer acknowledged that his Honour had made comments that caused the complainant offence and he recognised the need to continue with ongoing judicial education about acting in a sensitive and compassionate manner when dealing with victims of domestic violence. The judicial officer provided an apology to the complainant. The Commission determined that the complaint should not be summarily dismissed and referred it to the head of jurisdiction to deal with under section 21(2) of the *Judicial Officers Act*.

#### Complaint relates to bias

##### The complaint

The complainant made a number of allegations against the judicial officer, including, that the judicial officer was biased and favoured evidence from certain parties while disregarding other relevant evidence from other parties to the proceedings. The complainant also alleged that she was shocked by the outcome and did not agree with the judgment.

##### The Commission's examination

The Commission reviewed the sound recording and transcript of the proceedings and the judgment. Having regard to the available materials, the Commission was satisfied that the judicial officer took care and diligence when assessing the evidence and submissions before him, and the judgment was carefully reasoned. The Commission noted that the complaint was essentially a challenge to the judicial officer's decision and it was not appropriate for the Commission to comment on the merits of the case. The Commission dismissed the complaint under section 20(1)(h) of the *Judicial Officers Act* on the basis that having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.

## Engaging with our partners and the community

### Performance results 2022–23

**An assessment of the results shown in Table 13 demonstrates strong engagement with our partners and the community in 2022–23. 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 13. 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	20.7% increase in page views of free-to-view legal resources on our website: see p 55	↓
	Maintain number of presentations that Commission staff give to inform the public and community groups about our role in the justice system	18 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 41 and Appendix 8	✓
	Maintain or increase our community engagement role through collaborations with other organisations	Demonstrated by collaborations with like organisations including the Australasian Institute of Judicial Administration (AIJA); National Judicial College of Australia; Judicial College of Victoria; National Center for State Courts (NCSC) USA; delivery of seminars, multimedia channels Responded to 410 enquiries from potential complainants and members of the legal profession: see p 48	✓
Government agencies had access to our statistical and legal information and shared our knowledge	Maintain information service for Government agencies	33% of JIRS usage was from Government agencies: see p 38 Efficiently coded and distributed 100% of new and amended NSW offences in the Lawcodes database within 4 days of their commencement and distributed them to agencies in the justice system: see p 56 Responded to detailed research enquiries from government agencies: see p 56	✓
We provided capacity-building assistance to other nations	Maintain or increase our capacity-building assistance	We assisted Indonesian delegates from the Judicial Commission of the Republic of Indonesia (JCRI) to identify potential ways to improve its complaints-handling mechanisms. We continued to provide assistance to the Papua New Guinea law and justice sector.	✓
We shared knowledge, resources and experience with other judicial education providers	Maintain or increase exchanges throughout the year	We engaged with our counterparts at the Judicial Council of Ireland, Judicial Institute for Scotland and the Judicial College of England and Wales regarding sharing of training strategies and materials to support our coercive control education program. We increased our support of the <i>Bugmy Bar Book</i> initiative to aid expansion of the <i>Bugmy Bar Book</i> and explore synergies, given that this work intersects with the work of our Ngarā Yura Program.	✓
We provided advice and support to other Australian jurisdictions and international institutions	Maintain advice on an “as requested” basis	We continued to respond to recommendations from the independent <i>Family is Culture</i> report by Professor Megan Davis including publishing information in various bench books and working with the Children’s Court of NSW to educate judicial officers. We engaged with the Commonwealth Attorney-General’s Department Federal Judicial Commission Taskforce to provide information regarding the NSW experience in relation to the work of judicial commissions.	✓
The Commission provided contractual services to partners and the community	Maintain revenue obtained from contractual services	\$1.199 million (18% of our income) was self-generated to supplement funds from consolidated revenue (last year: \$1.103 million): see p 89	↑

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

### Highlights 2022–23

- Collaborated with interstate departments to share our organisational knowledge and experience regarding the role of judicial commissions: see p 55.
- Expansion of the Drug Court of NSW case management system to its new regional location in Dubbo.
- Establishment of a Lawcodes Advisory Panel: see p 57.

### Challenges 2022–23

- Balancing an increasing level of requests for assistance from government departments and other jurisdictions with the need to focus on supporting our core functions.
- Continuing to support capacity building within the constraints of our limited resources.
- Ensuring criminal justice agencies, in particular NSW Police and Revenue NSW, were provided offence information as soon as it became law through the Lawcodes database.

### Looking ahead 2023–24

- Expand the range of online legal information we provide (including new publications) and continue to provide access to bench books and research studies for the public as part of our community engagement strategy.
- Work to increase our visibility and improve access to our information and resources through greater contact with community partners and via our new website.
- Continue to support federal and interstate agencies in their work to establish judicial commissions.
- Introduce a secondment initiative with the Papua New Guinea Centre for Judicial Excellence (PngCJE) to support capacity building.
- Continue to actively participate with other national and international providers of continuing judicial education to share resources and promote best practice for judicial officers.
- Development of instructional videos to assist the public to understand and search the Lawcodes database.
- Closer liaison with NSW Government departments to ensure they provide final drafts of up-and-coming major legislative changes so we can pre-code offences in Lawcodes prior to commencement.
- Continue to support Papua New Guinea to enhance the current case management system to incorporate new jurisdictions and expand to further locations.
- Continue to support the case management system of the Drug Court of NSW following the court's expansion to regional centres.



## Case study Judicial officers survey

As part of our forward planning and to ensure the provision of comprehensive and useful resources, through JIRS, to the judiciary, we rolled out a survey of judicial officers to better inform ourselves as to judicial needs. We sought input from current permanent judicial officers on the usefulness of what we offer on JIRS and our publications. The objectives of the survey were to assess satisfaction levels and usefulness of the resources and services used by judicial officers on the JIRS platform, the public website and email.

A pilot study was conducted with select retired magistrates to assess feasibility and acceptability of the survey. The findings from this study showed that on average the survey took just under 22 minutes to complete, 100% of the participants thought the questions were clear and relevant to the aims of the survey and 75% found the survey easy to navigate.

A final survey was sent out to all current permanent judicial officers who were able to complete the survey over a four-week period. During this time, we received 148 survey responses, reaching a response rate of 50%. An acceptable survey response rate ranges between 5% and 30%.

A quantitative and qualitative analysis of survey responses is the focus of the next stage of this project to be undertaken in the next reporting year.

### 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.***

*"Thank you for your wonderful generosity of advice and time."*

District Court of WA , November 2022

*"I just wanted to say thank you so much for all your help as I have been learning [about] offence codes."*

Revenue NSW staff re Lawcodes, December 2022

*"Thank you for your continuing significant support of the Bugmy Bar Book Project. We are really buoyed by your positive response and the partnership we have developed to date"*

Bugmy Bar Book Committee, June 2023

*"Having worked for the Aboriginal Legal Service in Newcastle for years, I found that access to JIRS was one of my most significant legal resources."*

Solicitor, June 2023

*"[Your email] sure does help. I'm [al]ways appreciative of someone going out of their way to help."*

Revenue NSW staff re Lawcodes, June 2023

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

The Commission provides free access to our resources and publications, 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 mobile devices, personal computers and e-book readers.



## Case study

### Sharing decades of expertise — the Judicial Commission experience

Since the Judicial Commission was established in 1987, similar bodies have been formed across the world, with many based on the NSW model. Recent calls to introduce judicial commissions, both nationally and in Queensland, have led to us sharing our experiences with the Commonwealth Attorney-General's Department and the Queensland Department of Justice and Attorney-General.

The Australian Law Reform Commission recommended the establishment of a federal judicial commission in its 2021 report: *Without fear or favour: judicial impartiality and the law on bias*. In September 2022, the Government published its response to that report, agreeing in-principle with this recommendation. Shortly afterwards, the federal Government announced that it would scope the merits and design of a federal judicial commission that could independently examine and deal with complaints made to it about federal judges.

As part of this scoping exercise, we were asked to assist and subsequently met with officers of the Commonwealth Attorney-General's Department (AGD) in November 2022. We discussed our complaints-handling system as well as the staffing and resourcing models that support our daily work. In January 2023, the AGD released a discussion paper entitled "Scoping the establishment of a federal judicial commission", inviting submissions on the model and key features of a federal judicial commission. We have continued to assist AGD officers where we can, providing further information about our operations.

In a similar vein, in March 2023 we met with representatives of the Queensland Department of Justice and Attorney-General to discuss the role of judicial commissions and share information. We continue to liaise with the department regarding our structure and complaints-handling systems as needed. Additionally, our Chief Executive presented a session on "Learnings from Judicial Commissions" for the Queensland Magistrates' Court in May 2023, to provide judicial officers with an overview of the general role and functions of a judicial commission.

By sharing our experiences, gained over three decades, we can help inform these important initiatives while also benefiting from an opportunity to gain new knowledge.

#### Sharing our technical expertise

For over 35 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 2022–23, 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.

#### 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 20.7% increase this year in our key free-to-view legal publications, in contrast to last year's 5.1% decrease: see Table 8 on p 42. Our publications are listed on university reading lists and regularly referred to as indispensable publications for law students.



A delegation from the Supreme and National Courts of Papua New Guinea visited the Judicial Commission in September 2022.



The Commission continued to share its experience in the area of judicial education and the handling of complaints through presentations and meetings throughout the year. In May 2023, the Commission met with delegates from the Judicial Commission of the Republic of Indonesia (JCRI) to discuss our approach to complaints handling. The Commission hosted three PNG delegations during the year consisting of Supreme and National Court judges, court officers, and the public solicitor from 15–19 August, 28–30 September 2022 and 27 February–3 March 2023. The purpose of the visits was to liaise with Commission's IT staff about the PNG Integrated Criminal Case System Database (ICCSDB) and the PNG Legal Information Network (PngLIN), formerly PNGSD, services that we host. The visits covered many topics, including security, usage monitoring, and further enhancements to the PNG ICCSD system with the inclusion of the public prosecutor and the public solicitor jurisdictions.

### Commission officers' presentations about our work and role

Commission staff delivered 18 presentations (last year: 27) during the year. Presentations, both virtual and in person, 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 complaints process, specific research projects recently undertaken, and continuing judicial education. With the ability to host meetings online, we are able to reach a wider audience. See Appendix 15 for the list of presentations for 2022–23.

### Public use of our information

Use of our online publications increased at an overall rate of 20.7% (last year: 5.1% decrease). The *Sentencing Bench Book* has been the most accessed publication with an average 41,547 hits each month, usage has increased by 41.7% compared with last year. This resource provides ready access to sentencing law and information relevant to all aspects of sentencing proceedings. More information about our published resources can be found on p 37 and in Appendix 8.

The volume at which our resources are used, suggests that we are meeting a strong demand for information about our work and role in the justice system. See Table 8 on p 42.

### Working with government agencies

During the year, we responded to 24 research enquiries (last year: 38), 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
- Queensland Department of Justice and Attorney-General.

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 including additional proposed amendments to the Crimes Legislation Amendment (Coercive Control) Bill 2022; the Crimes Amendment (Protection of Criminal Defence Lawyers) Bill 2022 and amendments to section 66EA of the *Crimes Act 1900*
- the University of New England, further to an MOU for a cooperative arrangement for the provision of library research services; exploration of joint research projects, and provision of advice when designing cultural awareness training
- the Commonwealth Attorney-General's Department — supporting the work of the Federal Judicial Commission Taskforce over a six-month period, sharing our processes in dealing with complaints and information about systems that support our work
- the University of NSW Law School in their development of some resources focusing on First Nations perspectives on criminal law and justice.

Appendix 11 contains the full list of the organisations the Commission collaborated with.

### Operating the Lawcodes database

The Lawcodes database plays a vital role in the NSW criminal justice system. It contains over 100,000 unique codes, called Law Part Codes, for NSW and relevant Commonwealth criminal offences. The Commission initially developed and continues to maintain this database, which enables all NSW justice sector agencies to electronically exchange the same code number referring to the same offence efficiently and accurately. During the year, we:

- coded and distributed 100% of new and amended NSW offences within 4 days of their commencement (last year: 98%) and Commonwealth offences within 7 days of receiving the official Commonwealth compilation (last year: 98%).
- responded to all enquiries (100%) from Lawcodes users within 24 hours.

Our improvement in coding new and amended NSW offences is because we now receive drafts of major changes. This significantly helps the team code the offences in a timely fashion and have the new Law Part Codes ready to be sent out in a weekly report, preferably before the start of the legislation.

The Lawcodes report provides all NSW court and penalty notice offences consistently to all our subscribers including NSW Police and Revenue NSW. Lawcodes is freely available to the public at <https://lawcodes.judcom.nsw.gov.au> as well as from the Commission's website.

The same Law Part Code can be used for a court appearance or for an infringement penalty notice.

### *Table offences revisited and refined*

As well as the general information listed above, each Law Part Code contains further layers of information, including various flags under the:

- *Bail Act 2013*
- *Child Protection (Offenders Registration) Act 2000*
- *Confiscation of Proceeds of Crime Act 1989*
- *Crimes Act 1914 (Cth)*
- *Criminal Assets Recovery Act 1990*
- *Criminal Procedure Act 1986*, and
- *Victims Right and Support Act 2013*.

### *Establishment of an Advisory Panel*

During the first half of 2023, a new arrangement was entered into between the Judicial Commission and two members of the judiciary to establish a Lawcodes Advisory Panel to provide guidance to the Lawcodes Team. In particular, the team may refer a matter to the Panel to provide a view on how a certain statutory provision may be interpreted. The establishment of the Advisory Panel is a voluntary arrangement which is governed by the Commission's "Guidelines on Advisory Panels".

### *Training for internal staff and our intern program*

We have continued our internship program into 2023 and have developed an intensive 12-module Lawcodes training program for internal staff, including our new intern. Continuous training is also provided to more senior staff.

### *Presentation to the Audit and Risk Committee addressing key risks*

An overview of the role of a Lawcodes Officer was presented to the Commission's Audit and Risk Committee in March 2023. Various risks were discussed in relation to the high level of reputation and accuracy required for the database and various strategies were outlined, including our highly granular validity checker. We also constantly engage in legislation audits. The audits can identify areas where we need external advice, either through our Lawcodes Advisory Panel or by approaching the relevant department.

### *Future plans: publicising the work of the Lawcodes team*

#### *Meetings with agencies concerning infringement penalty notices*

A meeting with the Department of Communities and Justice has allowed the Lawcodes team to heighten awareness of Lawcodes. The Lawcodes team is also keen to understand how Law Part Codes are used by agencies and the public.

#### *Development of instructional videos*

One of the first videos in a proposed schedule of instructional material for JIRS and the Commission's website will be on using Lawcodes. This video will assist the public to search the Lawcodes database when a Law Part Code number appears on their Court Attendance Notice or Penalty Infringement Notice, as well as how to search for other Table offences.

### *Interactions with internal staff*

The Lawcodes team provides legislative information to other teams at the Commission — Statistics and Publishing; weekly report; Research: report on Commonwealth criminal legislation.

### **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 Integrated Criminal Case System Database (ICCSDB), and the PNG Legal Information Network (PngLIN).
- liaised with the Law Council of Australia's International Law Section (ILS) to support its work in the Pacific region.

### **Collaborating with other jurisdictions**

During the year, we expanded the Drug Court of NSW case management system to its new regional location in Dubbo.

In May 2023, we held an online meeting with Indonesian delegates from the Judicial Commission of the Republic of Indonesia (JCRI) to discuss potential ways to improve the JCRI's complaints-handling mechanisms. Dr AJ Brown, Professor of Public Policy & Law at the Griffith University was also in attendance.

Also in May, we presented a session on "Judicial Commissions" for the Magistrates Court of Queensland to assist magistrates to understand more about the work of a judicial complaints body.

We shared information regarding our structure and complaints-handling systems with the Queensland Department of Justice and Attorney-General in March 2023 to inform them about the role of judicial commissions.

We assisted the District Court of WA with information regarding establishment costs of a judicial education program (November 2022).

Between November 2022 and May 2023, we participated in a number of meetings with the Commonwealth Attorney-General's Federal Judicial Commission Taskforce to inform their work.

### **Working with the legal profession**

We continue to collaborate with the Law Society of NSW and NSW Bar Association celebrating First Nations culture and identity, with a one-day "Exchanging Ideas" conference held in February 2023. This was the second of this nature following a similar program in 2019 which saw members of the legal profession and community gather together. Based on the "Uluru Statement from the Heart", the symposium provided a platform for various conversations about constitutional reform, treaty and truth-telling.

During the past year, we continued to work with the Law Society of NSW, the DPP, the Public Defenders Office, Legal Aid, Aboriginal Law Society and the Bar Association in relation to consent reforms. We also commenced work on the impending coercive control legislation.

**Performance of contractual services**

Revenue from our information technology contractual services at \$1.199 million (18% of total income) was slightly higher than last year’s \$1.103 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
- the NSW Drug Court Case Management System
- the PNG Legal Information Network
- the PNG Integrated Criminal Case System Database
- the Queensland Sentencing Information Service (until February 2023).

**Responding to enquiries**

Our Chief Executive responded to 410 telephone, face-to-face and written enquiries from potential complainants and members of the legal profession (last year: 415). There were no media enquiries about our work this year (last year: 0).

**Working with other judicial education providers and universities**

Collaborating with other similar organisations in Australia and beyond allows us to share our experience and knowledge with judicial education bodies, learn from their insights and be aware of the latest developments in continuing judicial education.

The National Judicial Orientation Program (NJOP), conducted with our national partner, 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. Two programs were held this year (November 2022, Glenelg SA and March 2023, Gold Coast). Both programs received positive feedback: of the participants who provided feedback: 83% rated the November program’s usefulness and relevance as excellent or very good and the March program received a 100% rating. The Judicial Commission supported the National Judicial College of Australia with the presentation of this program.

We continued to work collaboratively with judicial educators in Australia and New Zealand, participating in an online meeting in August 2022. 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) shared information and explored opportunities for further collaboration.

We held a series of meetings with our counterparts at the Judicial Council of Ireland, Judicial Institute for Scotland and the Judicial College of England and Wales regarding sharing of training strategies and materials in support of our coercive control education agenda.

We supported the University of NSW on a new Australian Research Council national study “Judges’ Work, Place and Psychological Health: A National View”, including hosting meetings and panel discussions.

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:

- contributing to the meetings, decision making and programs of the Judicial Council on Diversity and Inclusion (JCDI) in addition to hosting a meeting in Sydney in May 2023
- 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).

Appendix 10 has details of how we assisted other organisations.



The Judicial Commission assists the National Judicial College of Australia to present the the National Judicial Orientation Program. Pictured at the NJOP in March 2023 are three new judges Justice Kate Williams, Justice Sarah McNaughton and Judge Kara Shead SC who participated in the week-long induction and orientation program.

