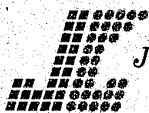
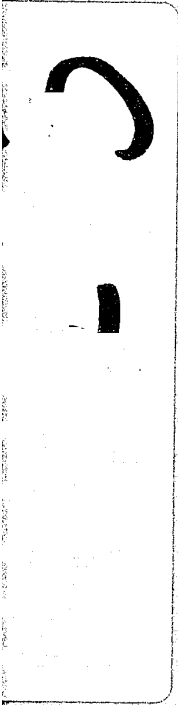


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*Judicial Commission of New South Wales*

# ANNUAL *Judicial Commission* REPORT 1991-1992

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**U.S. Department of Justice  
National Institute of Justice**

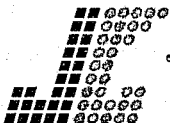
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*Judicial Commission of New South Wales*  
Level 5, 301 George Street, Sydney 2000



JUDICIAL COMMISSION OF NEW SOUTH WALES ●●●●●●●●

GPO Box 3634  
Sydney 2001  
DX 886 Sydney  
Telephone: (02) 299 4421  
Facsimile: (02) 290 3194

21st September, 1992

Level 5  
301 George Street  
Sydney 2000

The Honourable J.P. Hannaford, M.L.C.,  
Attorney General and Minister for  
Industrial Relations,  
Goodsell Building,  
8-12 Chifley Square,  
SYDNEY N.S.W. 2000 200

My dear Attorney,

The Judicial Commission of New South Wales has pleasure in presenting to you a report of its activities for the year ended 30 June 1992.

This report is submitted in accordance with Section 49 of the Judicial Officers Act 1986 and is required to be laid before both Houses of Parliament. Appended to it is the Report of the Chief Executive of the Commission pursuant to the requirements of Section 12 of the Annual Reports (Departments) Act 1985.

Yours faithfully,



President.

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## MISSION, CHARTER AND OBJECTIVES



The Mission Statement of the Judicial Commission is as follows:

*To enhance the quality of justice by providing the judiciary with research and education services, to give advice to the Attorney General and to examine complaints against judicial officers.*

### **Legislative Charter**

The Judicial Commission is an independent statutory corporation established under the *Judicial Officers Act 1986*.

The Commission's principal functions under its enabling legislation are —

- assisting the courts to achieve consistency in sentencing
- organisation and supervision of an appropriate scheme of continuing education and training of judicial officers
- examination of complaints against judicial officers

The Commission may also —

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

### **Objectives**

The Commission seeks to —

- improve the efficiency and effectiveness by which judicial resources are used through promoting consistency in patterns of sentencing; and developing and enhancing the skills and knowledge of Judges and Magistrates
- deal with complaints in a timely and appropriate fashion.

## MEMBERS OF THE JUDICIAL COMMISSION

**S**

ection 5 of the *Judicial Officers Act* 1986 provides that the Commission shall comprise six Official Members and two other members appointed by the Governor on the nomination of the Minister.

The members of the Commission are as follows:

### *The Honourable Mr Justice Gleeson AC President*

Mr Justice Gleeson was appointed Chief Justice of New South Wales on 2 November 1988. The Chief Justice has occupied the position of President and has also been an Official Member of the Commission since that time.

### *The Honourable Mr Justice Fisher AO*

Mr Justice Fisher was appointed President of the Industrial Relations Commission of New South Wales and Chief Judge of the Industrial Court of New South Wales on 31 March 1992. Prior to this Mr Justice Fisher was the President of the former Industrial Commission having been appointed to that office in 1981. He has been an Official Member of the Commission since its establishment in 1986.

### *The Honourable Mr Justice Cripps*

The Honourable Mr Justice Cripps was Chief Judge of the Land and Environment Court from 1985–1992 and was an Official Member of the Commission from its establishment until 1992. In April 1992 The Honourable Mr Justice Cripps was appointed to the Court of Appeal.

### *The Honourable Justice Pearlman AM*

Justice Pearlman was appointed Chief Judge of the Land and Environment Court on 6 April 1992. She has been an Official Member of the Commission since that date.

### *His Honour Judge Staunton CBE QC*

Judge Staunton has been the Chief Judge of the District court since 1973. He has been an Official Member of the Commission since its establishment in 1986.

### *His Honour Judge McGrath AM OBE*

Judge McGrath has been Chief Judge of the Compensation Court since 1982. He has been an Official Member of the Commission from its inception in 1986.

## MEMBERS OF THE JUDICIAL COMMISSION

### *Mr I H Pike*

Mr Pike has been Chief Magistrate of New South Wales since 1 February 1990. Mr Pike has been an Official Member of the Commission since that date.

### *Mr R D Somerville AO*

Mr Somerville was appointed a member of the Commission as a "legal practitioner nominated following consultation by the Minister with the President of the New South Wales Bar Association and the President of the Law Society of New South Wales". Mr Somerville's appointment commenced on 2 December 1987.

### *Mr R J Cotton AM*

Mr Cotton was appointed a member of the Commission as a "person, who in the opinion of the Minister, has high standing in the community". Mr Cotton's appointment commenced on 6 November 1989.

### **Meetings of the Judicial Commission**

During the year under report the Commission convened meetings on a monthly basis. All members of the Commission attended each meeting unless leave of absence was otherwise granted.

## ACHIEVEMENTS FOR THE YEAR 1991-1992



he 1991-1992 year has been the subject of significant achievements in areas of Commission endeavour relating to criminological research, continuing judicial education and the increased provision of computer technology to assist judicial officers.

During the year under review the Sentencing Information System (SIS), established in 1990, was substantially augmented through the addition, to the penalty statistics database, of a statistical component for the Children's Court. Considerable work was also undertaken on adding a new feature to the Sentencing Information System, namely the Sentencing Appeal Cases Database. The Sentencing Appeal Cases Database (SAC), is the third component of the SIS and work is currently underway to enter the full text of unreported judgments from the Court of Criminal Appeal and selected leading cases from other jurisdictions. The SAC also contains legislative information relating to sentencing.

Demonstrations of the Sentencing Information System at the Supreme Court and District Court Annual Conferences complemented the support provided by the Commission in the spheres of criminology and sentencing.

Extensive research in the field of criminology resulted in the publication of two issues of the *Sentencing Trends* dealing with the Impact of Truth in Sentencing in both higher and lower courts together with the release of a monograph covering the Sentencing of Juvenile Offenders and the *Sentencing Act 1989*.

This year also saw the successful collaboration between the Commission and the Institute of Criminology in presenting a seminar which examined the ramifications of the *Sentencing Act 1989* and subsequently resulted in the joint publication by these bodies of a special issue of the journal *Current Issues in Criminal Justice*.

Acceptance by the Chief Executive, of the invitation extended by the Commonwealth of Learning, to attend its conference in Vancouver provided a valuable opportunity for the Commission to both provide and gather information on continuing judicial education throughout the Commonwealth.

The adoption of a Policy on Continuing Judicial Education by the Commission represents a major accomplishment for the year under review as it formally sets forth the nature, scope and direction of the Commission's education program. In support of this new policy initiative the Commission has assisted with



## ACHIEVEMENTS FOR THE YEAR 1991-1992

inaugural Annual Conferences for the Supreme Court and District Court, the Land and Environment Court and the Industrial Court and Industrial Relations Commission.

The commitment to publish, twice yearly, a journal of selected conference papers and articles, is also an important step in broadening the range of material provided by the Commission to Judges and Magistrates.

Finally, the successful installation of 42 SIS computer systems for Local Court Magistrates together with the introduction of a program of individual computer assistance for judicial officers rounded off an especially fruitful and productive year for the Judicial Commission of New South Wales.

## SENTENCING

**U**nder section 8 of the *Judicial Officers Act* 1986 the Commission may, for the purposes of assisting courts to achieve consistency in imposing sentences, monitor or assist in monitoring sentences imposed by the courts, and disseminate information and reports on sentences imposed by the courts.

The Commission's primary strategy for achieving these objectives is through the Sentencing Information System or SIS — a computerised database of legal and statistical information pertaining to sentencing. The Commission undertakes and also publishes research reports on sentencing and disseminates this information to judicial officers.

The SIS is a long term development project. It was commenced in 1987, and the first stage was completed and launched by the President of the Commission on 9 October 1990.

Since that time the Commission has been engaged in a carefully planned program involving the distribution of computer equipment to judicial officers, the training of judicial officers in the use of the equipment and the provision of sentencing information through that equipment.

The sentencing data are compiled by Commission staff and stored in a central computer located at the Commission's premises. By June 1992 over 100 judicial officers and court staff had been given access to the SIS.