# Management and accountability

**The Commission has robust management and accountability and an independent Audit and Risk Committee.**

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04



## Performance results 2022–23

**An assessment of the Commission’s performance in Table 14 demonstrates our diligence with respect to management and accountability. 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 practices	Hold regular Commission and Audit and Risk Committee meetings	10 Commission meetings and 4 Audit and Risk Committee meetings held: see pp 64, 68	✓
Our corporate behaviour was ethical and responsible	Protect the Commission’s reputation so that members of the public have confidence in the ability and performance of judicial officers	Our staff are properly inducted, qualified, highly skilled and their training is replenished: see p 78	✓
	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 66	✓
Maintain and enhance registers for contracts, conflict of interests and mitigating risks	Ensure the registers are kept current and evaluated for any risk	We keep the register of contracts and conflict of interest updated  No significant risks were identified	✓
Provide effective support to our key stakeholders	Provide continuing judicial education and legal information to judicial officers	See “Program 1: Delivering continuing judicial education” from p 27  See “Program 2: Providing legal information” from p 33	✓
	Protect the public by examining complaints regarding judicial officers	See “Program 3: Examining complaints” from p 43	✓
	Provide assistance to NSW government agencies	See “Engaging with our partners and the community” from p 52	✓
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	We revised the Commission’s Functional Retention and Disposal Authority: FA 292 and provided it to State Records NSW for consideration. The Board approved the new disposal authority with no changes. Our record-keeping practices have been streamlined accordingly, resulting in greater efficiencies	✓

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

### Highlights 2022–23

- Commission's Functional Retention and Disposal Authority revised and approved resulting in greater efficiencies.

### Challenges 2022–23

- Maintaining a sense of community and inclusion throughout change as we adapt to a new internal structure.
- Ensuring integrity of governance and management of risks while providing continuity of our operations as budgets shrink.
- Conducting a comprehensive review of our record-keeping framework Functional Retention and Disposal Authority: FA 292.
- Review of, and compliance with, internal audit recommendations, which must be balanced with core activities.

### Looking ahead 2023–24

- Finalise our major review of organisational policies.
- Continue our transition to a digital record-keeping system.
- Keep abreast of the ever-increasing level of risk posed by cyber security challenges.
- Implement internal audit recommendations relating to information technology, cyber security and business continuity.
- Continue our transition from paper to a digital environment.
- Implement appropriate training on the *Public Interest Disclosures Act 2022* (PID Act) which commences on 1 October 2023.

## Our governance framework

**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



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



## Principle 1: Management and accountability

### Our relationship with the NSW Government

The *Judicial Officers Act* 1986 (the Act) 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 Act and the *Judicial Officers Regulation* 2022. 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* 2022 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.

### Legal change

There were no substantive amendments to the *Judicial Officers Act* or the *Judicial Officers Regulation* 2022 during the reporting period.

The *Judicial Officers Regulation* 2022 commenced on 1 September 2022 and replaced the *Judicial Officers Regulation* 2017 by way of section 10(2) of the *Subordinate Legislation Act* 1989.

The *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. This relates to annual reporting and 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 assistance to the Chief Executive by monitoring, reviewing and providing advice about the Commission’s governance processes, risk management and control framework and its external accountability obligations
4. a Chief Audit 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 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

The Commission’s strategic objectives are framed by our 3 core statutory functions and our secondary goals. In 2022, the Commission refined some of these strategies and, under new leadership, our focus is on responding to the opportunities and challenges presented by external influences such as flexible working arrangements, reduced budgets and the impact of fast-paced technological change. Keeping abreast of change is essential for us to remain relevant and responsive to our stakeholders. A new 5-year strategic plan is now under development, following a judiciary-wide survey of our services. See the Strategy chapter on p 18.

## Principle 2: Structure of Judicial Commission

The Judicial Commission is scheduled to meet 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 assistance to the Chief Executive by monitoring, reviewing and providing advice about the Commission's governance processes, risk management and control framework (including business continuity, cyber security and disaster recovery) and its external accountability obligations.

### 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: 9). Commission members were able to participate in meetings either in person or online. 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, and the Principal Lawyer — Advisory attends the meetings to report on complaint matters and take the meeting minutes. Meeting papers are circulated well in advance of the meeting to allow sufficient time for members to review agenda items and seek further information.

In 2022–23, Commission members:

- examined 74 complaints made about judicial officers (last year: 41)
- approved publications including papers for an issue of *The Judicial Review* and the *Annual Report 2021–22*
- noted the Chief Executive's reports and updates on education programs, publications, high level strategic planning for the Commission and financial performance
- considered various policies and procedures prepared relating to the Commission's operations, including the Commission's *Functional Retention and Disposal Authority* and the Commission's "Zero Tolerance Policy" with respect to abusive and/or aggressive complainants
- approved remuneration packages for the Senior Executive.

Table 15. Commission members' meeting attendance for 2022–23

Official members	Meetings eligible to attend	Meetings attended
The Honourable Justice A Bell Chief Justice of NSW (President)	10	10
The Honourable Justice J Ward	10	9
The Honourable Justice B Preston	7	7
The Honourable Justice J Robson*	3	2
The Honourable Justice D Price AO	10	10
His Honour Judge P Johnstone	10	8
Chief Commissioner N Constant	10	9
Appointed members	Meetings eligible to attend	Meetings attended
Dr J Cashmore AO <sup>†</sup>	10	10
Mr D Giddy <sup>‡</sup>	10	10
Professor B McCaughan AM <sup>§</sup>	3	3
Mr Y Miller OAM <sup>†</sup>	10	7

\* Attended in Justice Preston's stead, during a period of planned leave, from 13 February 2023 to 3 April 2023.

† Reappointed from 15 December 2021 until 14 December 2024.

‡ Reappointed from 3 March 2022 until 2 March 2025.

§ Until 10 October 2022.

### 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 13–15. Our organisational structure is on p 12.

### Our Audit and Risk Committee

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

Ms Jan McClelland AM BA (Hons) B Leg S Dip AICD was appointed independent member for 3 years from 1 July 2018, reappointed for 2 years from 1 July 2021 and appointed as Chair for 3 years from 1 July 2022. Ms McClelland has more than 18 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.

Dr Colin Gellatly AO was appointed independent member on 1 March 2017, Chair from 1 July 2017 for 3 years, reappointed for 2 years from 1 July 2020 and again reappointed as independent member for 2 years and 8 months from 1 July 2022. 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, reappointed for 2 years from 1 July 2020 and again reappointed for 3 years from 1 July 2022. Ms Gray has had extensive experience in public and private sector legal practice and senior management, having been Deputy Solicitor for Public Prosecutions in the Office of the NSW Director of Public Prosecutions (ODPP) and the principal of her own consultancy. Ms Gray is an independent member of the ODPP's Audit and Risk Committee and Executive Board, and an independent member of the Ombudsman NSW Audit and Risk Committee and the Motor Neurone Disease Australia Governance Committee.

Others invited to attend the committee meetings throughout the year included the Chief Executive, Ms Una Doyle; Deputy Chief Executive, Mr Murali Sagi PSM (Chief Audit Executive); the Management Accountants, Ms Annie Wang and Ms Corinne Baker; Ms Penny Corkill of Centium Services; and Mr Michael Kharzoo 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*.

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

<p>The ARC is responsible for monitoring:</p>	<p>Internal audit and control functions, including assessing effectiveness, and compliance with section 3.6 of the <i>Government Sector Finance Act 2018</i></p>	<p>The adequacy and quality of the internal control structure</p>	<p>Financial statements and reporting</p>
<p>Compliance with NSW Treasury Risk Management Guidelines TPP20-08</p>	<p>Management responses to audit reports</p>	<p>Internal audit results</p>	<p>Risk management strategies: their effectiveness and internal results</p>

## 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 and Research 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. Membership of all our committees is found in Appendix 4.

## Principle 3: Ethical and responsible behaviour

### Protecting the Commission's reputation

Our vision is that members of the public 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 35 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 (the Code) 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 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 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*
- *Government Sector Finance Act 2018*
- *Government Sector 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

The Commission manages personal and health information in accordance with its Privacy Management Plan. In the relevant reporting period, the Commission continued to maintain a Privacy Management Plan, which is due to be reviewed and amended by the Commission in 2023–24.

During the year, there were no complaints received by the Commission or internal 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 and other related complaint materials

In 2022–23, the Commission adjusted its meeting processes and moved to retaining only electronic records of Commission meeting papers. These electronic records are kept in a confidential secure folder and are only accessible by a small number of Commission staff members. Hard copy meeting papers prepared for Commission members are securely disposed of, at the end of each Commission meeting.

Confidentiality of historic volumes of the confidential Commission meeting papers is paramount and they are kept in secure premises.

In November 2022, the Commission's *Functional Retention and Disposal Authority: FA433* was approved by the State Archives and Records Authority of NSW. The approval of the disposal authority has reduced the time periods for which the Commission must retain specific documents relating to informal complaint enquiries not requiring investigation (reducing the retention period from 25 to five years), thus enabling the Commission to securely dispose of informal complaint records in a timely and efficient manner once the five-year time frame has passed.

## 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 91). The independent Audit and Risk Committee (ARC) reviews the annual financial statements and procedures relating to early-close and year-end. 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; also our engagement with stakeholders. 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 (see above). 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.

A 2021–22 internal audit reviewed the Commission's record-keeping policy. In response to this audit, a digital record-keeping system was designed and is being implemented.

## Principle 5: Timely and balanced disclosure

### 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.

### 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 on our website without charge as soon as practical. 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 2021–22*
- *Judicial Commission e-resource series: Trauma-informed courts: guidance for trauma-informed judicial practices*
- *Sentencing Trends & Issues paper No 48, Sentencing for domestic violence in the Local Court*
- updates to the following bench books and handbooks in pdf and other digital 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 endeavour to investigate complaints about judicial officers in a timely and effective manner and to inform complainants about the progress of their complaints. Table 10 on p 46 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 36) and our public website at [www.judcom.nsw.gov.au](http://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 2022–23.

## Principle 6: Supporting our stakeholders

Our key stakeholders are:

- judicial officers of NSW for whom we deliver continuing judicial education services (see p 27) and provide research and sentencing and legal information (see p 33)
- the NSW public: see “Program 3: Examining complaints” chapter from p 43 and “We inform the public about what we do and exchange knowledge and expertise with other organisations” on p 54
- NSW government agencies: see “Working with government agencies” on p 56
- other judicial education providers: see “Working with other judicial education providers and universities” on p 58.

## 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 takes into account the entire operations of the Commission.

The risk register feeds into the Internal Audit Plan which was finalised after discussion between the Chief Executive and internal auditors. The risk register is published on the Commission’s intranet and is reviewed prior to each ARC meeting.

Each year, a workshop is held with the internal auditors and senior executives to review the risk register. The Audit and Risk Committee then reviews the revised risk register before it is finalised.

### Audit and Risk Committee activities 2022–23

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

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 71. The ARC also conducted the annual reviews of ARC Charter and Internal Audit Charter.

Table 16. Meeting attendance by Audit and Risk Committee (ARC) 2022–23

Committee members	Meetings eligible to attend	Meetings attended
Jan McClelland AM*	4	4
Dr Colin Gellatly AO	4	4
Robyn Gray	4	4
Invitees	Invited to attend	Meetings attended
Una Doyle	4	3
Murali Sagi PSM	4	4
Corinne Baker	1	1
Annie Wang	3	3
Micheal Kharzoo/Furqan Yousuf/Susan Pritchard, Audit Office of NSW	4	4
Penny Corkill/Phil O’Toole, Centium Services	4	4

\* Appointed Chair for 3 years from 1 July 2022.

### Internal audit

The ARC endorsed the Internal Audit Plan for 2022–23 and advised the Chief Executive accordingly. The internal audit plan for 2022–23 required an HR Health Check and an operational audit of the process of preparation of content for JIRS.

The HR Health Check review concluded that the Commission’s controls over HR and leave activities are generally effective, considering the size of the

workforce and the HR actions required to support existing and future requirements. The report made one low level finding regarding attendance and leave management and the Commission has already addressed the recommendation. The Commission is currently considering the 8 opportunities for improvement the review has identified.

The JIRS content creation process review concluded that overall, the Commission had generally effective organisational arrangements/structures around researching, creating, maintaining, reviewing, approving, and publishing JIRS content. However, the audit noted that there were opportunities to improve, formalise and document the process guidance/defined framework to allocate and delegate roles and responsibilities and tasks.

During the year, the ARC also:

- monitored the performance of the out-sourced internal audit service provider, Centium
- used the Audit Recommendations Progress Report to monitor implementation of recommendations.

#### *Risk management and business continuity*

The ARC:

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

#### *External Audit*

The ARC liaised with the external auditor, the Audit Office of NSW, and monitored the implementation of the NSW Audit Client Service Plan for 2022–23. The recommendations made by the external audit in the management letter for 2021–22 have been implemented.

#### **Forward plan**

In 2023–24 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 responses to the internal audit and other reviews**

In response to the 2022–23 JIRS Content Process review, the Commission will develop a detailed Action Plan which identifies the various tasks involved in implementing each recommendation, and the responsible officer/s and the target dates for each

task. The Action Plan will include a review of priorities for implementation and the related resourcing needed.

In response to the other reviews conducted by the Commission in 2022–23, consisting of a BCP/Disaster Recovery Health Check and IT Review, the Commission will develop a detailed Action Plan which identifies the various tasks involved in implementing each recommendation, and the responsible officer/s and the target dates for each task. The Action Plan will include a review of priorities for implementation and the related resourcing needed.

In response to the 2021–22 review of our record-keeping policy, the Commission has acquired and introduced a new digital record management solution. It is anticipated that the full implementation of this new digital record-keeping solution will be completed in 2023–24. The Commission engaged external expertise to assist with implementation of the new digital record-keeping system and user training of staff.

The Commission continues to improve its level of cyber security maturity in response to the recommendations of the 2021–22 review by the internal audit.

#### **Cyber security**

The Commission is committed to ensuring that its cyber security posture is current and relevant to protect the confidentiality and integrity of our information and to provide a reliable service to staff and the public. In order to achieve this, the Commission aligns itself with the requirements of the NSW Cyber Security Policy and the Australian Cyber Security Centre Essential Eight so that our digital information remains available, safeguarded and lawfully used. The Cyber Security Annual Attestation Statement provides assurance to the Parliament and people of NSW that the information we hold is appropriately protected and handled. The Commission's Information Security Policy is published on our intranet. In compliance with NSW Cyber Security Policy Mandatory Requirement 2.1, staff are required to attend at least one session of cyber security awareness training per calendar year. Cyber Security NSW provides us with access to external training which staff can attend to brush up on best practices in basic cyber security hygiene, which can be applied both in the office and at home. See also case study on p 70.

Next year, the Commission will continue with the implementation of the roadmap established in its cyber security plan with the goal of further improving our posture.

Our Cyber Security Annual Attestation Statement for 2022–23 is shown on p 70.

## Cyber Security Annual Attestation Statement for the 2022–23 Financial Year for the Judicial Commission of NSW

I, Una Doyle, 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.

The Judicial Commission of NSW has undergone a further review of its incident response plan and is in the process of improving it further. Our current plan integrates with our business continuity plan. Our incident response plan has not been tested during the reporting period, however the Commission is in the process of designing new tests alongside our improved incident response plan to appropriately address this in the future.

The Judicial Commission of NSW has an Information Security policy in place and has plans in place to implement an Information Security Management System in the future.

The Commission had continued its ongoing commitment to assess and improve cyber security across all its systems. New software and systems have been implemented in line with our cyber security action plan, and a new cyber security plan has been drafted outlining our path to address other key areas of concern in the future.



Una Doyle  
Chief Executive  
Judicial Commission of NSW  
Dated: 2 August 2023

### Case study Providing cyber security training for staff

The Commission has implemented a new cyber security training package as a part of our staff onboarding process to ensure that all new staff are aware of good cyber security practices and cyber hygiene as soon as they commence work at the Commission. This is in addition to our existing policy of requiring staff to attend at least one session of cyber security training per calendar year. The training package is assembled from best practice guidance provided by Cyber Security NSW and covers a broad range of common cyber security threats and how to deal with them both in the office and at home.

The Judicial Commission continues to work with Cyber Security NSW to monitor and address potential cyber security threats as they arise and communicate relevant information to staff in a timely manner. This includes guidance on phishing campaigns, such as what to be aware of in emails and how to respond if a staff member suspects an email to be unsafe. Staff are also provided with alerts relating to vulnerabilities in common devices like mobile phones, tablet devices and personal computers, as well as instructions on how to make sure those vulnerabilities are addressed and, where possible, patched correctly.



## Internal Audit and Risk Management Attestation for the 2022–23 Financial Year for the Judicial Commission of NSW

I, Una Doyle, 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

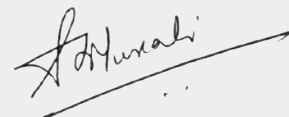
The independent chair and members of the Audit and Risk Committee are:

- Ms Jan McClelland AM, Chair — appointed Independent Member on 1 July 2018 for a period of three years, reappointed for two years from 1 July 2021, appointed Chair for three years from 1 July 2022.
- Dr Colin Gellatly AO, Independent Member — appointed Independent Member on 1 March 2017 until 30 June 2017, appointed Chair on 1 July 2017 for a period of three years, reappointed for two years from 1 July 2020, and again reappointed as Independent Member for two years and eight months from 1 July 2022.
- Ms Robyn Gray, Independent Member — appointed Independent Member on 1 July 2017 for a period of three years, reappointed for two years from 1 July 2020, and again reappointed for three years from 1 July 2022.

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.



Una Doyle  
Chief Executive  
Judicial Commission of NSW  
Dated: 5 August 2023



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

### Safeguarding JIRS technology

The Judicial Information Research System (JIRS) is built using open-source software and utilises current 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 37 and enhancements made to JIRS throughout the year are reported on p 39.

### 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 2022–23 was \$45,689 comprising a workers compensation premium of \$25,611 (last year: \$24,000) and a general insurance premium of \$20,078 (last year: \$17,000).