It is believed that by providing such information to judges and magistrates they will be greatly assisted with the difficult task of sentencing. In turn this may mean fewer appeals against sentence and overall a fairer and more efficient sentencing system.

To date, the SIS consists of two distinct components. The first is called "Penalty Statistics" the second, "Sentencing Law".

### **Penalty Statistics**

As the name suggests, this component of the SIS provides statistics on sentences imposed by the courts exercising criminal jurisdiction. Anyone with access to the system can obtain information on specific offences and the range of sentences imposed by the courts in past cases.

### **Sentencing Law**

This component contains information on the various sentencing options that are available for use by the courts. It is regularly up-dated to reflect the latest statutory developments in the law of sentencing. It provides details of any constraints that apply to the

## SENTENCING

use of these sanctions, and also contains standard forms relating to sentencing orders which can be selected and modified to suit the particular circumstances of a case.

### **Obtaining Print-outs**

Information contained in the SIS can be printed out in hard copy. Thus, tables and graphs from the penalty statistics component of the SIS as well as textual material from the sentencing law component can be reproduced and referred to as the need arises.

### **Enhancements to the SIS**

The Commission is concerned with making ongoing improvements to the system. During 1991-1992, a statistical database for the Children's Court was added to penalty statistics, and work commenced on a "sentencing law" sub-set dealing specifically with the sentencing options applicable to young offenders brought before the Children's Court.

### **Help Desk facility**

A Help Desk facility has been established and during the year this facility assisted judicial officers with operational problems regarding their equipment and the software supplied.

### **Sentencing Appeal Cases**

Work on the third component of the SIS, the Sentencing Appeal Cases (SAC) was commenced during the year and is expected to be completed, and be fully operational before the end of 1992.

This component will contain the full text of unreported judgments of the Court of Criminal Appeal, as well as selected leading cases from other jurisdictions. Each judgment containing sentencing information will be summarised so that the key facts, (both objective and subjective) are extracted, and the sentencing outcome of each decision will be noted. In addition, reference to key sentencing principles referred to in the text of each judgment will be noted, and a special "principles of sentencing" sub-set will be developed.

The summaries of sentencing decisions will be linked to the full text of the judgments to which they refer. Similarly, if any relevant principles are cited in a case summary, the user will be able to cross directly to the principles of the sentencing sub-set where information on those particular principles are discussed.

## SENTENCING

The principles of the sentencing sub-set will contain case law on sentencing. The leading authorities referred to in that sub-set will also be linked to other parts of the SAC database. Thus for example, where a particular case is cited as an authority for a particular sentencing principle, it will be possible to call up the precise passage from the judgment to support that principle.

As well as linking up with the appropriate "purple passage" of the case, it will also be possible to call up the full text of the judgment in order to view that quote within the context of the whole judgment.

Already the Commission has been compiling, in electronic form, the full text of the judgments of the Court of Criminal Appeal, as well as the summaries, the principles, and the purple passages. All this is in anticipation of the completion of the programming, which will enable the database to become part of the general system of information provided by the SIS.

### **Select Legislative Database**

A further feature will be the provision of legislation relating to sentencing. The Commonwealth Attorney General's Department has agreed to provide the Commission with electronic data from SCALE, its electronic database of case and statute law. Similarly an agreement in principle has been reached with the Parliamentary Counsel of New South Wales to provide the Commission with statutory material on sentencing which can be added to the database and thence disseminated to judicial officers via the SIS.

The sentencing law component, as indicated above, already contains an outline of the sentencing options available to the courts. Once the legislative database is added it will be possible to link the summary to the relevant section of the legislation.

### **Text Retrieval**

The text retrieval facility of the SIS can be distinguished from the two components currently in operation on the basis that it will enable users to search and retrieve specific words, phrases or concepts. The system is driven by text-retrieval software known as TOPIC. When the work is completed, a user will be able to obtain all summaries of Court of Criminal Appeal cases relating to a specific offence and covering a particular period, and peruse them per seriatim.

If this information is not sufficient, and more information is required relating to a particular case, that case can then be obtained by simply selecting a designated key on the keyboard.

## SENTENCING

The addition of free text retrieval will necessitate some changes to the Sentencing Law component of the SIS, and enhancements to the original components will be made in the course of the developments currently underway.

### **Research**

The Commission conducts a comprehensive research program and publishes monographs, reports and bulletins on sentencing. This material is then furnished to judicial officers in New South Wales.

During the year under review research was undertaken in the following areas —

- Higher court statistics
- Local Court statistics
- Children's Court
- Sentencing of drug offenders
- Periodic detention

This research formed the basis for the following publications —

- *Sentencing Trends* No 2, March 1992  
The Impact of Truth in Sentencing: Part 1 — The Higher Courts by M Cain and V Roby
- *Sentencing Trends* No 3, June 1992  
The Impact of Truth in Sentencing: Part 2 — The Local Courts by V Roby and M Cain
- Monograph Series No 4, 1991  
*Sentencing Juvenile Offenders and the Sentencing Act 1989 (NSW): The Impact of Legislative and Administrative Change in the Children's Court 1982-1990* by M Cain and G Luke

It is anticipated that reports relating to the Sentencing of Drug Offenders and Periodic Detention, while substantially completed during the year, will be published in the latter part of 1992.

During the year under review the Commission also collaborated with the Institute of Criminology in the publication of the March 1992 issue of the Institute's journal entitled *Current Issues in Criminal Justice*.

## JUDICIAL EDUCATION

**U**nder section 9 of the *Judicial Officers Act* 1986 the Commission may organise and supervise an appropriate scheme for continuing education and training of judicial officers. To achieve this objective the Commission provides an extensive program of continuing judicial education activities for the purposes of developing and enhancing the professional skills and expertise of judicial officers in New South Wales.

The success of the Commission's education program is the result of close consultation with the head of jurisdiction and the extensive involvement of Judges and Magistrates in determining the program's scope and content. Under the direction of the head of jurisdiction, Education Committees for each court develop and manage programs conducted on behalf of each court and assisted by the Commission's professional staff.

During the year enhancements in the quality and range of the Commission's education services included —

### **1. A Policy of Continuing Judicial Education**

The completion of a detailed education and training needs analysis together with wide ranging consultation with the judiciary and other members of the court system enabled the preparation of a draft policy on Continuing Judicial Education. This draft policy was formally adopted by the Commission and sets forth the nature, scope and direction of the Commission's education program.

### **2. Conference and Workshop Program**

During the year under review the Commission diversified and improved the range and quality of educational activities offered, most notably through the introduction of education services to each of the State's six courts.

#### *(i) Inaugural Annual Conferences*

The Commission assisted a number of courts to convene inaugural annual conferences for their respective jurisdictions. Conferences ranging from one and a half to three days in length were held by the Supreme Court, the District Court, the Land and Environment Court and jointly by the Industrial Court and Industrial Commission.

These events were particularly successful and provided valuable forums for members to address topical issues of relevance to the court. Examples of such issues include recent or forthcoming

## JUDICIAL EDUCATION

changes in the law, aspects of judicial administration, acquisition of specialist technical information and managing the impact of computer technology on the court.

### *(ii) Annual Conference and Education Program for the Local Court*

The Commission again assisted the Local Court in convening its Annual Magistrates' Conference held over three days for all members of the New South Wales Local Court. Further support was provided in holding two Regional Seminars for country Magistrates and two series of five one-day workshops for metropolitan Magistrates.

### *(iii) Orientation of New Magistrates*

New appointees to the Local Court were invited to participate in a number of programs including a two day pre-bench workshop, a week long residential orientation course and a series of half day seminars.

The orientation program is designed to assist new Magistrates in making a smooth transition to the bench. It adopts a participatory workshop approach which focuses on the development of judicial skills, judicial administration, case management techniques, sentencing practice and ethics. Two newly appointed Magistrates from the Northern Territory also took part in the Residential Orientation Course.

### *(iv) A Mentor Scheme*

The Local Court Education Committee approved the introduction of a Mentor Scheme to assist new appointees to the bench. This scheme is designed to complement the more structured orientation program presently in place, by providing open and informal access to the assistance of experienced Magistrates. The Mentor Scheme is a fundamental means of professional induction; it promotes the building of experience within a practical learning process that is soundly based on demonstration, practice and appraisal.

With the approval of the Chief Magistrate the Commission prepared Guidelines for Mentors and New Appointees, a document designed to clarify the role and professional responsibilities of newly invested Magistrates and their mentors.

A preliminary evaluation of the scheme has indicated that it is a useful source of assistance and support which may be extended in future. The operation of the Mentor Scheme in the New South Wales Local Court and its progress to date is outlined in a

## JUDICIAL EDUCATION

forthcoming issue of a United States journal on judicial administration published by the Judicial Education Reference, Information and Technical Transfer Project.

### *(v) Inter-curial Seminar on the Evidence Bill 1991*

The Commission conducted an inter-curial seminar on the New South Wales Evidence Bill in 1991. This seminar, held for all members of the judiciary, was successful in focusing attention on proposed changes to the law. It also resulted in the Commission preparing a submission on the draft statutory provisions and its presentation to the Attorney General of New South Wales.

### *(vi) Implementation of a finding of the Royal Commission into Aboriginal Deaths in Custody*

Following the Royal Commission Report into Aboriginal Deaths in Custody and in particular Recommendation 96 which relates to judicial education, the Education Committee of the Local Court chose the theme "Aborigines and the Law" for its Annual Magistrates' Conference in 1992. This conference was addressed by the Honourable Justice Gaudron of the High Court of Australia, Mr Elliott Johnston QC, former Royal Commissioner and Mr John Williams-Mosley of the Commonwealth Attorney General's Department. Representatives of the New South Wales Police Service and the Aboriginal Legal Service were also invited to participate.

### *(vii) Conciliation Skills Workshop*

The Commission designed, developed and presented a new series of workshops on dispute resolution and judicial skills for Magistrates. The workshops successfully built on existing experience to develop conciliation skills using participatory role play techniques based on hypothetical case studies.

### *(viii) Special Workshops for non-judicial officers*

At the request of heads of jurisdiction, education services were provided to assist courts on two occasions during the year. The first occasion involved a workshop entitled "Exercising Costing Powers" presented for members of the Industrial Relations Commission. The second took the form of a workshop conducted for the joint conference of the Industrial Court and Industrial Relations Commission in June 1992.



## JUDICIAL EDUCATION

### *(ix) Production of a Speakers' Handbook*

The Commission has produced a *Speakers' Handbook* for presenters and workshop leaders in Commission activities. The handbook provides clear and concise advice on how to make presentations more effectively.

### **3. Publications Program**

Significant enhancements have been made by the Commission during the year to its publications program. These improvements are reflected in the quality of existing publications and an increase in the number of new titles published by the Commission.

#### *(i) Judicial Officers Bulletin*

In response to information received from a survey of the Bulletin's readership the Commission has sought to raise editorial and production standards and to realign the focus of its articles to address issues most relevant to Judges and Magistrates. Some of the feature articles have included The Role of the Law, Judiciary and Public Policy, Judicial Independence, Appeals and the High Court, Public Relations for the Courts, Judicial Appointment, The Courts and ADR and The Doctrine of Precedent and the Role of the Judge.

At the same time, the *Judicial Officers Bulletin* continues to maintain a watching brief on legislative change and extract significant unreported judgments.

Articles appearing in the *Judicial Officers Bulletin* have been furnished by eminent jurists from both Australia and other parts of the common law world. Some of the Bulletin's contributors have included the Chief Justice of the High Court of Australia, the Honourable Sir Anthony Mason AC KBF, the Right Honourable Sir Ninian Stephen AK, GCMG, GCVO, KBE, His Excellency the Honourable Richard E McGarvie, Governor of Victoria and the Right Honourable The Lord Donaldson, Master of the Rolls.

#### *(ii) Publication of new Bench Books*

The Commission has increased its range of bench book services in response to research which suggests a high level of use by judicial officers. During the year the *Compensation Court Bench Guide* was published and material for the forthcoming *Industrial Court and Industrial Relations Commission Bench Book* prepared for publication. In addition, extensive work was undertaken on the *Land and Environment Court Bench Book*, a service expected to be finalised in the second half of 1992.

## JUDICIAL EDUCATION

### *(iii) Revision of existing Bench Books*

The accuracy of bench books is of fundamental importance and requires a considerable amount of work and diligence on the part of members of Education Committees in overseeing and revising their contents. As a result a twelve-month audit standard has been introduced to ensure regular updating of the services as well as the issue of urgent and special Updates as the need arises.

The *Local Courts Bench Book* has been substantially revised and updated during the year whilst partial revision of the *Criminal Trial Courts Bench Book* has been undertaken with further revisions to be completed in the latter part of 1992.

### *(iv) Children's Court Bulletin*

Two editions of the *Children's Court Bulletin* were published by the Commission in association with the Children's Court.

### *(v) Judicial Commission Journal*

As a result of the high quality of many of the seminar papers written by conference speakers and presenters, the Commission has, as part of its conference program, commenced work on producing a journal of selected conference papers. This Journal will publish twice yearly commencing in September 1992.

## **4. Assistance to other jurisdictions**

In response to a number of requests for assistance from other jurisdictions several other important initiatives were taken during the year under review. They were as follows —

### *(i) Administrative Appeals Tribunal Education Program*

The Commission provided assistance to the Administrative Appeals Tribunal to undertake a national training needs analysis and to develop an education strategy plan. This work builds on the Commission's expertise in the area and will be completed in the latter half of 1992.

### *(ii) Provision of Bench Book Assistance to the Queensland Local Court*

The Commission responded to a request for assistance from the Chief Magistrate of Queensland by providing professional advice on the production and publication of a bench book service for that court.

## JUDICIAL EDUCATION

### *(iii) Australian Capital Territory Magistrates*

Judicial education services were also extended to the Australian Capital Territory and enabled a number of Magistrates from that jurisdiction to attend regional seminars held by the Commission.

### *(iv) Defence Force Magistrates*

A number of Defence Force Magistrates also participated in the Local Courts Education Program.

### *(v) Northern Territory Magistrates*

Two Northern Territory Magistrates travelled to Sydney to attend the Local Courts Induction Program.

## CONFERENCES, PRESENTATIONS AND TRAINING

**D**uring the year the Chief Executive and the staff of the Commission participated in a number of important conferences at which they delivered seminar papers and provided numerous training demonstrations.

### **1. The Commonwealth of Learning**

The Chief Executive Mr E J Schmatt represented the Commission on 11-13 March 1992 when he attended a conference hosted by the Commonwealth of Learning in Vancouver, British Columbia. This symposium focused on the ways co-operation may be fostered in the field of continuing judicial education throughout the Commonwealth and provided a forum for the exploration of this theme by attending Chief Justices, Judges and judicial educators.

Established under the auspices of Commonwealth governments, the Commonwealth of Learning is an international organisation with a brief to widen opportunities for learning. Participants were asked to provide a report of current developments in their country. The significant trend which emerged from discussion was that continuing judicial education is now an international discipline.

The seminar program and publications of the Judicial Commission were considered by those who attended to be excellent models for use by other countries. It was also acknowledged that the Commission has achieved significant progress in the field of continuing judicial education since its establishment to the extent that it is now considered to be a leader in this field.

### **2. Commonwealth Magistrates' and Judges' Association Conference**

The Commonwealth Magistrates' and Judges' Association Conference of 1991 was held in Sydney in conjunction with the Annual Magistrates' Conference of the Local Court.

Attended by 240 Judges and Magistrates from around the common law world its program included the delivery of a paper by the Commission's Education Director entitled "Towards a Charter of Continuing Education — The New South Wales Experience".

### **3. Other Conferences and Presentations**

Other papers delivered during the year by the Education Director included, "What is the Judicial Commission — Its Role and Services", "Some Insights into the Education Needs of Magistrates in New South Wales" and "Continuing Judicial Education and the Bench Book".

## CONFERENCES, PRESENTATIONS AND TRAINING

A paper on "The Effect of the Sentencing Act on Juvenile Offenders" was given by the Senior Research Officer of the Commission at the Seventh Annual Australian and New Zealand Society of Criminology Conference held in Melbourne in October 1991.

During 1991 the Commission also sponsored a professional seminar in conjunction with the Institute of Criminology at which an address was given by the Research Director on "The Sentencing Act — Impact and Review".

### **4. Sentencing Information System**

Demonstrations of the SIS were given by the Research Director and his staff at the —

- Commonwealth Magistrates' and Judges' Association Conference
- Supreme Court Annual Conference
- District Court Annual Conference
- Annual Magistrates' Conference
- Public Defenders Seminar
- University of New South Wales
- Eighth Conference for Librarians in the Criminal Justice System

### **5. Information Services and Computer Training**

In response to Judges' and Magistrates' increased interest in the use of computer technology, the Commission has provided a series of individual computer training tutorials throughout the year. The principal aim of this support is to assist judicial officers to more effectively manage large amounts of documentary material such as that which may be common to long and complex trials.