Table 17. Insurance premiums 2020–23

	2019–20	2020–21	2022–23
Workers compensation	\$16,441	\$24,000	\$25,611
General insurance	\$7,400	\$17,000	\$20,078
<b>Total premium</b>	<b>\$23,841</b>	<b>\$41,000</b>	<b>\$45,689</b>

## Principle 8: Remuneration is fair and responsible

### Remuneration arrangements for Commission members

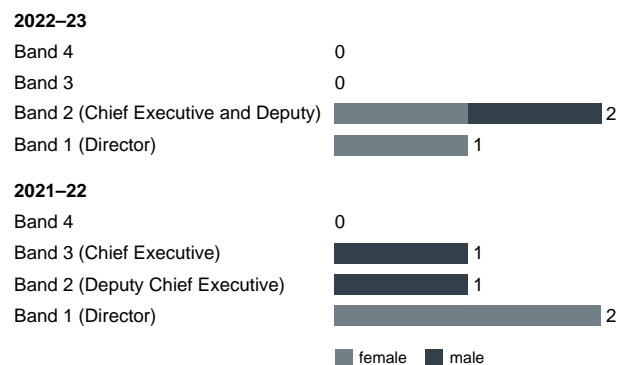
Appointed members receive a fee for fulfilling their responsibilities including attending meetings, examining complaints, setting strategic directions, and approving budgets and publications. Their annual rate of remuneration is \$38,000 (effective 28 March 2019) as determined by the Statutory and Other 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 a SOORT increase of 2% to the total remuneration package (including superannuation) for senior executives during 2022–23.

Figure 15 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 2022–23 was related to senior executives. A comparison is made with the percentage rate in 2021–22.

Figure 15. Gender breakdown of senior executive positions by PSSE Bands 2021–23



Equivalent to the NSW Public Service Senior Executive Bands. The Commission had no executive positions in Bands 3 and 4 this year.

Table 18. Average senior executive remuneration 2021–23

Band	Range (\$)	Average remuneration (\$)	
		2021–22	2022–23
Band 4	499,251–576,700	n/a	n/a
Band 3	354,201–499,250	458,023	n/a
Band 2	281,551–354,200	331,144	349,534
Band 1	197,400–281,550	247,877	230,000

Note: 23.38% of the Commission’s employee-related expenditure in 2022–23 was related to senior executives, compared to 26.89% in 2021–22. The Commission has no positions equivalent to Bands 3 or 4.

## Our people

### Performance results 2022–23

**An assessment of the results shown in Table 19 demonstrates that our talented and skilled people performed well in 2022–23. Table 19 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 19. 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	35 people worked in judicial education, legal research, complaints, information technology and corporate services as at 30 June 2023: see p 75  Communication within the Commission to perform required work is strong, shown in high satisfaction in our staff survey results: see p 75	✓
	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  Highly skilled and well-trained staff: 84.6% of staff furthered their professional training: see p 78  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: 97%: see p 29	✓
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: 11.4%: see p 78. This is below our benchmark of 15%  High retention: 43.7% staff have 10+ years' service and a further 16.4% staff of 5+ years: see p 78	✓
	Engagement ratings in staff survey	Staff engagement rating in Commission annual survey: of staff who responded, 79% feel engaged and valued: see p 75	
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 72  Valued staff diversity: Our workplace is culturally and linguistically diverse, meeting NSW Government benchmarks: see p 82  Flexible work arrangements available: see p 77	✓
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 is safe with no workers compensation claims and no work, health and safety prosecutions: see p 81	✓

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



### Highlights 2022–23

- Commission annual staff survey: of staff who responded, 89% understand how their work contributes towards the Commission’s mission and purpose, and feel the Commission provides a safe, comfortable and secure workplace: see p 75.
- High up-take of training, 84.6% of staff acquired new skills through webinars and online courses: see p 78.

### Challenges 2022–23

- Recruiting new staff members to replace a number of key personnel who retired or resigned.
- Building teamwork and encouraging cooperation within and between teams, as well as across the whole organisation, particularly in the context of remote working.
- Managing staff leave balances.
- Developing further strategies to assess and understand where the Commission can improve efficiency.
- Encouraging busy staff to balance their work commitments with training and development opportunities.

### Looking ahead 2023–24

- Continue to value and support our staff, while working with the budgetary challenge of the whole of government savings directive.
- Develop further strategies to assess and understand where our productivity can be improved, thereby helping us to meet key performance indicators.
- Continue to encourage busy 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 embrace a workplace culture that supports diversity and is aligned with the workforce strategies of the NSW public sector.
- Continue to implement policies and strategies to ensure a safe workplace and minimise risks to workplace health and safety.
- Continue integrating the work of teams to facilitate a smoother workflow and enhance communications.

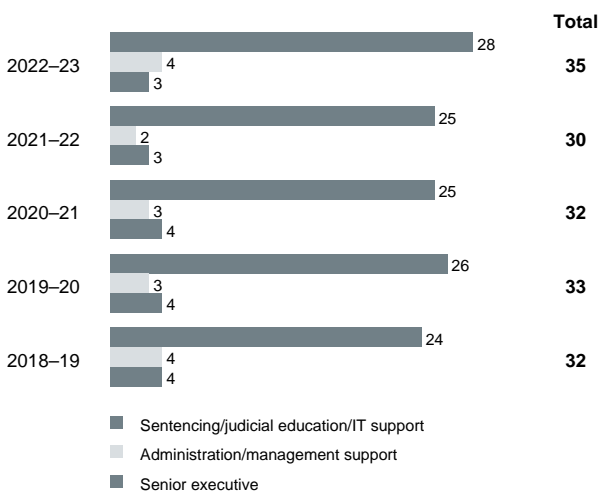
## Performance and satisfaction

### Our staff

Our staff are essential to our success and to ensuring we meet our goals and deliver our services. As at 30 June 2023, the Commission employed 35 people (33 full-time equivalent) in judicial education, legal research, complaints, information technology and administrative roles (last year: 30). Figure 16 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 16. 5-year comparison of average number of employees by employment category



### Annual staff survey is positive

This year, our yearly internal staff survey measured how committed, stimulated and supported our people felt. Of the 80% of staff (28 of 35 permanent and temporary) who responded (last year: 50%, 15 of 30), we achieved a rating of 79% of staff who felt engaged with their work at the Commission (last year: 100%).

The following percentage of staff agreed or strongly agreed:

- 89% felt they understood how their work contributed towards the Commission’s mission and purpose (last year: 100%), and considered their working environment was safe, secure and comfortable (last year: 100%).
- 86% said they were willing, when required, to put in extra effort to achieve a professional result (last year: 100%), and felt able to balance work with their personal life (last year: 93%)
- 79% said they feel engaged with their work at the Commission (last year: 100%), and felt they were provided with sufficient resources and time to undertake their work (last year: 87%)

- 75% felt trusted and valued at the Commission (last year: 93%), felt there is good teamwork and co-operation within Commission projects (last year: 93%), and felt there is good and effective communication of what they need to know to do their work (last year: 93%)
- 54% felt their requests for professional development training were supported (last year: 93%).

While the result for requests for professional development has declined significantly from 93% to 54%, the result can be attributed to 43% of staff giving a neutral response in the survey.

Looking ahead, the Commission will continue to encourage staff to engage with professional development opportunities.

### Commission rates highly in NSW Government 2022 People Matter Employee Survey

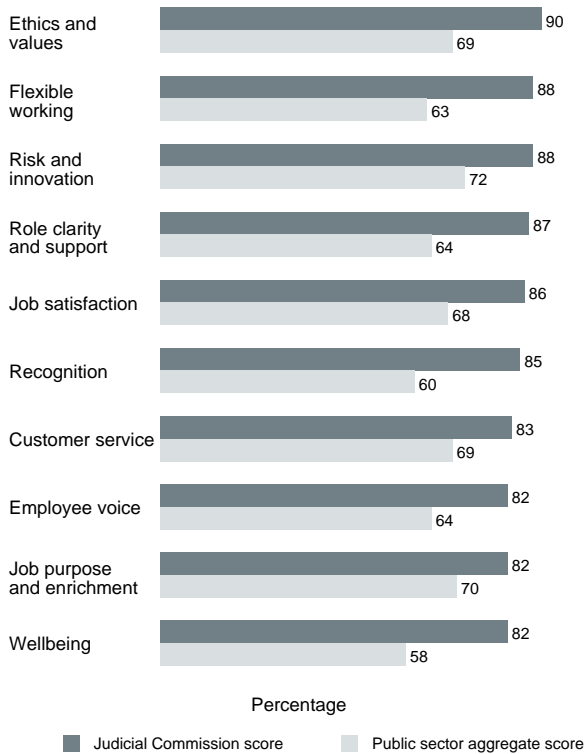
The Public Service Commission conducted the “People Matter” NSW Public Sector Employee Survey in 2022. The survey measured various aspects of employment including job satisfaction, wellbeing, senior managers, communication, employee engagement with work, high performance, public sector values, diversity and inclusion, teamwork and collaboration. Figure 17 on p 76 shows that, with a 45% 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 94% of staff who responded felt that they:

- understand what is expected of them to do well in their job
- get the support they need to do their job well
- have the tools and technology to do their job well
- are satisfied with their job
- are comfortable notifying their manager if they become aware of any risks at work.

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

- senior managers provide clear direction for the future of the Commission, 12% increase
- senior managers communicate the importance of customers in our work, 9% increase
- senior managers model the values of the Commission, 8% increase
- that they obtain the support they need to do their job well, 4% increase
- that they have the tools and technology to do their job well, 4% increase.

Figure 17. Top 10 Commission results in People Matter Survey 2022



**Connecting with communities**

Commission staff engage with the community in various ways. Throughout the year, staff gave 18 presentations about the Commission’s work and role in the justice system. These included presentations to judicial officers, associates and tipstaves; the Commonwealth DPP; BOCSAR; the Department of Communities and Justice; Safe Work Australia; law firms; a delegation led by the Chief Justice of Papua New Guinea; Downing Centre Staff; university students; and community groups.

Commission staff are also involved in Aboriginal cultural awareness through the Ngara Yura Program as a way to promote cross-cultural communication: see p 31 for more information. The Project Officer of the Ngara Yura Program, Ms Joanne Selfe, is dedicated to enhancing cultural understanding of First Nations People. Ms Selfe works with the judiciary on cross-cultural awareness and understanding and organises for the judiciary to visit First Nations’

communities. She gave a presentation to Sydney University law students on the topic of “Indigenous perspectives”; a presentation on “Warura (string) Theory Workshop” to the inner west residents and community group, Gunawirra; a presentation to the local community, Firestories, on First Nations’ astronomy, “Yanada Gili — Moon Light”; and during Reconciliation Week, she gave a presentation to the Downing Centre Staff on the subject, “Be Brave, Make Change”.

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

**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.

**New roles and changes in employment**

Following the retirement of Ms Pierrette Mizzi, Director, Research & Sentencing, the opportunity arose to review the structure of the Research & Sentencing and Education divisions. A new Director position was created who now has responsibility for both divisions. Ms Catherine Kenny was appointed inaugural Director, Research & Education in March 2023. This appointment also allowed for managers to assume more responsibility for more substantive legal work and management responsibilities and led to two streams created in the Research Division with focussed responsibility for the bench books.

**Providing training opportunities for university students**

The Commission has expanded the intern program this year. We employ university students who gain experience in interpreting case law, legislation, statistics and in Lawcodes. Many of our trainees have gone on to work as judge’s associates or solicitors who specialise in criminal practice.

## Case study

### The Commission's Intern program — Providing professional experience for university students

The Commission employs university students as interns within its different divisions and, this year, expanded its intern program by employing additional interns in our Education & Research Division and Lawcodes Section.

The work of our interns directly assists judicial officers perform their functions. It also assists legal practitioners, to assist the courts. The Commission benefits from the skills and knowledge of enthusiastic students studying law, psychology and criminology, amongst other courses of study. Interns gain valuable professional experience and skills in research, interpreting case law and legislation, legal writing, and statistical examination, amongst other things. Interns usually are employed at the Commission for about one to three years, departing around the completion of their university studies, to pursue careers in the law or otherwise.

Our Research, Lawcodes and Publishing interns read and interpret new legislation and complex appellate decisions, and prepare *Recent Law* items and case summaries addressing key developments in the criminal law which are published on the Judicial Information Research System (JIRS) and the *Judicial Officers' Bulletin*. They also draft commentary for publication in the various Bench Books produced by the Commission including the *Sentencing Bench Book*, *Criminal Trial Courts Bench Book* and *Local Court Bench Book*. Their consideration of new legislation also assists in maintaining the Lawcodes database which contains the maximum penalties of all NSW offences.

Our recently employed Statistics intern completes statistical auditing and quality control, and data entry and processing (including in relation to our recent judicial officers' survey — see p 54), which assist in the publication of the sentencing statistics on JIRS.

Our recently employed Programs intern, employed under the Ngará Yura program (see p 31), works with the Bugmy Bar Book Committee to draft and revise material for publication in the *Bugmy Bar Book*, a publication containing information on various aspects of what may constitute a deprived background which may assist in sentencing.

#### 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 75). We have also implemented other proactive ways to assess and promote productivity, including:

- tailoring our performance management system to provide for frequent 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
- improved organisation-wide communication by holding quarterly staff meetings to inform staff of development and encourage sharing of information.

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.

During the year, an all-staff well-being workshop was held with a focus on change, resilience and managing stress.

#### Providing flexible work arrangements

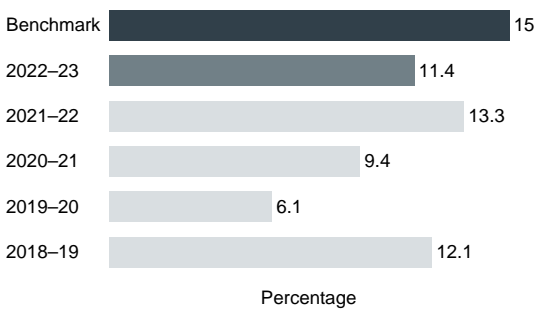
The Commission has a “flexible working practices agreement” in place to assist employees to balance work with personal and family obligations. All requests for flexible working arrangements are assessed on their merits in line with this policy. Staff also benefit from our “flexible working hours” policy that provides options for people to arrange their working hours. Our yearly staff survey showed that 94% of respondents agreed that the organisation provides them with a good work/life balance (see p 75).

Our working arrangements are published on the staff intranet and are in line with the NSW Government Sector commitment to flexible working.

### Retaining our staff

The turnover rate for permanent staff decreased this year to 11.4% (last year: 13.3%) with 4 staff members retiring or leaving. This turnover rate is below our acceptable rate of 15%, suggesting that we are an employer of choice for the majority of our people: see Figure 18. Two of the 4 staff members were long-term Commission employees who had reached retirement age. Our retention rate is very high with over 43.7% of our staff having 10 or more years' service and a further 16.4% having 5 or more years' service.

Figure 18. Staff turnover 2018–23



### Satisfactory staff attendance

During 2022–23:

- no industrial action occurred
- average sick leave decreased to 5 days per employee (last year: 9.4 days).

### 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 mental health microsite, Total Wellbeing Index, SMART goals and exercise. The newsletter addresses a number of important holistic issues such as mental health, resilience, healthy habits and fitness.

In addition, staff are encouraged to attend regular webinars on a range of wellbeing topics, made available by our EAP provider.

### 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

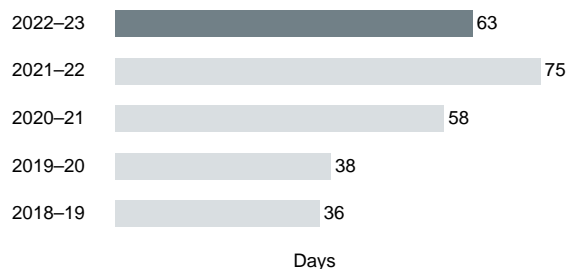
and work secondments. Our target is for employees to spend at least 2 days each year on training and development.

Thirty-three staff members (84.6%) attended 62.6 training days at a cost of \$17,627 (last year: 75 training days at a cost of \$2,601): see Figure 19. Staff attended a variety of training opportunities including:

- well-being and resilience training
- 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 health and safety for remote workers, leadership, Indigenous issues, mindfulness, judging, child protection
- cyber security
- systems and IT workshops
- in-house training.

In addition, Commission staff have access to 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 2018–23



### 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.

### Research services for staff

Online access to a wide range of legal subscription services are available to staff. Subscriptions to core materials of relevance to Commission staff were maintained throughout the year. Electronic copy has proved its worth as it can be accessed from anywhere and a wide range of material can be sourced quickly online.

Our use of online services has become part of our normal working day. This change in working practices, which started as a result of the COVID-19



pandemic, has contributed to the decrease in demand for in-person, print-based library services. The Commission has an arrangement pursuant to a memorandum of understanding to access research services at the University of New England.

### 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 2.5% salary increase from the first full pay period after 1 July 2022 which reflected the increase provided to public sector employees under the Crown Employees (Public Sector — Salaries 2022) Award. There was a 2% adjustment for senior executives during 2022–23.

The Commission contributed an amount equivalent to 10.5% 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 72.

### 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. Staff

members are invited to talk about about business developments or special projects. Minutes of the meetings are published on our intranet.

Our employees are informed about policies and procedures on our intranet and via Teams.

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. Cross-team meetings are encouraged to assist with information flow.

Our in-house newsletter, *JUDCOMmunications*, is circulated monthly to all staff.

### Facilitating teamwork and enhanced communications

JIRS and Educational enhancement meetings occur regularly to promote open discussion between the Commission's teams. These meetings are a forum to discuss improvements to work practices and facilitate a streamlined workflow. Some of the initiatives raised and implemented as a direct consequence of the JIRS and Educational enhancements meetings have been the completion of the sentencing data collection project, linking JIRS to NSW Parliament documents and transcripts, automatic notification of changes to restricted judgments mentioned in the bench books and *Recent Law* sections of JIRS, judgment citator on JIRS, better integration between the *Local Court Bench Book* and Lawcodes, and several improvements to bench books and the *Recent Law* flyer.

## Case study

### Retirement of Ian MacKinnell, IT expert

Ian MacKinnell has retired after a long and successful career at the Judicial Commission.

Ian is a skilled programmer who worked on the Judicial Information Research System (JIRS), re-engineering the SIS sentencing statistics to work for the web version of JIRS. Ian also developed the Date Calculator to accurately determine single sentence dates and reduce errors in sentencing. Ian demonstrated remarkable creativity and ingenuity in enhancing not only JIRS, but our IT systems in general, by prototyping and building a number of features and components that make up our systems today. By identifying repetitive tasks and developing automated solutions, Ian reduced manual effort, allowing staff to focus on more strategic and value-added activities.

Ian also published a number of Sentencing Trends papers, both jointly and on his own, and wrote for a number of research monographs. Ian continually looked to proposing and implementing creative solutions to optimise workflow. The Commission is grateful to Ian for his contribution and we wish him a long and happy retirement.



# Sustainability

This section outlines our key sustainability risks and opportunities as well as our overall sustainability performance.