In all, introductory training sessions for the SIS were conducted for 52 judicial officers, five Judges' Associates and five members of court staff. The major part of this instruction was conducted in chambers either during or shortly after the installation of the system.

### **6. Briefings for Foreign Visitors**

Judicial Commission staff conducted briefings on the work of the Commission for legal and judicial officers and other individuals who visited the Commission.

## COMPLAINTS AGAINST JUDICIAL OFFICERS

### **The Complaints Function**

One of the responsibilities of the Commission under its legislative charter is to deal with complaints made against judicial officers.

### **Lodging a Complaint**

A complaint may be made by a member of the public or alternatively referred to the Commission by the Attorney General. The *Judicial Officers Act 1986* requires that a complaint be in writing and that it identify the complainant and the judicial officer concerned. The *Judicial Officers Regulations 1986* require that particulars of a complaint be verified by statutory declaration and that the complaint be lodged with the Chief Executive to the Commission.

### **Investigation of a Complaint**

On receiving a complaint in the appropriate form the Commission is obliged to conduct a preliminary investigation into the matter. Following this preliminary examination the Commission is then required to do one of the following:

It shall either (i) summarily dismiss the complaint; (ii) classify the complaint as minor; or (iii) classify the complaint as serious.

A complaint may be dismissed summarily on one or more of a number of grounds under section 20 of the Act. Where the complaint is classified as minor it may be referred to the appropriate head of jurisdiction or to the Conduct Division. In relation to minor complaints the Conduct Division reports on the matter to the Judicial Commission. If the complaint is regarded as serious it must be referred to the Conduct Division.

The Conduct Division comprises a panel of three judicial officers who have the authority to undertake an investigation into a complaint against a judicial officer and who may convene a hearing in connection with such an investigation. The hearing of minor complaints is conducted privately whilst those relating to more serious complaints are convened in public.

### **Outcome of a Complaint**

The Conduct Division is statutorily obliged to prepare a report as to its findings. Where the complaint is classed as serious the report, setting out the Division's conclusions, is made to the Governor. In instances where a serious complaint has been wholly or partly substantiated, and the Conduct Division is of the view that the matter may justify parliamentary consideration of the

## COMPLAINTS AGAINST JUDICIAL OFFICERS

removal of the Judge or Magistrate from office, the Attorney General is required to lay the report before both houses of parliament.

### **Report for year ending 30 June 1992**

Section 49 of the *Judicial Officers Act* 1986 requires that certain information about complaints be provided to the Attorney General for each financial year. The required information appears below.

### **Particulars of Complaints**

For the 1991-1992 financial year —

• complaints made during the year .....	24
• complaints summarily dismissed during the year .....	24
• minor complaints disposed of during the year .....	4
• serious complaints disposed of during the year .....	0
• complaints withdrawn .....	1

### **Note**

1. Four complaints were classified as minor and referred to the relevant head of jurisdiction pursuant to s 21(2).
2. By definition (*Judicial Officers Act*, s 19) a complaint is classified as minor or serious only if it is a complaint which has not been summarily dismissed.
3. At the beginning of the period there were 13 complaints that were undetermined and at the end of the period there were eight complaints that were undetermined.

### **Criteria Adopted for Classifying Complaints**

During the year there were a total of 24 complaints which were summarily dismissed. Of those 24 complaints, some comprised a number of separate and various causes of complaint and accordingly these were dealt with on a different basis when summarily dismissed.

This means that whilst there were 24 complaints summarily dismissed during the year, in applying the criteria adopted for classifying complaints of this nature, the total number of separate causes of complaint, disclosed by the original 24 complaints summarily dismissed, was actually 40.

The classification of complaints summarily dismissed is set out immediately below.

- (i) Complaints summarily dismissed during the year were dismissed on the basis of the following criteria, which are expressed in the terms of the Act —

## COMPLAINTS AGAINST JUDICIAL OFFICERS

- the complaint was frivolous, vexatious or not in good faith — s 20(1)(b) ..... 6
  - the subject-matter of the complaint was trivial — s 20(1)(c) ..... 7
  - the complaint related to the exercise of a judicial or other function that was subject to adequate appeal or review rights — s 20(1)(f) ..... 8
  - further consideration of the complaint by the Commission was unnecessary or unjustifiable — s 20(1)(h) ..... 9
  - the complaint was frivolous, vexatious or not in good faith and was related to the exercise of a judicial or other function that was subject to adequate appeal or review rights — s 20(1)(b) and s 20(1)(f) ..... 5
  - the complaint was frivolous, vexatious or not in good faith and further consideration of the complaint by the Commission was unjustifiable — s 20(1)(b) and s 20(1)(h) ..... 1
  - the subject matter of the complaint was trivial and was related to the exercise of a judicial or other function that was subject to adequate appeal or review rights — s 20(1)(c) and s 20(1)(f) ..... 1
  - the matter complained about occurred at too remote a time and further consideration of the complaint by the Commission was unnecessary or unjustifiable — s 20(1)(d) and s 20(1)(h) ..... 1
  - there was a satisfactory means of redress or of dealing with the complaint or the subject matter of the complaint and it was related to the exercise of a judicial or other function that was subject to adequate appeal or review rights — s 20(1)(e) and s 20(1)(f) ..... 1
  - the complaint related to the exercise of a judicial or other function that was subject to adequate appeal or review rights and further consideration of the complaint by the Commission was unnecessary or unjustifiable — s 20(1)(b) and s 20(1)(h) ..... 1
- (ii) The criterion for classifying a complaint as “serious” is that the grounds of complaint, if substantiated, could justify parliamentary consideration of the removal of the judicial officer complained about from office. That decision is based on a view of the seriousness of the matter which is formed following the Commission’s preliminary examination.
- (iii) Any other complaint is classified by the Commission as minor.



## COMPLAINTS AGAINST JUDICIAL OFFICERS

### **Pattern in the Nature and Scope of the Complaints**

There were 24 complaints lodged during the year under review; the same number as in the previous year.

As in previous years, allegations of bias or failure to give a fair hearing were the more common grounds of complaint. The Commission assesses these complaints by examining the detail of what occurred and, where appropriate, seeking an explanation from the judicial officer involved. In fairness to judicial officers, consideration is also given to the circumstances under which they operate, including the size of the lists with which they are required to cope.

Some of the complaints that come before the Commission appear to be based upon a misunderstanding of the way in which judicial officers are obliged or entitled to perform their duties. For example, the right of judges to revise *ex tempore* judgments is sometimes misunderstood, and the fact that the published version differs in some respects from what a litigant heard being said in court is erroneously regarded as improper. Again, court cases commonly, and typically, involve a judicial officer preferring the evidence of one party or witness to the evidence of another. That process can be misconstrued, especially by the losing side, as bias or prejudice. From a positive point of view, the small number of complaints (relative to the number of judicial officers in the State and the huge volume of litigation with which they deal) is an encouraging indication of the general community's willingness to accept even adverse decisions if they are made in accordance with due process of law.

### **Conduct Division**

During the reporting period there were no matters referred to a Conduct Division pursuant to section 21(1) of the *Judicial Officers Act 1986*.

## LIAISON AND VISITORS TO THE COMMISSION

**T**o assist in meeting its objectives, the Commission actively seeks to exchange information with government agencies, academic institutions and individuals. In particular, as the only judicial education and research body in Australia, the Commission has been building links with similar organisations in other countries in order to share knowledge and experience and to keep abreast of developments in the field.