- Environmental matters ..... 81
- Social matters ..... 81
- Staff wellbeing ..... 83
- Supply chain impacts and procurement practices ..... 84
- Institutional arrangements ..... 85
- Approach to human rights ..... 86



## Environmental matters

In accordance with the *NSW Government Resource Efficiency Policy 2019* we measure our consumption, targets and minimum standards to drive efficiency in two of three key areas:

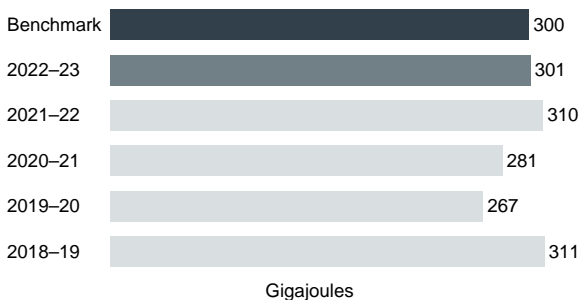
- energy use
- waste management.

The Commission used 301 GJ of electricity (last year: 310 GJ), which resulted in a 0.7% increase in energy use over 5 years: see Figure 20 (last year: 2% increase over 5 years). We recycled 0.239 tonnes of wastepaper (last year: 0.226 tonnes) and bought 85 reams of 100% recycled paper (last year: 89).

It is not possible for us to measure our water consumption as we pay a fixed rate to the building corporation for water consumption and we do not record data in relation to air quality.

Figure 20 shows that our energy consumption has decreased compared to last year and is slightly above the benchmark of 300 gigajoules.

Figure 20. 5-year trend in energy use



### NABERS ratings

Our premises at 60 Carrington Street, Sydney, has a 5 Star NABERS energy rating, a 3.5 Star NABERS water rating and a 2 star NABERS waste rating.

### Other sustainability measures we employ

- 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
- recycling and repurposing of computer parts
- using 100% recycled paper with double-sided printing
- using online research platforms and cancelling print subscriptions where there is online provision
- using online payment of accounts received and rendered
- publishing internal policies on our intranet
- providing all our resources in digital format including bench book updates and seminar and conference papers
- 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.

## Social matters

### Work health and safety

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 68. This year, we focussed on:

- ensuring staff with first aid responsibility had refresher training
- 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 and COVID-19 immunisations and reimburse associated costs. The Commission maintains a COVID-19 control

and management plan published on our intranet which is in line with NSW Department of Health recommendations.

Ergonomic assessments of workstations for new staff are undertaken to help them use their stand-up desks in the office effectively. In 2023, the Commission made a significant investment in new ergonomic office chairs, and ensured that the old chairs were recycled where possible. In addition, we provide large monitors for staff working at home.

**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 Peoples
- 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.

Research continues to show that diverse teams perform better, offering broader perspectives, higher levels of innovation and contributing to creation of a more inclusive culture.

Although the Judicial Commission is small, we strive to harness the benefits of workforce diversity. Some of our initiatives include:

- the expansion of our intern program and encouragement of diverse law students to apply, advertising through university and other networks
- we support the work of the Muslim Legal Network (MLN) and encourage staff to attend training and events organised by the MLN
- in recognition of #Pride Month 2023, we promoted a staff webinar to discuss how to better support the LGBTQIA+ community in the workplace.

There is zero-tolerance for harassment of any kind in the workplace, as expressed in our harassment and sexual harassment policies.

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).

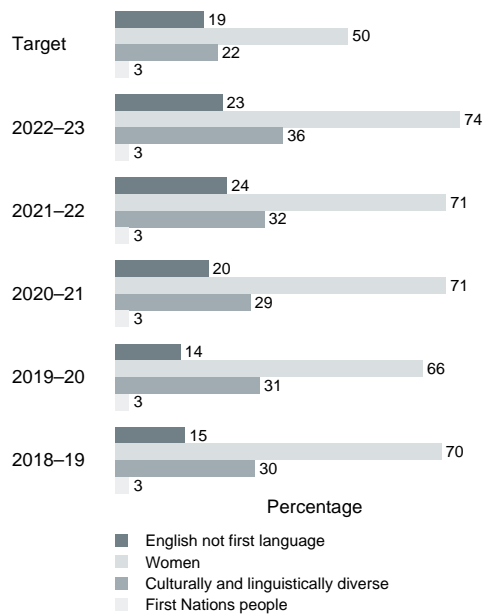
The majority of our people are women (29 or 74%) and 14 people (35.9%) are from a culturally diverse background: see Figure 21. The percentages in Figure 21 reflect staff numbers as at 30 June 2023 excluding temporary staff.

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 members 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.

*Next year*, our key workforce diversity strategies are to continue to foster a workplace culture that supports diversity and is aligned with the workforce strategies of the NSW public sector.

Figure 21. 5-year trends in workforce diversity



**Social engagement**

Staff at the Commission this year have engaged with community and social needs by:

- participating in the “Biggest Morning Tea” to raise funds for cancer research
- participating in the “Great Book Swap” to raise funds for the Indigenous Literacy Foundation
- attending Red Cross Life Blood to make regular blood donations.

## Staff wellbeing

We believe that a positive workplace culture drives engagement, impacts happiness and satisfaction, and affects performance. We shape our culture through our leadership, workplace practices and policies. Some examples include:

- we commissioned a staff wellbeing workshop in June 2023, focusing on stress management and wellbeing resilience in a changing workplace
- team building for our newly established Education and Research Division with managers and the director. We conducted a workshop focussing on team building over a day and a half, both in person and remotely
- we include an annual requirement for staff to attend at a session of cyber security awareness training with Cyber Security NSW to promote user confidence and brush up on best practices in basic cyber security hygiene, which can be applied both in the office and at home

- in November 2022, we implemented a Zero Tolerance Policy to ensure all staff are treated with dignity and respect, reinforcing that aggressive or violent behaviour towards our staff will not be tolerated under any circumstances.

The Commission places a very high value on its people, particularly given that our highly specialised work is dependent on skilled professionals. We also recognise that, in addition to normal workplace pressures, the unique nature of some of our work may expose staff to additional stresses, including vicarious trauma. Recognising this, we have a number of policies in place to support staff who may be experiencing some of these challenges, including rotation, resilience training and access to an employee assistance program (EAP). In 2022 we arranged for interested staff to participate in a wellbeing program in recognition of R U OK Day (September) and World Mental Health Week (October).

### Case study

#### Retirement of the Commission's Research and Sentencing Director, **Pierrette Mizzi**

Ms Pierrette Mizzi, Director of Research and Sentencing, retired in September 2022 after 15 years with the Judicial Commission. Pierrette joined the Commission in 2007 as Manager of the Research and Sentencing Division. She was appointed acting Director in October 2017 and appointed Director in May 2018.

As Director, Pierrette was responsible for the Commission's research program and the content on the Judicial Information Research System (JIRS) including the highly-regarded *Sentencing Bench Book*. Ms Mizzi was the author of several publications on sentencing law, including *Sentencing Commonwealth drug offenders* and *Sentencing offenders convicted of child pornography and child abuse material offences*. Pierrette was the convenor of the *Criminal Trial Courts Bench Book* committee, chaired by the Hon Justice Robert Hulme. Pierrette was admitted as a legal practitioner in 1996 and her prior experience included nine years as a Principal Legal Officer at the Commonwealth Director of Public Prosecutions.

We extend our congratulations and heartfelt thanks to Pierrette for her contribution to the Commission's research and sentencing program.



Mark Zaki, Managing Lawyer, Research & Sentencing presents retiring Research & Sentencing Director Pierrette Mizzi with a gift at a special farewell morning tea at the Commission in September 2022.

## Supply chain impacts and procurement practices

Our procurement policy is aligned with the NSW Government *Procurement Policy Framework*. We work to ensure that our procurement activities achieve best value for money in supporting the delivery of government services, as well as maintaining our environmental sustainability and corporate responsibility obligations.

Some examples of our practices include:

- First Nations suppliers: a strategy supporting our Ngarra Yura Strategic Plan is to procure goods and services from Aboriginal and Torres Strait Islander owned businesses and related programs/initiatives where appropriate. Some examples include purchase of Aboriginal designed and licensed

products to give as presenter gifts; plants grown by Muru Mittigar (Dharug-controlled social enterprise); and bus hire for judicial education excursions (Tribal Warrior). We also make donations to First Nations' charities in lieu of speaker gifts and we prioritise engaging Aboriginal-owned and operated businesses which provide opportunities for the Indigenous community in the areas of ownership, training and employment

- modern slavery safeguards: our procurement policy is framed to ensure that goods and services procured by and for the Commission are not the product of modern slavery within the meaning of the *Modern Slavery Act 2018*.

### Modern Slavery Statement for the 2022–23 Financial Year for the Judicial Commission of NSW

We are committed to improving our practices to combat slavery and human trafficking. We recognise that slavery and human trafficking is a real yet hidden issue in our society. We will not tolerate slavery and human trafficking in our business or supply chain. We are committed to acting ethically and with integrity in all our business dealings and relationships and to implementing and enforcing effective systems and controls to ensure that any form of slavery is not taking place in our own workplace or supply chains.

We are an independent statutory corporation established under the *Judicial Officers Act 1986*. We report to the Parliament of NSW. We operate a number of internal policies and checks to ensure that we are conducting business in an ethical and transparent manner.

These include:

- *Recruitment* — we operate a robust recruitment policy, including conducting eligibility to work in the NSW government, checks for all employees to safeguard against human trafficking or individuals being forced to work against their will.
- *Work Health and Safety* — this policy sets out our approach to ensure we provide a healthy working environment for our staff.
- *Supply chains* — we assess regulatory licences and certificates; conduct due diligence to confirm compliance with regulatory bodies; and checks to determine the financial stability of the supplier.
- *Training* — we work to ensure a high-level understanding of the risks of modern slavery and human trafficking amongst our staff, and where appropriate we include reference to the *Modern Slavery Act 2018* in our policies and procedures.

This statement is made pursuant to section 31(1)(b) of the *Modern Slavery Act 2018* and section 7.11 of the *Government Sector Finance Act 2018* and constitutes our statement of steps taken to ensure that goods and services procured by and for our agency during the financial year then ending 2023 were not the product of modern slavery within the meaning of the *Modern Slavery Act 2018*.



Una Doyle  
Chief Executive  
Judicial Commission of NSW  
Dated: 1 July 2023

## Institutional arrangements

To ensure that our programs and policies are regularly reviewed and are fit for purpose and sustainable, we have in place various institutional arrangements that govern policy making and the development of programs. See “Management and Accountability” for our external and internal audit program.

Last year we instituted monthly Education Enhancement meetings to review all our programs and resources within the continuing judicial education function of the Commission. This complements the regular JIRS Enhancements meetings we have had

in place for many years to review the programs and resources falling under our Research and Sentencing function.

A new Code of Ethics and Conduct for NSW Government Sector Employees was released by the Public Service Commission in November 2022 and this now forms part of our workplace standards, with all employees and contractors required to adhere. We are also including this in our role descriptions going forward.

### Case study

#### Anchoring environmental law and awareness in continuing judicial education — playing our part

In November 2022, our Chief Executive, Una Doyle, gave a presentation at the 35th LAWASIA Conference, Sydney. Entitled “Raising Lawyers’ Environmental Consciousness”, the purpose of the session was to explore the need for reform of academic legal curricula and continuing legal education programs to increase environmental awareness of and ethical responsiveness to environmental challenges.

Effective judicial education assists judges in understanding not only the law but also the diverse realities and circumstances of the people before them. The effects of global warming (especially on vulnerable populations) need to be front of mind for judicial officers. Climate change affects us all — including in the court room. Major professional associations recognise that the legal profession and judiciary need to be more climate aware. The International Bar Association and American Bar Association strongly encourage “a climate conscious approach to problems encountered in daily legal practice”.

The presentation examined how environmental awareness and even climate science can be successfully incorporated into continuing professional development for judges and lawyers. Examples included:

- the International Organization for Judicial Training (IOJT) held its 2022 conference in Ottawa, 30 October–3 November 2022, included a session “Preparing Judges for Climate Litigation”. The Climate Judiciary Project is building a network of judges and scientists to address the judiciary’s need for basic familiarity with current climate science and to keep pace with climate issues emerging in courtrooms
- here at the Judicial Commission of NSW, we regularly hold sessions for judges on raising environmental awareness, for example “Legal Reasoning and Climate Change Evidence”, a short series providing a snapshot of the latest climate science.



The Commission’s Chief Executive Una Doyle is pictured (far right) with delegates at the International Organization for Judicial Training conference in Ottawa, 30 October–3 November 2022

## 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 27 for further information about our education program and from p 43 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, 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 31 for more information about the Ngara Yura Program.
- The Commission has been involved in a taskforce since 2019 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 continued to update relevant publications, publish resources and design 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. We relaunched our *Children's Court Resource Handbook* to provide current information for Children's Court magistrates regarding these issues.
- The Commission has developed a multi-pronged educational strategy to address sexual harassment prevention including publications, webinars and discrete sessions in annual conferences.
- We published an article in the June 2022 *Judicial Officers' Bulletin* on diversion options for people with a mental illness in custody. The article reported on the findings of research examining the rates and patterns of mental health court diversion in samples of adults and adolescents. The findings support the potential benefits of diversion, particularly in terms of reducing recidivism, but also highlight problems with access to diversion for particular groups and difficulties with provision of timely secondary healthcare intervention following diversion.
- 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](http://www.judcom.nsw.gov.au). Our international award-winning publication, *Handbook for Judicial Officers* contains a wealth of information by distinguished authors to assist judicial officers to conduct trials and case management fairly, impartially and with an awareness of the need to manage cultural diversity challenges and appreciate 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.
- 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 30 for more information about this program.



Our Ngara Yura Program supported a forum in February 2023 discussing constitutional change to support an Indigenous Voice to Parliament. Speakers at the forum included (l-r) former Chief Justice of the High Court, the Hon Robert French; Ms Gaby Bashir, President of the Bar Association; the Hon Lucy McCallum, Chief Justice of the ACT; the Hon Justice Dina Yehia; the Hon Justice Rachel Pepper and Thomas Mayo.

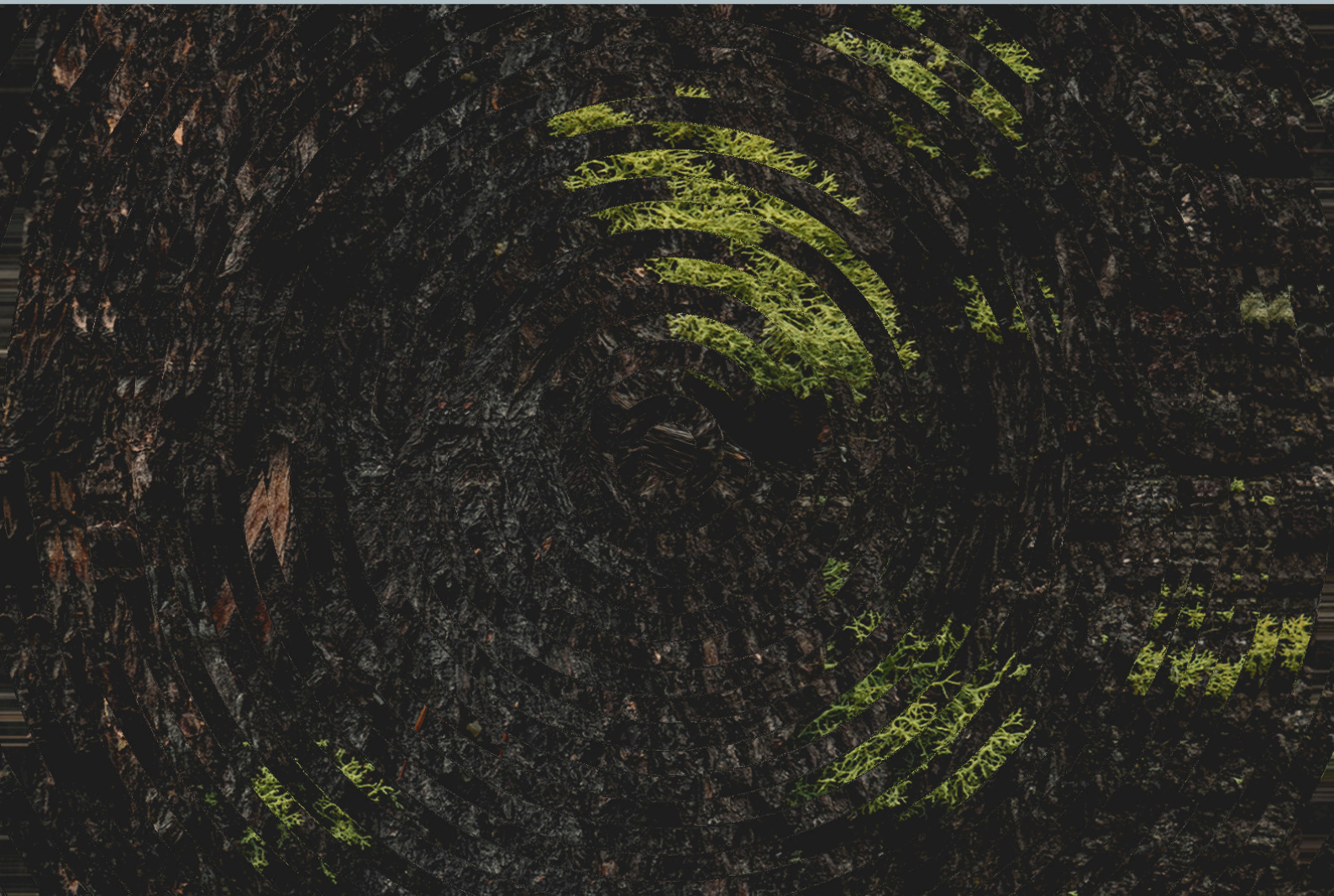


# Financial performance

**Our financial result was a surplus of \$49,000, with 79.7% of our revenue from NSW Government funding. Our expenses were \$6.597 million.**

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# 06



## Performance results 2022–23

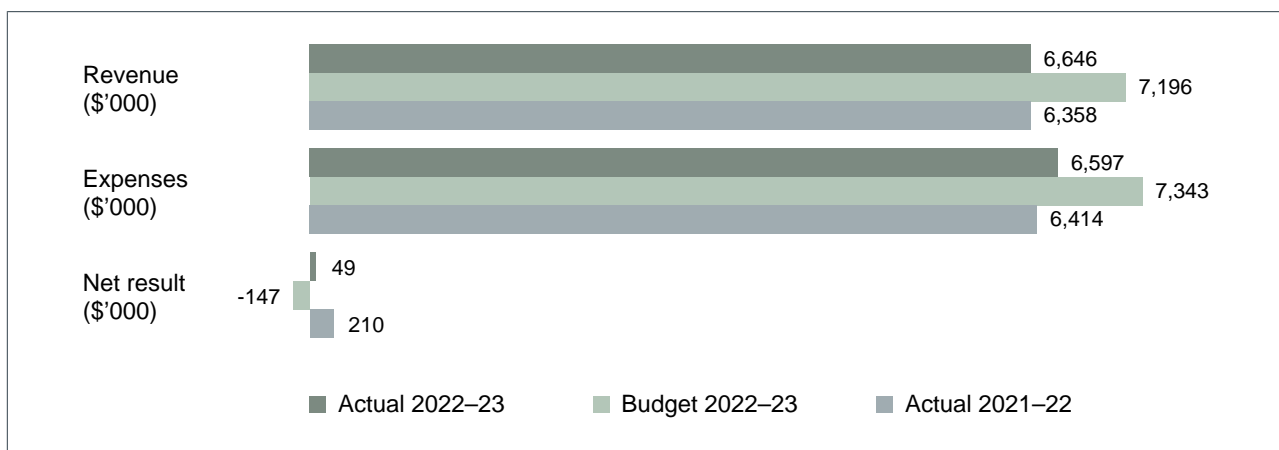
**Our financial result was a surplus of \$49,000, compared to the budgeted deficit of \$147,000. While there was a slight increase in expenditure this year, total expenses were under budget and there was an increase in government funding in the reporting period.**

Table 20. Results for financial performance against budget

Results	Measures	Performance	Status
We perform our functions in line with budget forecast	<b>Our budgetary measure was a deficit of \$147,000</b>	<b>Surplus: \$49,000</b>	↑
Our income adequately finances our core services and workforce  We proactively generated income  We contained our expenditure to budget level	<b>Our budgetary measures were:</b>  <b>Income</b> \$7.196 million comprised of: – Government funding: \$6.172 million – Self-generated revenue: \$1.024 million – goods and services: \$1.023 million – investment & other: \$1,000  <b>Expenditure</b> Total expenses: \$7.343 million  Employee-related expenses: \$5.026 million	<b>Our results were:</b>  <b>Income</b> \$6.646 million comprised of: – Government funding: \$5.297 million – Self-generated revenue: \$1.349 million – goods and services: \$1.199 million – investment & other: \$150,000  <b>Expenditure</b> Total expenses: \$6.597 million  Employee-related expenses: \$4.718 million (71.5% of total expenses): see Figure 24 on p 89  Total expenses were under budget by \$746,000, noting that no Conduct Divisions were held	↓  ↑ ↑
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 21 and 22	✓
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. 2022–23 revenue, expenses and net results compared against budget and 2021–22 actuals



## Financial overview

Our financial result was a \$49,000 surplus, compared to the budgeted deficit of \$147,000. This outcome can be attributed to a combination of factors, including delayed recruitment due to restructuring of some positions and no Conduct Divisions held in 2022–23. See Table 20.

The Commission receives funding from the NSW Government and this is our principal source of income. In 2022–23, our total income was \$6.646 million, of which \$5.297 million came from government funding. Another \$1.349 million (20.3% of total income, last year: 20.1%) was self-generated, primarily from contractual arrangements for the provision of software services and other services. Projects including sentencing databases and case management systems for various jurisdictions demonstrates growth of non-government sourced revenue contributed to this additional revenue. See Figure 23.

Expenditure was contained below budget levels. Spending was kept below capital allocation. Employee-related expenses were under budget and represented 71.5% of expenditure (last year: 74.5%). We did not engage any consultants this year. See Figure 24.

Our total assets increased by \$524,000 mainly due to an increase in cash and cash equivalents at year end (last year: \$3.83 million decrease). Our total liabilities increased by \$475,000 mainly due to an increase in current payables which was primarily made up of prepaid income (last year: \$4.04 million decrease).

Figure 22 on p 88 compares our actual performance this year against both the budget and last year's results.

### Key challenges

- Balancing support of key reforms with core commitments
- Reduced government funding in an environment of government fiscal constraint

### Looking ahead 2023–24

- In line with the Government's focus on repairing the State's budget position, we will work to minimise expenditure and maintain our self-generated income streams where possible

Figure 23. Revenue

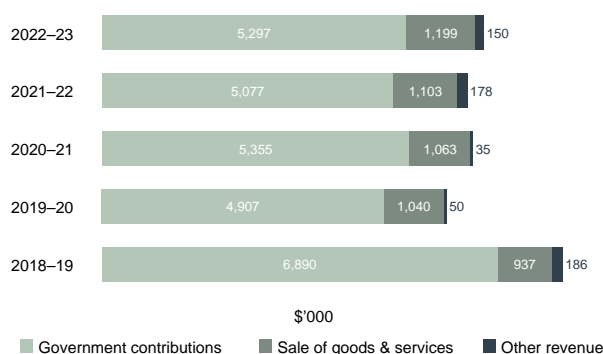


Figure 24. Expenses

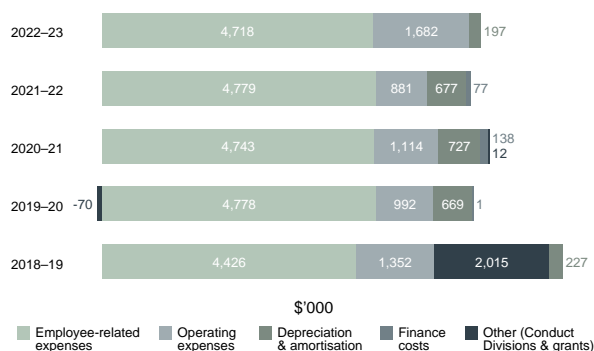


Table 21. Aged analysis at the end of each quarter

Quarter	Current (within due date)	<30 days overdue	30–60 days overdue	60–90 days overdue	>90 days overdue
	\$	\$	\$	\$	\$
Sep 2022	186,506	nil	nil	nil	nil
Dec 2022	106,128	nil	nil	nil	nil
Mar 2023	195,112	nil	nil	nil	nil
Jun 2023	85,468	nil	nil	nil	nil

Table 22. Accounts paid on time within each quarter

Quarter	Total accounts paid on time			Total amount paid
	Target %	Actual %	\$	\$
Sep 2022	100	100	720,910	720,910
Dec 2022	100	100	620,140	620,140
Mar 2023	100	100	699,509	699,509
Jun 2023	100	100	788,005	788,005



## Financial report

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### 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 2023
- (c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.

Una Doyle  
Chief Executive  
Dated: 3 November 2023

## Independent auditor's report



### INDEPENDENT AUDITOR'S REPORT

#### Judicial Commission of New South Wales

To Members of the New South Wales Parliament

#### Opinion

I have audited the accompanying financial statements of the Judicial Commission of New South Wales (the Commission), which comprise the Statement by the Accountable Authority, the Statement of Comprehensive Income for the year ended 30 June 2023, the Statement of Financial Position as at 30 June 2023, 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).

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

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

#### 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 Regulation 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](http://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 assumptions used in formulating the budget figures disclosed in the financial statements
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.

A handwritten signature in black ink, appearing to read 'Susan Prichard'.

Susan Prichard  
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

3 November 2023  
SYDNEY

# Financial statements

## Start of audited financial statements

### Judicial Commission of New South Wales

Statement of Comprehensive Income for the year ended 30 June 2023

	Notes	Actual 2023 \$'000	Budget 2023 \$'000	Actual 2022 \$'000
<b>Continuing operations</b>				
<b>Expenses excluding losses</b>				
Employee-related expenses	2(a)	4,718	5,026	4,779
Operating expenses	2(b)	1,682	1,646	881
Depreciation and amortisation	2(c)	197	265	677
Finance Costs	2(d)	-	-	77
Grants and subsidies		-	6	-
Other expenses		-	400	-
<b>Total expenses excluding losses</b>		<b>6,597</b>	<b>7,343</b>	<b>6,414</b>
<b>Revenue</b>				
Appropriation	3(a)	5,338	6,000	5,026
Acceptance by The Crown of employee benefits & other liabilities	3(c)	(41)	172	51
Sales of goods and services from contracts with customers	3(b)	1,199	1,023	1,103
Investment revenue		-	1	-
Other income	3(d)	150	-	178
<b>Total revenue</b>		<b>6,646</b>	<b>7,196</b>	<b>6,358</b>
<b>Net result</b>	20	<b>49</b>	<b>(147)</b>	<b>(56)</b>
Net gains/(losses) from derecognition of financial assets measured at amortised cost	5	-	-	266
<b>TOTAL COMPREHENSIVE INCOME</b>		<b>49</b>	<b>(147)</b>	<b>210</b>

The accompanying notes form part of these financial statements.

**Judicial Commission of New South Wales**  
Statement of Financial Position as at 30 June 2023

	Notes	Actual 2023 \$'000	Budget 2023 \$'000	Actual 2022 \$'000
<b>ASSETS</b>				
<b>Current Assets</b>				
Cash and cash equivalents	7	693	120	165
Receivables	8	108	16	92
<b>Total Current Assets</b>		<b>801</b>	<b>136</b>	<b>257</b>
<b>Non-Current Assets</b>				
Property, plant and equipment	9	1,090	1,040	1,195
Intangible assets	11	154	-	69
<b>Total Non-Current Assets</b>		<b>1,244</b>	<b>1,040</b>	<b>1,264</b>
<b>Total Assets</b>		<b>2,045</b>	<b>1,176</b>	<b>1,521</b>
<b>LIABILITIES</b>				
<b>Current Liabilities</b>				
Payables	12	257	106	314
Contract liabilities	13	642	-	-
Provisions	14	587	677	690
Other current liabilities	15	-	66	3
<b>Total Current Liabilities</b>		<b>1,486</b>	<b>849</b>	<b>1,007</b>
<b>Non-Current Liabilities</b>				
Provisions	14	27	27	31
<b>Total Non-Current Liabilities</b>		<b>27</b>	<b>27</b>	<b>31</b>
<b>Total Liabilities</b>		<b>1,513</b>	<b>876</b>	<b>1,038</b>
<b>Net Assets</b>		<b>532</b>	<b>300</b>	<b>483</b>
<b>EQUITY</b>				
Accumulated funds	18	532	300	483
<b>Total Equity</b>		<b>532</b>	<b>300</b>	<b>483</b>

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 2023

	Accumulated Funds \$'000	Total \$'000
<b>Balance at 1 July 2022</b>	483	483
Net result for the year	49	49
Total other comprehensive income	-	-
Total comprehensive income for the year	49	49
<b>Balance at 30 June 2023</b>	532	532
<b>Balance at 1 July 2021</b>	273	273
Net result for the year	210	210
Total other comprehensive income	-	-
Total comprehensive income for the year	210	210
<b>Balance at 30 June 2022</b>	483	483

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 2023

	Notes	Actual 2023 \$'000	Budget 2023 \$'000	Actual 2022 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
<b>Payments</b>				
Employee-related		(4,829)	(4,616)	(4,672)
Finance costs		-	-	(77)
Other		(2,024)	(2,258)	(1,079)
<b>Total Payments</b>		<b>(6,853)</b>	<b>(6,874)</b>	<b>(5,828)</b>
<b>Receipts</b>				
Appropriations (excluding equity appropriations)		5,338	6,000	5,026
Sale of goods and services		2,070	958	1,213
Interest received		-	1	-
Other		150	110	178
<b>Total Receipts</b>		<b>7,558</b>	<b>7,069</b>	<b>6,417</b>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	20	<b>705</b>	<b>195</b>	<b>589</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Purchases of plant and equipment and intangibles		(177)	(150)	(135)
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>		<b>(177)</b>	<b>(150)</b>	<b>(135)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Payment of principal portion of lease liabilities		-	-	(425)
<b>NET CASH FLOWS FROM FINANCING ACTIVITIES</b>		<b>-</b>	<b>-</b>	<b>(425)</b>
<b>NET INCREASE / (DECREASE) IN CASH AND CASH EQUIVALENTS</b>		<b>528</b>	<b>45</b>	<b>29</b>
Opening cash and cash equivalents		165	75	136
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	7	<b>693</b>	<b>120</b>	<b>165</b>

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 2023

### 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 2023 have been authorised for issue by the Chief Executive on 3 November 2023.

#### (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 FY2022–23

The accounting policies applied in 2022–23 are consistent with those of the previous financial year.

Several other amendments and interpretations apply for the first time in FY2022–23, but do not have an impact on the financial statements of the entity.

##### (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 2020-1 *Amendments to Australian Accounting Standards — Classification of Liabilities as Current or Non-current*
- AASB 2021-2 *Amendments to Australian Accounting Standards — Disclosure of Accounting Policies and Definition of Accounting Estimates*
- AASB 2021-5 *Amendments to Australian Accounting Standards — Deferred Tax related to Assets and Liabilities arising from a Single Transaction*
- AASB 2021-6 *Amendments to Australian Accounting Standards — Disclosure of Accounting Policies: Tier 2 and Other Australian Accounting Standards*
- AASB 2021-7b *Amendments to Australian Accounting Standards — Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections*
- AASB 2021-7c *Amendments to Australian Accounting Standards — Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections*



- AASB 2022-1 *Amendments to Australian Accounting Standards — Initial Application of AASB 17 and AASB 9 — Comparative Information*
- AASB 2022-5 *Amendments to Australian Accounting Standards — Lease Liability in a Sale and Leaseback*
- AASB 2022-6 *Amendments to Australian Accounting Standards — Non-current Liabilities with Covenants*
- AASB 2022-7 *Editorial Corrections to Australian Accounting Standards and Repeal of Superseded and Redundant Standards*
- AASB 2022-8 *Amendments to Australian Accounting Standards — Insurance Contracts: Consequential Amendments*
- AASB 2022-9 *Amendments to Australian Accounting Standards — Insurance Contracts in the Public Sector*
- AASB 2022-10 *Amendments to Australian Accounting Standards — Fair Value Measurement of Non-Financial Assets of Not-for-profit Public Sector Entities*

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 2022–23

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.

(h) Superannuation on annual leave loading

The Commission has determined that it is not probable a liability arises to pay superannuation on annual leave loading. This position has been formed based on current enquiries, other information currently available to management, and after considering the facts from a decision in the Federal Court of Australia [2022] FedCFamC2G 409. That decision confirmed that, in relation to the industrial agreement considered in that case, annual leave loading did not form part of ordinary time earnings and therefore, did not require superannuation contributions to be made under superannuation guarantee legislation because the obligation to pay annual leave loading was not referable to ordinary hours of work or to ordinary rates of pay. Rather, it was paid by reference to the period of annual leave, and for the purpose of compensating employees for their loss of opportunity to work additional hours at higher rates during this period.

This position will be re-assessed in future reporting periods as new information comes to light on this matter.

## 2. EXPENSES EXCLUDING LOSSES

	2023 \$'000	2022 \$'000
(a) Employee-related expenses		
Salaries and wages (including annual leave)	4,063	4,119
Superannuation — defined benefit plans	46	42
Superannuation — defined contribution plans	408	367
Long service leave	(86)	9
Workers' compensation insurance	25	20
Payroll tax and fringe benefit tax	262	222
	<u>4,718</u>	<u>4,779</u>

	2023 \$'000	2022 \$'000
(b) Other operating expenses include the following:		
Variable lease payments, not included in the lease liabilities	695	189
Fees for services	96	44
Contractors	144	115
Conferences	233	149
Printing	8	7
Member fees	130	133
Stores and equipment	5	3
Books and periodicals	58	63
Postal and telephone	19	25
Training	27	5
Travel expenses	26	4
Electricity	26	23
Insurance	15	16
Auditor's remuneration — audit of the financial statements	29	28
Recruitment	5	14
Maintenance	17	1
Other	149	62
	<u>1,682</u>	<u>881</u>

	2023 \$'000	2022 \$'000
<i>Reconciliation — Total maintenance expense</i>		
Maintenance expense — contracted labour and other (non employee-related), as above	17	1
Employee-related maintenance expense included in Note 2(a)	-	-
Total maintenance expenses included in Note 2(a) + 2(b)	<u>17</u>	<u>1</u>



## Recognition and Measurement

### Maintenance expense

Day-to-day servicing costs or maintenance are charged as expenses are 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 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.

	2023 \$'000	2022 \$'000
(c) Depreciation and amortisation expense		
Depreciation		
Computer equipment	60	46
Right-of-use asset	-	513
Office furniture	117	116
Office equipment	1	2
	178	677
Amortisation		
Intangible assets	19	-
	197	677

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

- (d) Finance costs
- Interest expense from lease liabilities

	2023 \$'000	2022 \$'000
	-	77
	-	77

## 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

The *Appropriation Act 2021 (Appropriations Act)* and the subsequent variations, appropriates the sum of \$6,000,000 to the Minister for the Department of Justice out of the Consolidated Fund for the services of the Judicial Commission of NSW for the year 2022-23.

The responsible Minister for the Judicial Commission of NSW is taken to have been given an appropriation out of the Consolidated Fund under the authority s 4.7 of the *Government Sector Finance Act 2018*, at the time the Judicial Commission of NSW receives or recovers any deemed appropriation money, for an amount equivalent to the money that is received or recovered by the Judicial Commission of NSW.

The spending authority of the Minister from the *Appropriations Act* and that of the responsible Minister from deemed appropriation money has been delegated to officers of the Judicial Commission of NSW.

The summary of compliance has been prepared on the basis of aggregating the spending authorities of both the Minister for the Department of Justice and the responsible Minister for the services of the Judicial Commission of NSW. It reflects the status at the point in time this disclosure statement is being made.

	2023 \$'000	2022 \$'000
<b>Summary of Compliance at responsible minister level</b>	Appropriation	Appropriation
Amount Appropriated per <i>Appropriation Act</i>	6,000	5,195
Variations made to the appropriations during the financial year		
• COVID-19 pandemic and inflation (per Section 34 of the <i>Appropriation Act</i> )	-	45
<b>Total spending authority from parliamentary appropriations, other than deemed appropriations</b>	6,000	5,240
Add:		
The spending authority from deemed appropriations during the current year	2,220	1,391
The unutilised spending authority from deemed appropriations in prior years	380	137
Less: total expenditure out of ConFund	(7,030)	(6,388)
<b>Variance</b>	1,570	380
Less:		
The spending authority from appropriations lapsed at 30 June	-	-
<b>Deemed appropriations balance carried forward to following years</b>	1,570	380
<i>Comprising:</i>		
Appropriations (per Statement of Comprehensive Income)		
<i>Appropriations (per Statement of Comprehensive Income):</i>		
Recurrent	5,188	5,090
Capital	150	150
	5,338	5,240

## 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.

	2023 \$'000	2022 \$'000
(b) Sale of goods and services		
Sales of goods and services from contracts with customers	219	205
Rendering of services	980	898
	1,199	1,103

## 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 settlements 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.