Among those with whom the Commission had discussions were —

Administrative Appeals Tribunal  
American Judicature Society  
Attorney General's Department, Australia  
Attorney General's Department, Victoria  
Australian Broadcasting Tribunal  
Australian Institute of Criminology  
Australian Institute of Judicial Administration  
Bureau of Crime Statistics and Research  
Californian Center for Judicial Education and Research  
The Canadian Association of Provincial Court Judges  
Centre of Criminology, Toronto  
The Chief Justice, British Columbia  
The Chief Judge, Provincial Court of British Columbia  
Commonwealth Magistrates' and Judges' Association, London  
Commonwealth of Learning, Vancouver  
Commonwealth Secretariat, London  
Community Corrections Service  
Criminal Justice Commission, Queensland  
Criminal Law Review Division, Attorney General's Department  
Department of Community Corrections, New South Wales  
Department of Courts Administration  
Department of Justice, Canada  
Director of Public Prosecutions  
District Court of New Zealand  
Independent Commission Against Corruption  
Institute of Criminology, University of Sydney  
Institute of Criminology, University of Cambridge  
Judicial Studies Board, London  
Law Foundation of New South Wales  
Legal Aid Commission  
Legal Informations Systems and Technologies Foundation,  
Vancouver  
The Lord Justice Clerk, Scotland  
Michigan Judicial Institute  
Michigan State University, USA  
National Association of State Judicial Educators, Michigan USA

## LIAISON AND VISITORS TO THE COMMISSION

National Judicial Institute, Canada  
New South Wales Crime Commission  
Police Service, New South Wales  
Senior Public Defender, New South Wales  
Society for the Reform of the Criminal Law  
Supreme Court Library  
Supreme Court, Barbados  
University of New South Wales, Department of Social Science  
and Policy

Visitors to the Commission during the year included —

Sir Robert Johnson, High Court of Justice for England and  
Wales  
His Honour Judge Joseph Flynn, Provincial Court of  
Saskatchewan, Canada  
His Honour Judge Francis Allen, Head of Magistrates'  
Education, Judicial Studies Board, London  
Mrs Rosemary Thompson, Magistrates' Association, London  
Her Honour Judge Silvia Cartwright, Chief Judge, District  
Court of New Zealand  
The Honourable Mr Justice R K Woods, Supreme Court, New  
Guinea  
His Honour Judge E Matinega, Ministry of Justice, Zimbabwe  
Chief Magistrate Ukeje, Nigeria  
Mr Justice Lucky, Supreme Court of Trinidad and Tobago  
Mr Justice Fatiaki, High Court of Fiji  
Professor John Hudzik, Associate Dean of Michigan State  
University  
Mr Justice Thorp, High Court of New Zealand  
Mr Zhang Siging, Vice Procurator General and a delegation  
from the Supreme People's Procurate, People's Republic of  
China  
The Honourable Mr Terry Griffiths MP, Minister for Justice  
Chief Magistrate Stan Deer, Queensland  
Chief Magistrate G Rwelengera, Magistrates' Court, Botswana  
Sheriff Graham Cox, Sheriff's Court, Scotland  
Mr Kim Wilson, Australian Broadcasting Tribunal

## SUPPORT SERVICES

### **Information Services — Major Works**

#### *Sentencing Information System*

The total capital works value of the SIS project is a sum of \$2,032,000. The Commission expended \$565,000 during 1991-1992 financial year and will complete the project during 1992-1993. The cost of completion is set at \$580,000.

#### *Installations*

During the 1991-1992 fiscal year the Commission installed 42 computer systems in Local Court Magistrates' Chambers. These chambers were located within an area bounded by Wollongong, Penrith and Gosford. The typical installation consisted of one IBM compatible 386 class personal computer equipped with a 4 megabyte RAM, 120 megabyte hard disk drive, 1.44 megabyte floppy disk drive, super VGA 14 inch colour monitor and a laser printer. The software complement is typically DOS 5.0, MS Windows and Turbo-Term (terminal emulation and communication software).

#### *Communications*

The communications schemes employed to disseminate the SIS have been varied and selection is principally based on the cost effectiveness of the application for the given location. The Commission uses, to varying degrees, the following methods: X25, TCP/IP, V32bis, V42bis, Austpac, First State Computing's network and the Department of Courts Administration's Data and ISDN networks.

#### *Host Computer*

In July 1991 the Commission completed the installation of the Pyramid MIS4-T2 mini computer. This included the computer room and data communications facilities. In September 1991 the Commission completed the "port" of the Unify 4.0-ACCELL/IDS data base to the Pyramid and the subsequent conversion of the data base to UNIFY 2000-ACCELL/SQL.

## COMMITTEES

**T**he Standing Advisory Committee on Judicial Education (which comprises the chairpersons of the Education Committees of each of the State's courts) advises the Commission on matters of continuing judicial education and, where appropriate and as requested, co-ordinates the activities of the respective Education Committees of each court.

The Education Committees of each court, subject to the head of jurisdiction, have responsibility to develop and manage the programs of educational activities conducted by or on behalf of each court.

### **Standing Advisory Committee on Judicial Education**

The Honourable Mr Justice Clarke  
The Honourable Mr Justice Meagher<sup>1</sup>  
The Honourable Mr Justice Cullen  
The Honourable Mr Justice Stein  
His Honour Judge Cooper  
His Honour Judge O'Meally  
Mr Cec Brahe DCM

The Education Committees of the various courts develop and manage, on a day to day basis, programs of educational activities conducted by each court.

### **Supreme Court Education Committee**

The Honourable Mr Justice Clarke  
The Honourable Mr Justice Meagher  
The Honourable Mr Justice Wood  
The Honourable Mr Justice Bryson  
The Honourable Mr Justice Brownie

### **Industrial Court Education Committee**

The Honourable Mr Justice Cullen  
The Honourable Mr Justice Peterson  
Conciliation Commissioner Connor

### **Land and Environment Education Committee**

The Honourable Mr Justice Stein  
Senior Assessor Jensen

### **District Court Education Committee**

His Honour Judge Cooper  
His Honour Judge Wall  
His Honour Judge Knight

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1 This position was held until December 1991.

## COMMITTEES

### **Compensation Court Education Committee**

His Honour Judge O'Meally  
His Honour Judge Manser  
His Honour Judge Burke  
His Honour Judge Moran  
His Honour Judge Johns  
Commissioner MA Wright

### **Local Court Education Committee**

Mrs Angela Karpin DCM<sup>1</sup>  
Mr Cec Brahe DCM  
Mr Neil Milson  
Mr Roger Dive  
Mr Steve Scarlett  
Mr Geoff Bradd

### **Criminal Trial Courts Bench Book Committee**

The Honourable Mr Justice Badgery-Parker  
The Honourable Mr Justice Loveday  
His Honour Judge Bell

### **SIS Advisory Committee**

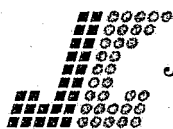
The Honourable Mr Justice Campbell  
His Honour Judge Sinclair  
Mr Charles Gilmore DCM

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1 As she then was

*Annual Report  
of the  
Chief Executive*

1991-1992



*Judicial Commission of New South Wales*



JUDICIAL COMMISSION OF NEW SOUTH WALES ●●●●●●●●

GPO Box 3634  
Sydney 2001  
DX 886 Sydney  
Telephone: [02] 299 4421  
Facsimile: [02] 290 3194

14 September, 1992

Level 5  
301 George Street  
Sydney 2000

The Honourable J.P. Hannaford, M.L.C.,  
Attorney General and Minister for  
Industrial Relations,  
Goodsell Building,  
8-12 Chifley Square,  
SYDNEY N.S.W. 2000 200

My dear Attorney,

I have pleasure in presenting to you my report of the activities of the Judicial Commission for the year ended 30 June 1992.

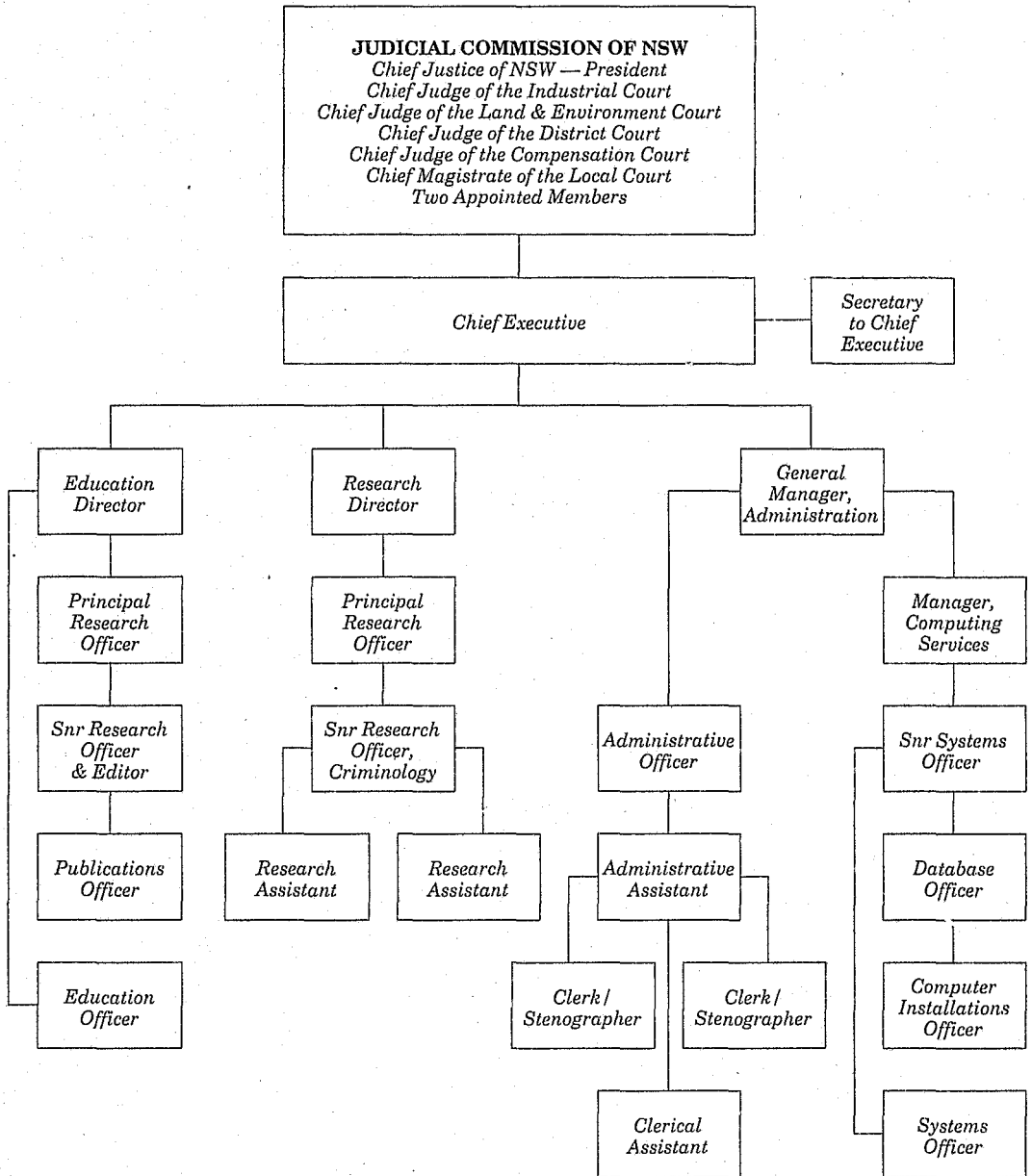
This report, when read in conjunction with the report of the Judicial Commission of New South Wales, made pursuant to Section 49 of the Judicial Officers Act 1986, meets the requirements of Section 12 of the Annual Reports (Departments) Act 1985.