## 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).



## Recognition and Measurement

### Grant Revenue

Revenue from grants with sufficiently specific performance obligations are recognised as and when the Commission satisfies a performance obligation by transferring the promised services. The entity provides research and education services as agreed with the Department of Communities and Justice. The Commission typically satisfies its performance obligations when it provides research and education services.

Revenue from these grants is recognised based on the grant amount specified in the funding agreement/funding approval, and revenue is only recognised to the extent that it is highly probable that a significant reversal will not occur. The total amount in the contract is allocated to the distinct performance obligation of providing research and education services. No element of financing is deemed present as funding payments are usually received in advance or shortly after the relevant obligation is satisfied.

Refer to Note 13 for transaction price allocated to the performance obligations that have not been satisfied at the end of the year and when it is expected to be recognised as revenue.

Income from grants without sufficiently specific performance obligations are recognised when the entity obtains control over the granted assets (e.g. cash).

	2023 \$'000	2022 \$'000
(c) Acceptance by The Crown of employee benefits & other liabilities		
The following liabilities and/or expenses have been assumed by the Crown or other government entities:		
Superannuation — defined benefit	43	41
Long service leave provision	(86)	9
Payroll tax	2	1
	(41)	51
(d) Other income		
Miscellaneous revenue	150	178

## 4. GAINS / (LOSSES) ON DISPOSAL

	2023 \$'000	2022 \$'000
Gains/(losses) on disposal	-	-

## 5. OTHER GAINS / (LOSSES)

	2023 \$'000	2022 \$'000
Other gains/(losses)	-	266

The net gains/(losses) from the derecognition of the right-of-use asset and lease liability as at 30 June 2023 is reconciled as below:

	2023 \$'000	2022 \$'000
<b>Right-of-use asset</b>		
Gross carrying amount	-	4,836
Less: accumulated depreciation and accumulated impairment provision	-	(1,502)
Net book value	-	3,334
Lease liability	-	3,600
<b>Net Gains/(Losses)</b>	-	266

## 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.
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The Commission operates a single program group which supports the State Outcome to promote a better informed and professional judiciary. This State Outcome is about the provision of education services, sentencing information and effective examination of complaints.

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

## 7. CURRENT ASSETS — CASH AND CASH EQUIVALENTS

	2023 \$'000	2022 \$'000
Cash at bank and on hand	693	165
	<u>693</u>	<u>165</u>

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:

	2023 \$'000	2022 \$'000
Cash and cash equivalents (per Statement of Financial Position)	693	165
Cash and cash equivalents (per Statement of Cash Flows)	<u>693</u>	<u>165</u>

Refer Note 21 for details regarding credit risk and market risk arising from financial instruments.

## 8. CURRENT ASSETS — RECEIVABLES

	2023 \$'000	2022 \$'000
Trade receivables from contracts with customers	3	16
Other receivables	(14)	(10)
Accrued income	15	-
Prepayments	104	86
	<u>108</u>	<u>92</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 directly 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
<b>At 1 July 2022 — fair value</b>		
Gross carrying amount	2,323	2,323
Accumulated depreciation and impairment	(1,128)	(1,128)
Net carrying amount	<u>1,195</u>	<u>1,195</u>
<b>At 30 June 2023 — fair value</b>		
Gross carrying amount	2,367	2,367
Accumulated depreciation and impairment	(1,277)	(1,277)
Net carrying amount	<u>1,090</u>	<u>1,090</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
<b>Year ended 30 June 2023</b>		
Net carrying amount at start of year	1,195	1,195
Additions	73	73
Disposals	-	-
Depreciation	(178)	(178)
Net carrying amount at end of year	<u>1,090</u>	<u>1,090</u>





	Plant and Equipment \$'000	Total \$'000
<b>At 1 July 2021 — fair value</b>		
Gross carrying amount	2,262	2,262
Accumulated depreciation and impairment	(970)	(970)
Net carrying amount	1,292	1,292
<b>At 30 June 2022 — fair value</b>		
Gross carrying amount	2,323	2,323
Accumulated depreciation and impairment	(1,128)	(1,128)
Net carrying amount	1,195	1,195

### 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
<b>Year ended 30 June 2022</b>		
Net carrying amount at start of year	1,292	1,292
Additions	67	67
Disposals	-	-
Depreciation	(164)	(164)
Net carrying amount at end of year	1,195	1,195

### 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 (TPP21-09) and Treasurer's Direction Valuation of Physical Non-Current Assets at Fair Value (TD21-05). TD21-05 and TP21-09 adopt 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 feasible 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. The reversal is recognised in other comprehensive income and is treated as a revaluation increase, except to the extent that an impairment loss on the same class of asset was previously recognised in net result, then the reversal recognised in net result.

## 10. LEASES

During the financial year ended 30 June 2022, the entity accepted changes in the office accommodation arrangements with Property NSW (PNSW). The main change was the introduction of the "substitution right" clause for PNSW to relocate the entity during the term of the agreement. The clause provides PNSW with a substantive substitution right. Therefore, the agreements are no longer accounted for as a lease within the scope of AASB 16.

The corresponding right of use assets and lease liabilities have been derecognised on 30 June 2022, the effective date of the new clause. The net impact of the derecognition is recognised in "Other Gains/(Losses)" (refer to Note 5). From 1 July 2022, the accommodation charges will be recognised as expenses when incurred over the agreement duration.

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 2023	Land and Buildings \$'000 2022
Balance at beginning of year	-	3,847
Additions	-	-
Depreciation expense	-	(513)
Adjustments due to change in variable payments and additional extension of term	-	-
Derecognition of right-of-use asset	-	(3,334)
Balance at the end of the year	<u>0</u>	<u>0</u>

#### **Lease liabilities**

The following table presents the liabilities under leases.

	Lease liabilities \$'000 2023	Lease liabilities \$'000 2022
Balance at beginning of year	-	4,026
Additions	-	-
Interest expense	-	77
Adjustments due to change in variable payments and additional extension of term	-	-
Payments	-	(503)
Derecognition of lease liabilities	-	(3,600)
Balance at the end of the year	<u>0</u>	<u>0</u>



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 2023	\$'000 2022
Depreciation expense of right-of-use assets	-	513
Interest expense on lease liabilities	-	77
Variable lease payments, not included in the measurement of lease liabilities	-	189
Gains or losses arising from derecognising the right-of-use assets and lease liabilities with Property NSW	-	(266)
<b>Total amount recognised in the statement of comprehensive income</b>	<b>0</b>	<b>513</b>

## 11. INTANGIBLE ASSETS

### At 1 July 2022

	Software \$'000	Total \$'000
Cost (gross carrying amount)	97	97
Accumulated amortisation and impairment	(28)	(28)
<b>Net carrying amount</b>	<b>69</b>	<b>69</b>

### At 30 June 2023

	Software \$'000	Total \$'000
Cost (gross carrying amount)	201	201
Accumulated amortisation and impairment	(47)	(47)
<b>Net carrying amount</b>	<b>154</b>	<b>154</b>

### 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
<b>Year ended 30 June 2023</b>		
Net carrying amount at start of year	69	69
Additions	104	104
Disposals	-	-
Amortisation (recognised in 'depreciation and amortisation')	(19)	(19)
<b>Net carrying amount at end of year</b>	<b>154</b>	<b>154</b>

### At 1 July 2021

	Software \$'000	Total \$'000
Cost (gross carrying amount)	28	28
Accumulated amortisation and impairment	(28)	(28)
<b>Net carrying amount</b>	<b>-</b>	<b>-</b>

### At 30 June 2022

	Software \$'000	Total \$'000
Cost (gross carrying amount)	97	97
Accumulated amortisation and impairment	(28)	(28)
<b>Net carrying amount</b>	<b>69</b>	<b>69</b>

### 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
<b>Year ended 30 June 2022</b>		
Net carrying amount at start of year	-	-
Additions	69	69
Disposals	-	-
Amortisation (recognised in 'depreciation and amortisation')	-	-
<b>Net carrying amount at end of year</b>	<b>69</b>	<b>69</b>

### 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

	2023 \$'000	2022 \$'000
Creditors	116	158
Accrued salaries, wages and on-costs	127	88
Other (including GST payable)	14	68
	<u>257</u>	<u>314</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. CONTRACT LIABILITIES

	2023 \$'000	2022 \$'000
Contract liabilities — current	642	-
	<u>642</u>	<u>-</u>

### Recognition and Measurement

Contract liabilities relate to consideration received in advance from customers in respect of software development and grant revenue. The Commission satisfies its performance obligation providing software development and research and education services, typically recognising revenue each month.

The transaction price allocated to the remaining performance obligations relates to software development and research and education grants that have sufficiently specific performance obligations. One hundred per cent is expected to be recognised as revenue in 2023–24 financial year when the Commission satisfies its performance obligation.

## 14. CURRENT / NON-CURRENT LIABILITIES — PROVISIONS

	2023 \$'000	2022 \$'000
<b>Employee benefits and related on-costs</b>		
<b>Current</b>		
Annual leave	279	382
On-costs	308	308
	<u>587</u>	<u>690</u>
<b>Non-Current</b>		
On-costs	27	31
	<u>27</u>	<u>31</u>

	2023 \$'000	2022 \$'000
<b>Aggregate employee benefits and related on-costs</b>		
Provisions — current	587	690
Provisions — non-current	27	31
Accrued salaries, wages and on-costs (refer Note 12)	127	88
	<u>741</u>	<u>809</u>
<b>Expected settlement of current employee benefits and related on-costs</b>		
Not later than 12 months	543	654
Later than 12 months	44	36
	<u>587</u>	<u>690</u>

### Recognition and Measurement

#### *Employee benefits and related on-costs*

#### *Salaries and wages, annual 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.

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

Actuarial advice obtained by Treasury has confirmed that using nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 8.4% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The



entity has assessed the actuarial advice based on the entity's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual 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.

## **15. CURRENT / NON-CURRENT LIABILITIES — BORROWINGS**

	2023 \$'000	2022 \$'000
Liability for unspent appropriations drawn down	-	3
	-	3
Lease liability — non-current (see Note 10)	-	-

## **16. COMMITMENTS**

The Commission has no capital commitments.

## **17. CONTINGENT LIABILITIES AND CONTINGENT ASSETS**

The Commission has no contingent liabilities (2022: nil) or contingent assets (2022: nil) as at 30 June 2023.

## **18. EQUITY**

### **Recognition and Measurement**

#### *Accumulated Funds*

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

## **19. 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 profit is greater than the budgeted loss by \$195,000 excluding the gain on derecognition of leased assets. This is mainly due to \$745,000 lower expenses including Conduct Divisions, combined with \$175,000 higher own generated income.

Other revenue items contributing to the actual net profit are: Capital allocation is as per budget, acceptance by the Crown of employees benefits is lower by \$213,000 and recurrent allocation lower by \$662,000.

### Assets and Liabilities

Non-Current Assets are over budget by \$204,000, due to increased capital acquisitions.

Current Liabilities are under budget by \$637,000 mainly due to prepaid income being much higher.

### Cash flows

The Net Cash Flows from operating activities resulted with a positive \$705,000.

The total cash increase was \$529,000 after deducting investing activities of \$177,000 and financing activities of nil.

## 20. 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:

	2023 \$'000	2022 \$'000
Net cash from operating activities	705	589
Decrease/(Increase) in Crown Entity liability	3	(3)
Depreciation and amortisation expense	(197)	(677)
Decrease/(increase) in provisions	107	(32)
Increase/(decrease) in receivables and prepayments	16	18
Decrease/(increase) in payables	(585)	49
Net gains/(losses) from derecognition of financial assets measured at amortised cost	-	266
<b>Net Result</b>	<b>49</b>	<b>210</b>

## 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.

(a) Financial instrument categories	Note	Category	Carrying Amount 2023 \$'000
i. As at 30 June 2023 under AASB 9			
<b>Financial Assets</b>			
Cash and cash equivalents	7	N/A	693
Receivables <sup>1</sup>	8	Amortised cost	4
<b>Financial Liabilities</b>			
Payables <sup>2</sup>	12	Financial liabilities measured at amortised cost	(448)
Borrowings	15	Financial liabilities measured at amortised cost	-

### Notes

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



	Note	Category	Carrying Amount 2022 \$'000
ii. As at 30 June 2022 under AASB 9			
<b>Financial Assets</b>			
Cash and cash equivalents	7	N/A	165
Receivables <sup>1</sup>	8	Amortised cost	6
<b>Financial Liabilities</b>			
Payables <sup>2</sup>	12	Financial liabilities measured at amortised cost	164
Borrowings	15	Financial liabilities measured at amortised cost	3

*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**

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.

Interest is earned on daily cash balances at the monthly average Tcorp 11am unofficial cash rate, adjusted for a management fee to NSW Treasury.

### 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. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that the entity will not be able to collect all amounts due. This evidence includes past experience, and current and expected changes in economic conditions and debtor credit ratings. No interest is earned on trade debtors. Sales are made on 30 day terms.

	Current	<30 days	30-60 days	61-90 days	>91 days	30-Jun-23 \$'000 Total
Expected credit loss rate	-	-	-	-	-	-
Estimated total gross carrying amount	4	-	-	-	-	4
Expected credit loss	-	-	-	-	-	-

	Current	<30 days	30-60 days	61-90 days	>91 days	30-Jun-22 \$'000 Total
Expected credit loss rate	-	-	-	-	-	-
Estimated total gross carrying amount	14	-	-	-	2	16
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 2023.

### 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
<b>2023</b>								
Payables:								
• Creditors		194	-	-	194	194	-	-
Borrowings:								
• Borrowings	4.70%	-	-	-	-	-	-	-
		194	-	-	194	194	-	-
<b>2022</b>								
Payables:								
• Creditors		164	-	-	164	164	-	-
Borrowings:								
• Borrowings	1.98%	-	-	-	-	-	-	-
		164	-	-	164	164	-	-

*Notes*

1. 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.
2. The amounts disclosed 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:

	2023 \$'000	2022 \$'000
Short-term employee benefits:		
Salaries	1,001	1,191
Other monetary allowances	-	-
Non-monetary benefits	-	-
Post-employment benefits	102	94
Termination benefits	-	-
Total remuneration	1,103	1,285

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

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## Appendix 1

### Complaints against judicial officers: guidelines

View “Guide for complainants” online at [www.judcom.nsw.gov.au/complaints/guide-for-complainants/](http://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/](http://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/](http://www.judcom.nsw.gov.au/education/continuing-judicial-education-policy/).

## Appendix 4

### Committees and panels 2022–23

#### EDUCATION COMMITTEES

##### Supreme Court Education Committee

- The Honourable Justice M Leeming (until 23 September 2022)
- The Honourable Justice A Payne
- The Honourable Justice R White (until 23 September 2022)
- The Honourable Justice A Mitchelmore (Chair from 12 September 2022)
- The Honourable Justice J Basten (Chair until 11 September 2022)
- The Honourable Justice R Beech-Jones (from 12 September 2022)
- The Honourable Justice P Johnson (until 4 July 2022)
- The Honourable Justice I Harrison (until 23 September 2022)
- The Honourable Justice P Garling RFD (until 23 September 2022)
- The Honourable Justice A Black (until 23 September 2022)
- The Honourable Justice R Wright (until 23 September 2022)
- The Honourable Justice P Hamill
- The Honourable Justice M Ierace (from 26 September 2022)
- The Honourable Justice E Peden (from 12 September 2022)
- Mr C D'Aeth, Principal Registrar
- Ms S Collins, Manager, Programs, Judicial Commission of NSW (Convenor from 5 July 2022 until 26 February 2023)
- Ms A Smith, Manager, Programs, Judicial Commission of NSW (Convenor from 27 February 2023)
- Ms U Doyle, Chief Executive, Judicial Commission of NSW (Convenor until 4 July 2022).

##### Land and Environment Court Education Committee

- The Honourable Justice N Pain (Chair)
- The Honourable Justice J Robson
- Senior Commissioner S Dixon
- Commissioner T Horton
- Ms S Froh, Registrar
- Ms S Collins, Manager, Programs, Judicial Commission of NSW (Convenor from 5 July 2022 until 26 February 2023)
- Ms A Smith, Manager, Programs, Judicial Commission of NSW (Convenor from 1 March 2023)
- Ms U Doyle, Chief Executive, Judicial Commission of NSW (Convenor until 4 July 2022).

##### District Court Education Committee

- His Honour Judge G Lerve
- Her Honour Judge S Huggett (Chair)
- Her Honour Judge J Culver AM
- His Honour Judge A Scotting
- Her Honour Judge J Girdham SC
- Her Honour Judge D Yehia (until 4 July 2022)

- His Honour Judge M Dicker SC
- His Honour Judge W Hunt
- Her Honour Judge G O'Rourke SC
- His Honour Judge C O'Brien AM
- His Honour Judge G Turnbull SC (Appointed member from 1 February 2023)
- His Honour Judge J Smith SC
- His Honour Judge R Weinstein (until 31 January 2023)
- Mr J Howard, Judicial Registrar
- Ms S Collins, Manager, Programs, Judicial Commission of NSW (Convenor from 5 July 2022 until 26 February 2023)
- Ms A Smith, Manager, Programs, Judicial Commission of NSW (Convenor from 27 February 2023)
- Ms U Doyle, Chief Executive, Judicial Commission of NSW (Convenor until 4 July 2022).

##### Local Court Education Committee

- Her Honour Deputy Chief Magistrate S Freund (Chair)
- Her Honour Magistrate V Swain
- His Honour Magistrate G Walsh
- Her Honour Magistrate H Grahame (until 17 April 2023)
- Her Honour Magistrate M Greenwood
- His Honour Magistrate C Franklin
- His Honour Magistrate P Stewart
- His Honour Magistrate R Hudson
- Her Honour Magistrate S Horan
- Her Honour Magistrate J Price
- His Honour Magistrate S Nash
- Her Honour Magistrate N Ford
- Ms S Collins, Manager, Programs, Judicial Commission of NSW (Convenor from 5 July 2022 until 26 February 2023)
- Ms A Smith, Manager, Programs, Judicial Commission of NSW (Convenor from 27 February 2023)
- Ms U Doyle, Chief Executive, Judicial Commission of NSW (Convenor until 4 July 2022).