Yours sincerely,

E.J. Schmatt,  
Chief Executive.



## ORGANISATION CHART



The overall structure of the Commission is set out in the above chart.

## ADMINISTRATION

### **Employment Conditions**

The Commission is an employer under the *Judicial Officers Act* 1986. Its conditions of employment are generally equivalent to those of the New South Wales Public Service. Members of the public service appointed to the Commission's staff retain rights and benefits such as superannuation and extended leave.

### **Principal Officers**

*Mr E J Schmatt, Chief Executive*

Dip Law (BAB)

Solicitor of the Supreme Court of New South Wales and High Court of Australia

*Ms P K Hutton, General Manager<sup>1</sup>*

MBA, University of Technology

BSc, Macquarie

Mech Eng Cert, Hobart Technical College

*Mr L Armytage, Education Director*

LLB, B Juris (Monash)

Barrister and Solicitor, Supreme Court of Victoria and High Court of Australia

*Mr I Potas, Research Director*

BA, LLB, LLM (ANU)

Barrister and Solicitor, Supreme Court of the Australian Capital Territory

Solicitor, Supreme Court of New South Wales and High Court of Australia

### **Performance Management**

In line with the New South Wales Government's principles for public sector reform, the Commission is developing a performance management framework to focus the efforts of the organisation towards achieving its objectives.

### **Financial Services**

The Commission moved to accrual accounting from 1 July 1991 to comply with Government policy. A new accounting system, the CBA Business Pack, was installed to manage the Commission's accounting procedures. Commission staff have been trained in the use of this new system.

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1 Ms Hutton held this position until 16 June 1992

## ADMINISTRATION

A corporate planning process is also being evolved. Senior staff are employed on contracts modelled on those of the Chief Executive and the Senior Executive Service within the New South Wales public sector. Each executive has a performance agreement related to the achievement of the Commission's corporate objectives and strategies. Financial authority is delegated to operational managers.

### **Risk Management**

Although the concept of risk management as a work ethic is in its infancy in the public sector, the Commission has taken appropriate steps to implement the practice in its workplace.

The Commission's principal insurer is the GIO, a body which acts as the Commission's agent. Advice on levels of insurance and methods of managing the Commission's risk level have been analysed by consultants to the GIO and an appropriate risk level has been established as a result of that review.

Coverage for workers' compensation, motor vehicles, property and consequential loss, liability and miscellaneous matters is provided by the New South Wales Treasury Fund. This fund is a form of self-insurance which provides members with direct control over the reserves of money set aside to pay for future financial losses arising from unforeseen events.

The Commission's performance within the Treasury managed fund has, for the reporting period, proved to be satisfactory.

### **Staff Development and Training**

The Commission actively strives to develop its staff to their full potential. During the year the types of courses attended were chosen for the purposes of developing specific skills required in the workplace or to keep abreast of developments in criminology.

Examples of courses attended by staff of the Commission throughout the year include; a one day course in information technology at the University of Technology; a TAFE evening course in print design and typography; introductory courses in Microsoft Word 5.0; a speed reading course; a one day seminar convened by the Central Co-ordinating Committee of Spokeswomen; seminars given by the Institute of Criminology and a one day seminar directed to better methods of time and resource management entitled "The Art of Practice and Achievement".

## ADMINISTRATION

### **Equal Employment Opportunity**

During the year the Commission continued its support for participation, by female members of staff, in the Spokeswomen's Program.

With regard to the implementation of Equal Employment Opportunity generally, the Commission has, in the latter part of the reporting year, made a decision to revise and update its EEO Management Plan. This revision will be undertaken with a view to more precisely tailoring it to the specific needs of staff members.

Initiatives proposed for the coming year include participation in the program of Seminars and Workshops convened by the Women and Management group, measures to encourage attendance at Public Sector Management Courses and more widespread participation, by female staff members, in the Spokeswomen's Program.

The Commission has an approved EEO Management Plan.

In relation to the representation of women at various levels within the Commission the relevant information is depicted in Table 1. Information on other EEO target groups is not published in similar detail as the small numbers of staff in each group would enable particular individuals to be identified.

TABLE 1  
Representation of women within levels<sup>1</sup>

	1991/1992		1990/1991		1989/1990	
	Total Staff	Women	Total Staff	Women	Total Staff	Women
Below CO1 <sup>2</sup>	0	0	0	0	0	0
CO1-Gd1 <sup>3</sup>	0	0	0	0	1	1
A&C Gds 1-2	1	1	3	3	3	3
A&C Gds 3-5	6	4	5	4	4	3
A&C Gds 6-9	5	2	5	1	6	1
A&C Gds 10-12	3	1	3	0	0	0
Above A&C Gd 12	4	1	4	1	4	1
<b>TOTAL</b>	<b>20</b>	<b>9</b>	<b>20</b>	<b>9</b>	<b>18</b>	<b>9</b>

1 Representation for 1991/92 based on staff composition at 31 March 1992.

2 Employees on salaries below Clerical Officer Scale 1, 21 year old rate of salary.

3 Employees on salaries from Clerical Officer Scale Grade 1, 21 year old rate to below minimum Administrative and Clerical Scale Grade 1.

## ADMINISTRATION

### **Freedom of Information**

The Commission's most recent Freedom of Information Statement of Affairs appears as Appendix 2 to this Report. For the year under review one application was made for information under the *Freedom of Information Act 1989*.

This application, made on 18 October 1991, was lodged for the purposes of gaining access to certain documents of the Commission. After according the request careful consideration the application was declined on the grounds that the relevant documents were exempt under Schedule 1 of the Act.

An appeal against this determination was subsequently lodged on 5 December 1991 and the matter was duly re-examined. After detailed assessment of the arguments put forward in support of the appeal, the request was declined and the appeal was thereby unsuccessful.

The fee charged and paid in relation to this application was \$30.00.

### **Staff profile**

In fulfilment of the requirement to depict the number of officers and employees, by category, with a comparison to each of not less than three years prior to the reporting year, Table 2 appears below.

TABLE 2  
Staff Profile<sup>1</sup>

	1991/92			1990/91			1989/90		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Senior Executives	3	1	4	3	1	4	3	1	4
Professional Staff	4	4	8	4	3	7	3	3	6
Clerical Support	1	5	6	1	5	6	1	5	6
Systems Officers	3	0	3	3	0	3	2	0	2
<b>TOTAL</b>	<b>11</b>	<b>10</b>	<b>21</b>	<b>11</b>	<b>9</b>	<b>20</b>	<b>9</b>	<b>9</b>	<b>18</b>

<sup>1</sup> Based on staff composition at 30 June 1992.