##### Children's Court Education Committee

- Her Honour Judge E Skinner (Chair)
- His Honour Magistrate A Sbrizzi
- Her Honour Magistrate T Sheedy
- Her Honour Magistrate D Maher
- Ms R Davidson, Executive Officer (until 31 July 2022)
- Ms S Collins, Manager, Programs, Judicial Commission of NSW (Judicial Commission Representative from 5 July 2022 until 26 February 2023)
- Ms K Bromley, Acting Executive Officer (from 1 August 2022)
- Ms A Smith, Manager, Programs, Judicial Commission of NSW (Judicial Commission Representative from 27 February 2023)

- Ms U Doyle, Chief Executive, Judicial Commission of NSW (Judicial Commission Representative until 4 July 2022).

#### Ngara Yura Committee

- The Honourable Justice N Adams, Supreme Court
- The Honourable Justice D Yehia, Supreme Court (Chair)
- The Honourable Justice R Pepper, Land and Environment Court
- The Honourable Justice S Pritchard, Land and Environment Court (from 1 November 2022)
- His Honour Judge W Hunt, District Court (from 8 July 2022)
- His Honour Magistrate B van Zuylen, Local Court
- Her Honour Magistrate S Duncombe, Local Court
- His Honour Magistrate R Funston, Local Court (from 1 February 2023)
- Acting Commissioner A Smith, Land and Environment Court
- Mr J Behrendt, Managing Director, Chalk & Behrendt
- Ms S Collins, Manager, Programs, Judicial Commission of NSW (Convenor from 5 July 2022 until 26 February 2023)
- Ms A Smith, Manager, Programs, Judicial Commission of NSW (Convenor from 27 February 2023)
- Ms U Doyle, Chief Executive, Judicial Commission of NSW (Convenor until 4 July 2022).

#### **BENCH BOOK COMMITTEES**

##### Criminal Trial Courts Bench Book Committee

- The Honourable Justice RA Hulme (Chair until 31 August 2022)
- The Honourable Justice C Adamson (Chair from 1 September 2022)
- The Honourable Justice R Button
- The Honourable Justice H Wilson
- His Honour Judge D Arnott SC
- Her Honour Judge S Huggett
- Her Honour Judge N Noman SC
- His Honour Judge C Smith SC (from 25 August 2022)
- Ms P Mizzi (Convenor until 26 August 2022)
- Ms G Brignell, Principal Research Officer (Legal), Judicial Commission of NSW (Convenor from 29 August 2022).

##### Sentencing Bench Book Committee

- The Honourable Justice N Adams (Chair from 21 November 2022)
- The Honourable Justice D Yehia (from 21 November 2022)
- The Honourable Justice D Sweeney (from 21 November 2022)
- His Honour Judge A Townsden (from 21 November 2022)

- Her Honour Judge S Beckett (from 21 November 2022)
- Mr M Zaki, Managing Lawyer, Research & Sentencing, Judicial Commission of NSW (Convenor from 21 November 2022)
- Ms P Breaden, Legal Editor, Publishing, Judicial Commission of NSW (Judicial Commission Representative from 21 November 2022).

##### Civil Trials Bench Book Committee

- The Honourable Justice P Garling RFD (Chair)
- The Honourable Justice R Darke
- The Honourable Justice R Weinstein
- His Honour Judge P Mahony SC (until 31 December 2022)
- His Honour Judge M Dicker SC (from 1 February 2023)
- His Honour Judge A Coleman SC (from 1 February 2023)
- Her Honour Magistrate J Atkinson
- Her Honour Magistrate M Greenwood
- Ms T Janu, Senior Legal Editor, Judicial Commission of NSW (Convenor from 23 January 2023)
- Ms U Doyle, Chief Executive, Judicial Commission of NSW
- Ms K Lumley, Manager, Publications and Communications, Judicial Commission of NSW (from 1 August 2022)
- Ms A Murphy, Legal Editor, Judicial Commission of NSW (Convenor until 16 December 2022).

##### Local Court Bench Book Committee

- His Honour Deputy Chief Magistrate T Tsavdaridis (Official member)
- Her Honour Magistrate T O'Sullivan (until 23 February 2023)
- Her Honour Magistrate L Stapleton (from 23 February 2023)
- Her Honour Magistrate S McIntyre (until 23 February 2023)
- Her Honour Magistrate E Ryan (from 23 February 2023)
- His Honour Magistrate M Antrum (until 10 October 2022)
- Her Honour Magistrate J Price (from 23 February 2023)
- Her Honour Magistrate D Maher
- Ms P Mizzi (Chair until 26 August 2022)
- Mr M Zaki, Managing Lawyer, Research & Sentencing, Judicial Commission of NSW (Chair from 29 August 2022).

#### **PANELS**

##### Lawcodes Advisory Panel

- His Honour Judge C O'Brien AM
- His Honour Magistrate L Mabbutt.

## Appendix 5

### Conference topics 2022–23

#### ANNUAL CONFERENCES

##### Supreme Court of NSW Annual Conference, August 2022

- “Parallel Universes: the strange absence of Australian citations in New Zealand case law (and vice versa)”, The Honourable Justice Stephen Kós, President, Court of Appeal, Supreme Court of New Zealand
- “Climate change and the Australian economy”, Dr Guy Debelle, Deputy Governor, Reserve Bank of Australia
- “Harris v Digital Pulse Pty Ltd — Behind the scenes”, The Honourable Justice Mark Leeming, Court of Appeal
- “Just Versus Quick: Constructivist and Ecological Rationality in a Common Law System”, The Honourable Justice Stephen Gageler AC, High Court of Australia
- “Streamed Session”
  - “Developments in Criminal Law”, The Honourable Justice Robert A Hulme, Supreme Court of NSW
  - “The Fiduciary Status of Agents”, Professor Matthew Conaglen, Professor of Equity and Trusts, University of Sydney.
- “Cartography and Copyright law in the 18th Century”, Professor Isabella Alexander, Director of Higher Degree Research, University of Technology Sydney
- “Beyond Australian Impressionism: Re-imagining the art of settler-colonial Australia”, Dr Gary Werskey, Hon Associate, University of Sydney
- “Tracing our ancestry to a southern African wetland”, Professor Vanessa Hayes, Chair, Prostate Cancer Research, University of Sydney.

##### Land and Environment Court of NSW Annual Conference, May 2023

- “Keynote Address: Changing How We View Change: The Artist’s Insight”, The Honourable Justice Brian Preston, Chief Judge, Land and Environment Court of NSW
- “Art, the Environment and the Law: Frederick McCubbin and Arthur Boyd”, Emeritus Professor Tim Bonyhady AM FAAH FASSA, Emeritus Professor, Australian National University College of Law
- “Field Trip: Bundanon”
- “Dinner Presentation”, The Honourable Chief Justice Andrew Bell, Chief Justice of NSW, Supreme Court of NSW
- “Meeting of the Acting Commissioners”, Senior Commissioner Susan Dixon, Land and Environment Court of NSW
- “Resilience, Recovery and Sustainability”, Ms Rachel Kent, Chief Executive Officer, Bundanon Trust
- “Values in Cities: Urban Heritage in Twentieth-Century Australia”, Dr James Lesh, Urban Historian & Lecturer, Deakin University

- “The Human Dimension of Judging: Empirical Insights into Burnout, Engagement and Thriving in Judicial and Quasi-Judicial Work”, Ms Carly Schrever LLB, BSci, MPsych, Director, Human Ethos — Wellbeing for Judges and Lawyers
- “Connecting with Country”, Ms Shannon Foster, Partner, D’harawal eora Knowledge Keeper and Sydney Registered Traditional Owner, Bangawarra
- “Emerging Digital Planning Tools”, Professor Christopher Pettit, Inaugural Professor and Plus Alliance Fellow, University of NSW Sydney.

##### District Court of NSW Annual Conference, April 2023

- “Some Key Decisions of the Court of Appeal in 2022”, The Honourable Justice Julie Ward, President, Court of Appeal
- “Criminal Law Review”, The Honourable Justice Natalie Adams, Supreme Court of NSW
- “Technology Tips for Judges”, Her Honour Judge Samantha Marks KC, Judge, County Court of Victoria
- “Keep it Simple: A Call to Action”, Professor Kay Wilhelm AM MD MBBS FRANZCP, Professor of Psychiatry, UNDA and UNSW
- “Judicial Courage: Experiences of Women Judges in Afghanistan”, Ms Farah Atahee and Ms Nalleb Talash
- “Walama List”, His Honour Judge Warwick Hunt, District Court of NSW, Ms Edwina Crawford, Director, Department of Community Justice and Aunty Marcia Ella-Duncan.

##### Industrial Relations Commission of NSW Annual Conference, May 2023

- “Opening Address”, The Honourable Sophie Cotsis MP, Minister for Industrial Relations, and Minister for Work Health and Safety
- “Ex Tempore Judgments: Why, When and How?”, The Honourable Justice James Stevenson, Supreme Court of NSW
- “Kilmuir Rules”, The Honourable Justice Julie Ward, President, Court of Appeal
- “Court Craft”, The Honourable Justice Michael Lee, Federal Court of Australia
- “Complaints Handling at the Judicial Commission of NSW”, Ms Una Doyle, Chief Executive, Judicial Commission of NSW.

#### OTHER CONFERENCES

##### Local Court of NSW Southern Regional Conference, March 2023

- “Opening Address”, His Honour Judge Peter Johnstone, Chief Magistrate of NSW
- “Sentencing for drug related offences in the Local Court”, His Honour Magistrate Caleb Franklin, Local Court of NSW and His Honour Magistrate Ross Hudson, Local Court of NSW
- “Domestic Violence Offences”, Her Honour Magistrate Holly Kemp, Local Court of NSW and His Honour Magistrate Philip Stewart, Local Court of NSW

- “Firearms, Prohibited Weapons, Knives — a snapshot of sentencing principles”, His Honour Magistrate Philip Stewart, Local Court of NSW
  - “Self-represented litigants”, His Honour Magistrate Mark Douglass, Local Court of NSW
  - “Common courtesy and tips and tricks for magistrates”, His Honour Magistrate Peter Feather, Local Court of NSW
  - “Update from the National Heavy Vehicle Regulator on the transition of heavy vehicle prosecutions from Transport for NSW”, Ms Belinda Hughes, A/Executive Director, Statutory Compliance (Investigations & Prosecutions), National Heavy Vehicle Regulator
  - “The Bail Act — The what, the how and the why or how to keep out of the news”, Her Honour Magistrate Robyn Denes, Local Court of NSW and Her Honour Magistrate Jennifer Price, Local Court of NSW
  - “The Justice Advocacy Service including court-based diversion service, and the MERIT programs”
    - “Justice Advocacy Service and new Diversion Program”, Ms Judy Harper, Program Director, Justice Advocacy Service
    - “Magistrates Early Referral Into Treatment”, Ms Jade Pados, Senior Analyst, Centre for Alcohol & Other Drugs, Ministry of Health.
  - “The Children’s Court of NSW: Recent and upcoming developments”, His Honour Magistrate David Williams, Local Court of NSW
  - “Coronial Work — practical session”, Her Honour Magistrate Elizabeth Ryan, Local Court of NSW.
- Local Court of NSW Northern Regional Conference, March 2023
- “Opening Address”, His Honour Judge Peter Johnstone, Chief Magistrate of NSW
  - “Sentencing for drug related offences in the Local Court”, His Honour Magistrate Caleb Franklin, Local Court of NSW and His Honour Magistrate Ross Hudson, Local Court of NSW
- “Domestic Violence Offences”, His Honour Magistrate Scott Nash, Local Court of NSW, Her Honour Magistrate Holly Kemp, Local Court of NSW and His Honour Magistrate Philip Stewart, Local Court of NSW
  - “Firearms, Prohibited Weapons, Knives — a snapshot of sentencing principles”, His Honour Magistrate Philip Stewart, Local Court of NSW
  - “Common courtesy and tips and tricks for magistrates”, His Honour Magistrate Peter Feather, Local Court of NSW
  - “Coronial Work — practical session”, Her Honour Magistrate Elizabeth Ryan, Local Court of NSW
  - “The Bail Act — The what, the how and the why or how to keep out of the news”, Her Honour Magistrate Robyn Denes, Local Court of NSW and Her Honour Magistrate Jennifer Price, Local Court of NSW
  - “Self-represented litigants”, His Honour Magistrate Mark Douglass, Local Court of NSW
  - “The Justice Advocacy Service including court-based diversion service, and the MERIT programs”
    - “Justice Advocacy Service and new Diversion Program”, Mr Michael Young, Regional Manager, Justice Advocacy Service
    - “Magistrates Early Referral Into Treatment”, Ms Rhiannon Meath, Clinical Nurse Specialist MERIT, Hastings Macleay Drug & Alcohol & MERIT Services and Ms Catherine Wilson, Clinical Nurse Specialist MERIT Case Worker.
  - “The Children’s Court of NSW: Recent and upcoming developments”, Her Honour Judge Nell Skinner, President, Children’s Court of NSW
  - “Update from the National Heavy Vehicle Regulator on the transition of heavy vehicle prosecutions from Transport for NSW”, Ms Belinda Hughes, A/ Executive Director, Statutory Compliance (Investigations and Prosecutions), National Heavy Vehicle Regulator.

**ORIENTATION PROGRAMS**

Local Court of NSW Magistrates’ Orientation Program, November 2022

- “Local Court of NSW Magistrates’ Orientation Program”.

Appendix 6

**Judicial education seminars, workshops and field trips 2022–23**

Land and Environment Court of NSW

- “Land and Environment Court Field Trip: Green Square Library”, Mr Matthias Hollenstein, Director, Studio Hollenstein, Field Trip, 26 July 2022
- “Q & A Session on Court Craft”, The Honourable Justice Sandra Duggan, Land and Environment Court of NSW, Twilight Seminar, 23 March 2023
- “A Mindful Court- introduction to mindfulness”, Professor Craig Hassed OAM, Mindfulness Coordinator, Monash University, Webinar, 26 June 2023.

District Court of NSW

- “Discharging a Juror/Jury”, Twilight Seminar, 21 September 2022
- “Self Represented Litigants”, Twilight Seminar, 26 October 2022
- “Complaints Process”, Mr Murali Sagi PSM, Deputy Chief Executive, Judicial Commission of NSW, Webinar, 7 December 2022.

Local Court of NSW

- “Aggregate Sentencing Workshop”, His Honour Magistrate Philip Stewart, Local Court of NSW, Workshop, 18 July 2022



- “Aggregate Sentencing Workshop”, His Honour Magistrate Philip Stewart, Local Court of NSW, Workshop, 20 July 2022
  - “Aggregate Sentencing Workshop”, His Honour Magistrate Philip Stewart, Local Court of NSW, Workshop, 21 July 2022
  - *Local Court of NSW Webinar: Civil Claims, 7 September 2022*
  - “Civil Webinar Series: Applications”, Webinar, 11 October 2022
  - “Civil Webinar Series: Contracts”, Webinar, 25 October 2022
  - “Aggregate Sentencing”, His Honour Magistrate Philip Stewart, Local Court of NSW, Webinar, 2 November 2022
  - *Local Court of NSW Metropolitan Series II, 14–18 November 2022*
    - “Sentencing for drug related offences in the Local Court”, His Honour Magistrate Caleb Franklin, Local Court of NSW and His Honour Magistrate Ross Hudson, Local Court of NSW
    - “Self-represented litigants”, His Honour Magistrate Mark Douglass, Local Court of NSW
    - “Domestic Violence Offences”, His Honour Magistrate Scott Nash, Local Court of NSW, Her Honour Magistrate Holly Kemp, Local Court of NSW and His Honour Magistrate Philip Stewart, Local Court of NSW
    - “Update from the National Heavy Vehicle Regulator on the transition of heavy vehicle prosecutions from Transport for NSW”, Ms Belinda Hughes, A/Executive Director, Statutory Compliance (Investigations & Prosecutions), National Heavy Vehicle Regulator.
  - *Local Court of NSW Metropolitan Series I, 13–17 February 2023*
    - “The Bail Act — The what, the how and the why or how to keep out of the news”, Her Honour Magistrate Robyn Denes, Local Court of NSW and Her Honour Magistrate Jennifer Price, Local Court of NSW
    - “The Justice Advocacy Service including court-based diversion service, and the MERIT programs”
      - › “Justice Advocacy Service and new Diversion Program”, Ms Kelly Watson, Regional Manager, Justice Advocacy Service
      - › “Magistrates Early Referral Into Treatment”, Ms Tanya Merinda, Manager, Centre for Alcohol and Other Drugs, NSW Ministry of Health and Ms Samantha Black, Senior Policy Officer, Centre for Alcohol and Other Drugs, NSW Ministry of Health.
    - “Firearms, Prohibited Weapons, Knives — a snapshot of sentencing principles”, His Honour Magistrate Philip Stewart, Local Court of NSW
    - “Common courtesy and tips and tricks for magistrates”, His Honour Magistrate Peter Feather, Local Court of NSW.
  - “Aggregate Sentencing Workshop”, Workshop, 27 February 2023
  - “Aggregate Sentencing Workshop”, His Honour Magistrate Philip Stewart, Local Court of NSW, Workshop, 3 April 2023
  - “Civil Webinar Series: Small Claims”, His Honour Magistrate Stephen Olischlager, Local Court of NSW, Webinar, 3 May 2023
  - “Civil Webinar Series: Findings of Fact in Civil Proceedings”, His Honour Magistrate Michael Barko, Local Court of NSW, Webinar, 17 May 2023
  - “Civil Webinar Series: Australian Consumer Law”, His Honour Magistrate Stephen Olischlager, Local Court of NSW, Webinar, 31 May 2023
  - “Civil Webinar Series: Statutory Claims”, His Honour Magistrate Stephen Olischlager, Local Court of NSW, Webinar, 28 June 2023.
- Children’s Court of NSW
- “Children’s Court Webinar: Categorising, admitting and using identification evidence”, Webinar, 27 September 2022
  - “Children’s Court S16 Meeting”, Ms Kate Alexander, Senior Practitioner, NSW Department of Communities and Justice, Ms Lisa Pederson, Director, Department of Communities and Justice, Ms Anne Campbell, Acting Deputy Secretary Strategy, Department of Communities and Justice, Ms Claire Robbs, Chief Executive, Life Without Barriers, Ms Maree Crabbe, Director, It’s Time We Talked, Professor Loyola McLean, Associate Professor, University of Sydney, His Honour Magistrate Albert Sbrizzi, Children’s Court of NSW, Ms Edwina Hunter, Children’s Registrar, Children’s Court of NSW, Ms Hana Marjanac, Children’s Registrar, Children’s Court of NSW, Ms Caroline Stirling, Children’s Registrar, Children’s Court of NSW and Ms Kate Bromley, Acting Executive Officer, Children’s Court of NSW, Twilight Seminar, 4 November 2022
  - “Children’s Court s 16 Meeting”, Twilight Seminar, 12 May 2023.
- Ngara Yura Program
- “First Nations Speaker Series: Emily McDaniel”, Webinar, 15 September 2022
  - “Ngara Yura First Nations Speaker Series Dr Miriam Rose AM”, Webinar, 6 October 2022
  - “First Nations Speaker Series: Mr Peter Cooley”, Webinar, 20 October 2022
  - “Frances Forbes Joint Program- The impact of Protectionist policies on First Nations people”, Twilight Seminar, 10 November 2022
  - “Exchanging Ideas Symposium”, The Honourable Robert French AC, Mr Thomas Mayor, National Indigenous Officer, Construction, Forestry, Maritime, Mining and Energy Union, Dr Gabrielle Appleby, Professor, UNSW Law and Associate Dean (International & External Engagement), University of New South Wales, Ms Teela Reid, Acting Commissioner Megan Davis, Land and Environment Court of NSW, Mr Anthony McAvoy SC, Barrister, Frederick Jordan Chambers, The Honourable Mark Dreyfus KC MP, Attorney-General, Parliament of Australia and Ms

Sue-Anne Hunter, Commissioner, Deputy Chair, Yoorrook Justice Commission, Twilight Seminar, 4 February 2023

- “Joint Program Bugmy Justice Reports”, Twilight Seminar, 26 April 2023

- “Muru Ngubadi, the Path of Respect”, Webinar, 24 May 2023.