## ADMINISTRATION

### **Overseas Visits**

In July 1991 the Chief Executive Mr E J Schmatt, undertook an extensive study tour to a number of overseas locations including the United States of America, Canada and the United Kingdom.

The Commission has no parallel in Australia and as such it has not had any local experience upon which to draw in establishing its programs. The study tour aimed to build up links with similar overseas organisations in order to share knowledge and experience; and, to explore aspects of judicial education and criminological research relevant to the Commission's work.

In March 1992 the Chief Executive attended a conference in Vancouver, British Columbia, at the invitation of the Commonwealth of Learning, to discuss ways co-operation may be fostered in the field of continuing judicial education throughout the Commonwealth. All costs associated with this visit were met by the Commonwealth of Learning. This visit has led to a flow of information which has proved valuable to the Commission.

### **Consultants**

The Commission does not, with its small number of staff, have all the expertise necessary to carry out some of its highly specialised tasks. Rather than increase the number of staff, the Commission makes effective use of consultants to carry out identified tasks of a specialist nature. There were no consultancies exceeding \$30,000 during the reporting period whilst the total cost of all consultants was \$107,566.

Projects undertaken by consultants included —

- development of the SIS database
- project management for the development of the SIS
- enhancement of accounting software and additional staff training
- library services
- preparation of research publications
- statistical analyses
- presentation of training sessions
- updating Bench Books

## ADMINISTRATION

### **The Judicial Officers' Act 1986**

#### *Amending Legislation*

During the reporting year the *Judicial Officers Act 1986* was amended by the *Industrial Relations Act 1991* (No 34).

The nature of the amendments to the Act were as follows —

Section 3 (Interpretation) amended. Section 3(1)(b) was amended to repeal a reference to a member of the Industrial Commission as a judicial officer and to substitute in its place, a reference to a Judge of the Industrial Court.

Section 3(5)(b) was also amended to repeal the reference to the President of the Industrial Commission, as the relevant head of jurisdiction and to substitute, in its place, a reference to the Chief Judge of the Industrial Court.

Section 44 (Retirement of judicial officers) was amended by the repeal of sub-section (2) which related to the retirement of a non-judicial member of the formerly constituted Industrial Commission.

### **The Judicial Officers' Regulation 1986**

There were no amendments to the Judicial Officers' Regulation 1986 during the year.

# *Financial Statements*

for the year ended 30 June 1992

## *CONTENTS*

Auditor-General's Certificate

Statement by Chief Executive

Financial Statements





BOX 12 GPO  
SYDNEY NSW 2001

## AUDITOR-GENERAL'S OPINION

### JUDICIAL COMMISSION OF NEW SOUTH WALES

To Members of the New South Wales Parliament and the Chief Executive.

#### Scope

I have audited the accounts of the Judicial Commission of New South Wales for the year ended 30 June 1992. The preparation and presentation of the financial statements, consisting of the accompanying statement of financial position, operating statement and statement of cash flows, together with the notes thereto, and the information contained therein are the responsibility of the Chief Executive. My responsibility is to express an opinion on these statements to Members of the New South Wales Parliament and the Chief Executive based on my audit as required by Sections 34 and 45F(1) of the Public Finance and Audit Act 1983.

My audit has been conducted in accordance with the provisions of the Act and Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with the requirements of the Public Finance and Audit Act 1983, and Australian accounting concepts and standards so as to present a view which is consistent with my understanding of the Commission's financial position and the results of its operations.

This audit opinion has been formed on the above basis.

#### Audit Opinion

In my opinion, the financial statements of the Judicial Commission of New South Wales comply with Section 45E of the Act and present fairly the financial position of the Commission as at 30 June 1992 and the results of its operations for the year then ended in accordance with Statements of Accounting Concepts and applicable Accounting Standards.

*W.J. Gavan*  
W.J. GAVAN FCPA  
DIRECTOR OF AUDIT

(duly authorised by the Auditor-General of New South Wales  
under Section 45F (1A) of the Act)

SYDNEY  
14 October 1992

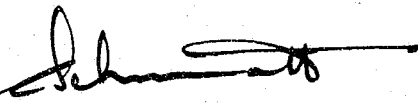
## Statement by Chief Executive

FOR THE YEAR  
ENDED  
30 JUNE 1992

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

- (a) the accompanying financial statements have been prepared in accordance with the provisions of the *Public Finance and Audit Act 1983*, the Financial Reporting Code under Accrual Accounting for Inner Budget Sector Entities, the Public Finance and Audit (Departments) Regulation 1986 (as applicable) and the Treasurer's Directions;
- (b) the statements exhibit a true and fair view of the financial position and transactions of the Judicial Commission of New South Wales; and
- (c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.

JUDICIAL  
COMMISSION  
OF  
NSW



E J SCHMATT  
*Chief Executive*

9 August 1992

FOR THE YEAR  
ENDED  
30 JUNE 1992

**OPERATING STATEMENT**

	Note	Actual 1991/92	Budget 1991/92
<b>OPERATING EXPENSES</b>			
JUDICIAL COMMISSION OF NSW	Employee related	4(a) (1,097,690)	(1,213,000)
	Maintenance & working	3(b) (735,675)	(713,000)
	Depreciation	4(b) (275,801)	(240,000)
	Other	3(d) —	(180,000)
	<b>TOTAL OPERATING EXPENSES</b>	<u>(2,109,166)</u>	<u>(2,346,000)</u>
	<b>NET COST OF SERVICES</b>	(2,109,166)	(2,346,000)
	CONSOLIDATED FUND RECURRENT ALLOCATION	2(b) 1,782,345	1,980,000
	ACCEPTANCE BY CROWN OF DEPARTMENTAL LIABILITIES	2(a), 4 40,574	126,000
	<b>OPERATING RESULT</b>	<u>(286,247)</u>	<u>(240,000)</u>
	CONSOLIDATED FUND – CAPITAL ALLOCATION	5, 12 564,993	565,000
	<b>OPERATING RESULT AFTER CAPITAL ALLOCATION</b>	<u>278,746</u>	<u>325,000</u>

**STATEMENT OF FINANCIAL POSITION**FOR THE YEAR  
ENDED  
30 JUNE 1992

	Note	This Year
<b>Current Assets</b>		
Cash on hand	13	200
Prepayments	6	26,227
<b>Total Current Assets</b>		<u>26,427</u>
<b>Non-current Assets</b>		
Property Plant & Equipment	5	1,484,586
<b>Total Non-current Assets</b>		<u>1,484,586</u>
<b>TOTAL ASSETS</b>		<u>1,511,013</u>
<b>Current Liabilities</b>		
Accounts Payable	7	36,361
Sundry Accruals	8	13,238
Provision for Annual Leave	9	77,101
<b>Total Current Liabilities</b>		<u>126,700</u>
<b>NET ASSETS</b>		<u>1,384,312</u>
<b>Equity</b>		
Accumulated Surplus		278,746
Opening Equity 1 July 1991		1,105,566
<b>TOTAL EQUITY</b>	10	<u>1,384,312</u>

JUDICIAL  
COMMISSION  
OF  
NSW

FOR THE YEAR  
ENDED  
30 JUNE 1992

**CASH FLOW STATEMENT**

JUDICIAL  
COMMISSION  
OF  
NSW

	Note	Actual 1992 \$
<b>Cash Flow from Operating Activities</b>		
Payments		
Employee related		(1,022,147)
Maintenance and working		(760,198)
Total Net Cash used on Operating Activities		<u>(1,782,345)</u>
<b>Cash Flow from Investing Activities</b>		
Purchases of plant & equipment	5, 12	(564,993)
Total Net Cash outflow on Investing Activities		<u>(564,993)</u>
<b>Net Cash Outflow from Operating and Investing Activities</b>		<u>(2,347,338)</u>
<b>Government Funding Activities</b>		
Consolidated fund recurrent allocation	15	1,782,345
Consolidated fund capital allocation	5, 12	564,993
Total Net cash provided by Government		<u>2,347,338</u>
<b>Net Increase/(Decrease) in cash</b>		0
Opening Balance		200
<b>CLOSING CASH BALANCE</b>		<u>200</u>

## Notes to and Forming Part of the Financial Statements

FOR THE YEAR  
ENDED  
30 JUNE 1992

### NOTE 1

#### The Reporting Entity

The Judicial Commission comprises all the operating activities under the control of the Commission.

### NOTE 2

#### Summary of Significant Accounting Policies

The Commission's Financial Report has been prepared in accordance with Statements of Accounting Concepts, applicable Australian Accounting Standards, the requirements of the *Public Finance and Audit Act 1983* and Regulations and the Financial Reporting Directives published in the Financial Reporting Code for Inner Budget Sector Entities.