Cross-jurisdictional

- “Cross-jurisdictional Seminar: Bugmy Update in Penrith”, Twilight Seminar, 8 May 2023.

## Appendix 7

### Articles published 2022–23

Legend: JOB — *Judicial Officers’ Bulletin*, TJR — *The Judicial Review*

- J Allsop, “Thinking about law: the importance of how we attend and of context” (2023) 15(1) *TJR* 61
- M Zaki, B Baylock and P Poletti, “Sentencing for domestic violence in the Local Court” (2023) 35(3) *JOB* 23
- A Bell, “Innovative justice” (2023) 15(1) *TJR* 37
- E Leddy-Rebecchi et al, “Existing and emerging opportunities in restorative justice” (2022) 34(7) *JOB* 71
- H Bowskill, “The Judicial Council on Diversity and Inclusion — an update” (2023) 35(4) *JOB* 33
- D Elston and P Coady, “The Child Protection Register and applications in the Local Court under the Child Protection (Offenders Registration) Act 2000” (2022) 34(9) *JOB* 95
- K Dean et al, “Mental health court diversion for adults and adolescents in NSW” (2023) 35(5) *JOB* 43
- SC Derrington, “I dissent; but why?” (2023) 15(1) *TJR* 85
- M Douglass, “A road less travelled: footprints from trauma” (2022) 34(6) *JOB* 62
- SJ Gageler, “Integrating the Australian judicial system” (2023) 15(1) *TJR* 21
- J Gleeson, “Advancing judicial legitimacy: the stakes and the means” (2023) 15(1) *TJR* 1
- B Hughes, “New role for the National Heavy Vehicle Regulator” (2022) 34(7) *JOB* 77
- D Jackson, “The role of narrative in the judicial process” (2023) 15(1) *TJR* 99
- PA Johnson, “Aggregate sentencing 12 years on” (2023) 35(2) *JOB* 1

- PL Johnstone, “The Local Court of NSW is committed to Closing the Gap” (2022) 34(6) *JOB* 65
- M King, “The importance of trauma-informed court practice” (2022) 34(6) *JOB* 59
- S Poynton et al, “Have the Early Appropriate Guilty Plea reforms been implemented as intended and achieved their objectives?” (2022) 34(8) *JOB* 83
- D Luo and T Tsavdaridis, “Immunity of administrative decisions by judicial officers” (2023) 35(2) *JOB* 14
- K Macpherson and A Morris, “Introducing the Marram-Ngala Ganbu hearing day in the Children’s Court (Vic)” (2023) 35(4) *JOB* 36
- T Neal and K Martire, “Evidence admissibility rules in Australia vs the US: do the different rules affect our legal systems’ abilities to screen for rigor and quality of psychological assessment expert evidence?” (2022) 34(10) *JOB* 105
- J Maynard, “The other fellow: “we want to be in charge of our own destiny”” (2023) 15(1) *TJR* 109
- K McKenzie, “Language in the courtroom: transgender awareness” (2023) 35(2) *JOB* 11
- JE Mottley, “Reforms to increase accessibility of NSW Drug Court program in early 2023” (2022) 34(11) *JOB* 113
- T Shepherd, “Introducing the Bugmy Justice Reports” (2023) 35(1) *JOB* 4
- A Stiles, “Introducing the Women’s Domestic Violence Court Advocacy Services” (2023) 35(3) *JOB* 28
- “Vale the Honourable Murray Tobias AM RFD KC” (2023) 35(2) *JOB* 13.

## 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
48. Sentencing for domestic violence in the Local Court, July 2022

#### Sentencing Snapshots

- Domestic Violence Offences in the Local Court, June 2021–
- Common Offences in the Local Court, March 2022–

- Common Offences in the District and Supreme Courts, June 2022–
- Common Offences in the Children's Court, September 2022–

#### Journals

- Judicial Officers' Bulletin (Vols 1–35) (1988–)
- The Judicial Review (Vols 1–15) (1992–2023)

#### 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–)
- Handbook for Judicial Officers (online only) (2021–)

#### The Judicial Commission e-resource series

- Trauma-informed courts: guidance for trauma-informed judicial practices, (online only) November 2022

#### 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/](http://www.judcom.nsw.gov.au/education/ngara-yura-program/ngara-yura-committee-terms-of-reference/).

## Appendix 10

### Assistance to other jurisdictions and organisations 2022–23

#### Judicial education

- 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 participate in the *Bugmy* Bar Book Committee meetings.
- Department of Communities and Justice and NSW Council of Aboriginal Regional Alliances (NCARA): we formalised our discussions and in October 2021, signed an Accord supporting strategies to reduce the number of young First Nations people being breached on bail following non-violent offences.
- Sexual Harassment Prevention Education Working Group: in July we took part in this national initiative to develop sexual harassment prevention education for judicial officers. Court Services Victoria, NJCA, JCV and the Fair Work Commission took part.
- Australian Judicial Officers Association: throughout April, May and June we supported the AJOA by promoting the 2022 Colloquium to NSW judicial officers
- Department of Communities and Justice — *Family Is Culture Review Report: Independent Review of Aboriginal Children and Young People in OOHC* (2019): throughout the year we continued working with the Department to implement our response to the recommendations of this report.
- Asia Pacific Judicial Educators Meeting: a meeting of the Australian members of the group was held in April 2022, hosted by the NJCA, the meeting

and focused on reviewing proposed content for a national sexual harassment prevention training program.

- District and County Courts of Australia and New Zealand Technology Committee: in May 2022, after reviewing the curriculum we agreed to assist with implementing a technology course for judicial officers designed by the committee.

#### Judicial support and case management systems

- Drug Court Case Management System: we continued 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 continued to host, maintain and support QSI until 28 February 2023.
- Commonwealth Sentencing Database (CSD): we continued 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.
- Papua New Guinea Legal Information Network (PngLIN): we continued to host, maintain and support the PngLIN (previously PNGSD) for the Supreme and National Courts of PNG.
- Papua New Guinea Integrated Criminal Case System Database (ICCS): We continued to host, maintain and support the PNG ICCSD for the Supreme and National Courts of PNG. The ICCSD continues to be expanded to all provinces across the country in a phased manner. Improvements are being made to include additional jurisdictions.
- The Australian Capital Territory Sentencing Database (ACTSD): we continued to host, maintain and support the ACTSD for the ACT Courts and Tribunal.

## Appendix 11

### Working with other organisations 2022–23

Our officers represent the Commission on a number of committees and steering groups. Details of their involvements are:

Ms Una Doyle — Chief Executive

Member of:

- Asia Pacific Judicial Educators (APJE)
- National Judicial Orientation Program Steering Committee, National Judicial College of Australia (NJCA)
- Judicial Council on Diversity and Inclusion (JCDI)
- Advisory Board of the Commonwealth Judicial Education Institute (CJEI).

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 Pierrette Mizzi — Director, Research and Sentencing (retired September 2022)

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)
- Aboriginal Legal Service Bugmy Evidence Project Steering Committee.

Ms Kate Lumley — Manager, Publications and Communications

- Member of Family is Culture Response — Lead Collective.

Ms Georgia Brignell — Managing Lawyer — Research and Sentencing

Member of:

- Government Reference Group (Coercive Control)
- Sexual Assault Review Committee, Office of the Director of Public Prosecutions (NSW).

Mr Mark Zaki — Managing Lawyer — Research and Sentencing

- Member of Bugmy Bar Book Committee.

## Appendix 12

### Visitors to the Commission 2022–23

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#### Visitors

There were no official visitors to the Commission in the reporting year.

#### Delegations

The Commission hosted three Papua New Guinean delegations consisting of Supreme and National Court judges, court officers, and the public solicitor from

15–19 August, 28–30 September 2022 and 27 February to 3 March 2023. The purpose of the visits was to liaise with Commission’s IT staff about the PNG ICCSD and the PngLIN (previously PNGSD) services that we host.

## Appendix 13

### Overseas visits 2022–23

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Ms Una Doyle, Chief Executive, attended the International Organization for Judicial Training 2022 Conference in Ottawa, Canada. Ms Doyle’s expenses were covered by the Commission.

## Appendix 14

### Exchange of information 2022–23

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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 2022–23, 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 Judicial Officers’ Association
- Australian Law Reform Commission (ALRC)
- Australian National Imams Council
- 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 Taskforce (Federal)
- Judicial Commission of Victoria
- Judicial Council on Diversity and Inclusion

- 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
- 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

- 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
- Indonesian Judicial Commission
- International Association of Women Judges
- International Organization for Judicial Training
- Judicial College, England and Wales
- Judicial Council Ireland
- Judicial Institute for Scotland
- LawAsia
- National and Supreme Courts of Papua New Guinea
- National Association of State Judicial Educators, Michigan, USA
- National Judicial Institute, Canada
- Papua New Guinea Centre for Judicial Excellence
- State Courts Singapore
- Supreme and National Courts of Papua New Guinea
- Te Kura Kaiwhakawā (Institute of Judicial Studies), New Zealand
- University of Ottawa, Faculty of Law.

## Appendix 15

### Commission officers' presentations 2022–23

- Ms J Selfe, "Get Up Stand Up Show Up First Nations activism", presentation to the Indigenous Business Australia, NAIDOC WEEK, Webinar, 4 July 2022
- Ms J Selfe, "Get Up Stand Up Show Up Panel discussion", presentation at the NAIDOC WEEK, Tranby College, 8 July 2022
- Ms J Selfe, "Cultural advisor to the Waterfront Whale Tail project", presentation to the The General Public, Darling Harbour Foreshore, 11 August 2022
- Ms J Selfe, "Warabunga", presentation to the local community, Footprints Ecofestival, Annandale's Whites Creek Valley Park, 3 September 2022
- Mr M Sagi PSM, "From Boomers to Gen-Z: Adjusting to technology inside and outside the courtroom post-COVID", presentation to the Australian Judicial Officers Association, AJOA Colloquium, Hobart, Tasmania, 9 October 2022
- Ms U Doyle, "Teaching Judges about Access to Justice Issues for Vulnerable Communities", presentation to the International Organisation for Judicial Training, IOJT-10th International Conference on the Training of the Judiciary, Ottawa, Canada, 31 October 2022
- Ms J Selfe, "Acknowledging Country", presentation to the The General Public, 2022 Colin Tatz Oration, Bondi Pavilion, 14 November 2022
- Ms U Doyle, presentation to the LAWASIA 35th Annual Conference, LAWASIA Mooting Competition — Judge, Sydney, 19 November 2022
- Ms U Doyle, "Anchoring environmental law and awareness in continuing legal professional development", presentation to the LAWASIA, LAWASIA 35th Annual Conference, Sydney, 20 November 2022
- Mr M Sagi PSM, "The Complaint Process", presentation to the District Court of NSW, District Court Twilight Webinar, 7 December 2022
- Mr M Zaki and Ms L Halim, "JIRS intro and LEC database (CAS) training", presentation to the Land and Environment Court tipstaff, JIRS intro and LEC database (CAS) training, Land and Environment Court, 2 February 2023
- Ms J Selfe, "Warabunga, to make string", presentation to the Inner West residents & community, Seniors Festival, Hannaford Community Centre Rozelle, 10 February 2023
- Ms J Selfe, "Acknowledging Country", presentation to the World Pride Community, World Pride 2023 Inner West Roller Derby, Big Top Luna Park, 18 February 2023

- Mr M Zaki, “JIRS intro”, presentation to the Supreme Court associates and tipstaff, JIRS intro, Supreme Court, level 5 conference room, 8 March 2023
- Ms A Miller, “Senior Lawcodes Officer Role”, presentation to the Judcom Audit Risk Committee, Committee Meeting, Via Teams, 13 March 2023
- Ms J Selfe, “Warabunga make string”, presentation to the Marrickville Youth, MYRC, 24 April 2023
- Ms U Doyle, “Learnings from judicial commissions”, presentation to the Magistrates Court of Queensland, Annual Conference, Brisbane, Queensland, 25 May 2023
- Ms U Doyle, “Complaints function of the Judicial Commission of New South Wales”, presentation to the Industrial Relations Commission of NSW, Education Day, Sydney, NSW, 26 May 2023

## Appendix 16

### Access to government information 2022–23

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
<b>Total</b>	<b>0</b>

**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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* 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 2022–23

Compliance with NSW Treasury Annual Reporting Requirements Checklist (updated July 2023)

Mandatory requirement	Page No. Reference
Acknowledgement of Country	Inside front cover
Letter of Submission	Inside front cover
Aims and objectives	pp 4, 12
Management and structure	pp 12, 13–17, 64
Charter	pp 2, 4, 63
Combined annual reports	Not applicable
Application for extension of time	Pursuant to cl 4 of Treasurer’s Direction TD23-11 <i>Annual Reporting Requirements</i> , the deadline has been extended to 10 November 2023 due to delays in audit assessment and sign-off
Strategic objectives and outcomes	pp 19–25
Management and activities	Results tables for each chapter (pp 27–28, 33–34, 43–44, 52–53, 60–61, 73–74, 88)
Summary review of operations	See “Overview” chapter from p 3
Land disposal	The Commission does not own and did not dispose of any property
Research and development	Not applicable
Implementation of Price Determination	Not applicable
Performance information	pp 26–58
Numbers and remuneration of senior executives	p 72, see Figure 15 and Table 18
Human resources	pp 73–79
Consultants	Statement that no consultants used: see p 78 and p 89
Promotion	See p 58 and Appendix 13
Requirements arising from employment arrangements	Not applicable
Legal Change	p 63
Economic or other factors	Commentary on economic factors is throughout, including results tables for each chapter (pp 27–28, 33–34, 43–44, 52–53, 60–61, 73–74, 88–89) and Financial report from p 90.
Events arising after the end of the annual reporting period	Not applicable
Risk management and insurance activities	See “Management and accountability” chapter from p 59, including pp 68–72
Internal audit and risk management policy attestation	p 71
Cyber Security Policy attestation	p 70
Compliance with the <i>Privacy and Personal Information Protection Act 1998</i>	Statement re <i>Privacy and Personal Information Protection Act 1998</i> : p 66
<i>Government Information (Public Access) Act 2009</i> reporting	p 67 and Appendix 16
Public Interest Disclosures	No public interest disclosures made

<b>Mandatory requirement</b>	<b>Page No. Reference</b>
Other information (external production cost of the annual report, website the report can be accessed)	Total external costs: p 131 Website: inside front cover and back cover Annual reports starting from 2001–02 are available on the Commission’s website: <a href="http://www.judcom.nsw.gov.au/publications/#annual-reports">www.judcom.nsw.gov.au/publications/#annual-reports</a>
Exemptions	Although the Commission meets the definition of “small statutory body”, it reports on an annual basis, not triennially
Disability Inclusion Action Plans	The Commission is not required to have a disability inclusion action plan: see p 82
<i>Modern Slavery Act</i> 2018 (NSW) reporting	p 84
Work Health and Safety	p 81
Workforce Diversity	p 82
Financial Statements	See financial statements with audit opinion from p 90 No significant matters requiring a response to Auditor-General were raised
Identification of audited financial statements	pp 93 and 112
Unaudited financial information	Not applicable
Investment and Liability Management Performance	Not applicable
Costs and benefits associated with MoG changes	Not applicable

<b>Optional requirement</b>	<b>Page No. Reference</b>
Access	Back cover
Funds granted to non-government community organisations	None
Social program	See pp 81–82
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 48–50 and case studies on p 51
Payment of Accounts	See “Financial performance” chapter from p 87, including Tables 21 and 22 on p 89 See financial statements from p 90
Time for Payment of Accounts	No interest was paid due to late payments: see p 89 and financial statements from p 90
Controlled Entities	The Commission has no controlled entities
Disclosure of Subsidiaries	The Commission has no subsidiaries
Multicultural Policies and Services Program	Not applicable
Agreements with Multicultural NSW	No agreements have been entered into
Budgets	See “Financial performance” chapter from p 87 and financial statements from p 90
Additional matters for inclusion in annual reports	After balance date events: p 112



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# Glossary

Appointed member	A non-judicial member of the Judicial Commission of NSW: see also Official member.
ACLEA	Association for Continuing Legal Education
AIJA	Australasian Institute of Judicial Administration
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.
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.
IOJT	International Organization for Judicial Training
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	As defined in the <i>Judicial Officers Act 1986</i> : <ul style="list-style-type: none"> <li>• a judge or associate judge of the Supreme Court of NSW</li> <li>• a member of the NSW Industrial Relations Commission</li> <li>• a judge of the Land and Environment Court of NSW</li> <li>• a judge of the District Court of NSW</li> <li>• the President of the Children's Court of NSW</li> <li>• a magistrate</li> <li>• the President of the Civil and Administrative Tribunal.</li> </ul> <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.
PngLIN	Papua New Guinea Legal Information Network
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 2022–23

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**Cost:** Total external cost of \$770 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](http://www.judcom.nsw.gov.au)  
The Commission's website complies with ARIA web accessibility requirements.

**Project managers:** Kate Lumley and Dominique Cornelia

**Editor:** Beatrice Marett-Bird

**Cover design:** Madeleine Lumley Prince

**Proofreading:** Easha Malik, Kate Lumley

**Photography:** Archived photos, Kate Lumley and Gillianne Tedder (photograph of President).

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Apart from the title of publications or legislation, entries in italic indicate compliance with statutory reporting requirements.

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ISSN 2204-4310