The Operating Statement and Statement of Financial Position are prepared on an accruals basis. The Cash Flow Statement is prepared on a cash basis using the "indirect" method.

(In the first year of implementation of accrual accounting, comparative figures for the Statement of Financial Position, the Operating Statement and the Cash Flow Statement are not required.)

Except for plant and equipment which are recorded at valuation, the Financial Report is prepared in accordance with the historical cost convention. All amounts are expressed in Australian currency. The accounting policies adopted are consistent with those of the previous year.

#### (a) Employee Related Expenses

The cost of employee entitlements to long service leave and superannuation are included in employee related expenses. As the Commission's liabilities for long service leave and superannuation are assumed by the Crown, the Commission accounts for the liability as having been extinguished resulting in non-monetary revenue described as "Acceptance by Crown of Department Liabilities". The amounts expected to be paid to employees for their pro-rata entitlement to recreation leave are accrued annually at current pay rates.

#### (b) Government allocations

Monetary and non-monetary resources which are allocated to the Commission by the government and which are controlled by the Commission are recognised as revenues of the financial period in which they are received. Non-monetary allocations are recognised at fair value.

JUDICIAL  
COMMISSION  
OF  
NSW

FOR THE YEAR  
ENDED  
30 JUNE 1992

JUDICIAL  
COMMISSION  
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- (c) **Acquisition of Assets**  
The cost method of accounting is used for all acquisitions of assets regardless of whether resources are acquired separately or as part of an interest in another entity. Cost is determined as the fair value of the assets given up at the date of acquisition plus costs incidental to the acquisition.
- (d) **Property, plant and equipment**  
The Commission does not own any land or buildings.
- (e) **Depreciation**  
Depreciation is provided for on a straight line basis against all depreciable assets so as to write off the depreciable amount of each depreciable asset as it is consumed over its useful life.
- (f) **Exemption from "Recoverable Amount Test"**  
The Treasurer has determined that the Recoverable Amount Test as set out in AAS 10 is not to apply to budget sector agencies in respect of the year ended 30 June 1992 and subsequent financial years. This exemption is granted under section 45EA of the Public Finance and Audit Act.
- (g) **Taxation**  
The activities of the Commission are exempt from taxation.

**NOTE 3**  
**Budget Review**

The actual net cost of services was less than budget by \$236,834. This variance was mainly due to various factors referred to below:

- (a) (i) Expenditure on the "Provision for Wage and Award Increase" item realised a saving of \$16,000.
- (ii) A triennial revaluation of superannuation liabilities by the Government Actuary resulted in a negative adjustment of \$104,833 being effected by the Commission.
- (b) An increase in expenditure over budget allocation of \$22,675 was incurred in maintenance and working expenses. Ministerial approval was given to the transfer of funds from savings in Employee Related Expenses allocation to meet this shortfall.
- (c) An increase in the non-cash expense of depreciation of \$35,801 as a result of insufficient provision being made for the period.
- (d) The Commission received an allocation of \$180,000 to meet costs associated with the holding of hearings related to inquiries under the *Judicial Officers Act* 1986. During the reporting period there were no matters referred to a Conduct Division and no costs incurred with the holding of hearings.

**NOTE 4**  
**Operating Expenses**

FOR THE YEAR  
ENDED  
30 JUNE 1992

	1991/92	
	\$	
(a) Employee Related Expenses comprise specific items:		
Salaries and wages	901,321	
Superannuation entitlements	(30,306)	
Payroll tax and fringe benefits tax	69,376	
Recreation leave (includes provision \$19,171)	82,690	
Long service leave	70,880	
Workers compensation insurance	2,956	
Other	773	
	<u>1,097,690</u>	
(b) Depreciation is charged as follows:		
Computer equipment	231,257	
Office equipment and furniture	44,544	
	<u>275,801</u>	

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**NOTE 5**  
**Non-current Assets — property and plant equipment**

	Computer Equipment \$	Office Furniture \$	Office Equipment \$
<b>At cost</b>			
Balance 1 July 1991	978,309	447,770	109,614
Additions	564,993	0	0
Disposals	0	0	0
Balance 30 June 1992	<u>1,543,302</u>	<u>447,770</u>	<u>109,614</u>
<b>Accumulated depreciation</b>			
Balance 1 July 1991	205,626	105,724	28,949
Depreciation for the Year	231,257	33,584	10,960
Balance at 30 June 1992	<u>436,883</u>	<u>139,308</u>	<u>39,909</u>
<b>Written down value</b>			
At 1 July 1991	772,683	342,046	80,665
At 30 June 1992	<u>1,106,419</u>	<u>308,462</u>	<u>69,705</u>

**NOTE 6**  
**Current Assets — prepayments**

This item is represented by rent for July 1992 in the sum of \$21,438 and subscriptions for both local and overseas publications with a value of \$4,789.



FOR THE YEAR  
ENDED  
30 JUNE 1992

**NOTE 7**

**Current Liabilities — accounts payable**

The amount of \$36,361 represents accrued entitlements payable to or on behalf of Senior Executives employed by the Commission.

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**NOTE 8**

**Current Liabilities — sundry accruals**

This liability is comprised of the following:

June Payroll Tax	\$6,727
1991/92 Audit Fee	\$2,800
Motor Vehicle Expenses	\$534
Miscellaneous Expenses	\$3,177
	<u>\$13,238</u>

**NOTE 9**

**Current Liabilities — provisions**

	1991/92
	\$
The movement in the provision for employee recreation leave is as follows:	
Balance 1 July 1991	57,930
Increase in Provision	19,171
Balance 30 June 1992 (equal to actual liability)	<u>77,101</u>

Amount of recreation leave paid has been charged directly to the Operating Statement.

**NOTE 10**

**Equity**

	1991/92
	\$
Balance 1 July 1991	1,105,566
Operating Result for the Year	278,746
Balance 30 June 1992	<u>1,384,312</u>

**NOTE 11**  
**Commitments for Expenditure**

	1991/92
	\$
<b>Lease Commitments</b>	
Aggregate operating lease expenditure contracted for at balance date but not provided for in the accounts:	
Not later than 1 year	207,806
Later than 1 year but not later than 2 years	233,985
Later than 2 years but not later than 5 years	311,980
	<u>753,771</u>
Representing:	
Cancellable operating leases	1,065
Non-cancellable operating leases	752,706
	<u>753,771</u>

FOR THE YEAR  
 ENDED  
 30 JUNE 1992

JUDICIAL  
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**NOTE 12**  
**Cash Expenditure**

The Commission's total cash expenditure for the year was \$2,347,338 which was reimbursed by Treasury. Included in this cash expenditure was an amount of \$564,993 which was expended for the acquisition of equipment of a similar aggregate value.

**NOTE 13**  
**Bank Account**

As at 30 June 1992, cash on hand stood at \$200. The Bank Statement balance was \$65,213 which represents the balance of unrepresented cheques at 30 June 1992.

**NOTE 14**  
**Consultancy Fees**

Payments for services provided by consultants in the reporting period totalled \$107,566.

FOR THE YEAR  
ENDED  
30 JUNE 1992

JUDICIAL  
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**NOTE 15**  
**Note To Cash Flow Statement**

Reconciliation of Net Cash in operating activities to Net Cost of Services	
	1991/92 \$000 Inflows (Outflows)
Net Cost of Services	2109
Depreciation	276
Provision for doubtful debts	—
Increase in Trade Creditors	—
Increase in wages and salaries payable	—
Government Revenues	
Acceptance by the Crown of departmental liabilities	41
Increase in receivables	(26)
Decrease in creditors	17
Provision for recreation leave	19
Net cash used in operating activities	<u>1782</u>

M DEVJAK  
*Administrative Officer*

END OF AUDITED FINANCIAL STATEMENTS

## Supplementary Financial Information

Major physical assets owned by the Judicial Commission of New South Wales

- Pyramid MI Server 4 minicomputer
- 14 IBM series PS 2 microcomputers
- 1 Osborne 486 microcomputer
- 10 NEC Powermate microcomputers
- 2 Toshiba portable personal microcomputers
- 3 Laser printers
- library inventory
- 1 Sharp photocopier
- 1 Harris 3M photocopier
- 1 dot matrix printer
- CD-ROM drive unit
- electronic whiteboard
- electronic plotter
- electronic colour viewer
- facsimile machine
- camcorder system
- 15 NEC 386/25 microcomputers\*
- 15 Toshiba T 3200 laptops\*
- 41 Hewlett Packard laser jet printers\*
- 16 Bubblejet printers\*
- 25 Osborne 386 microcomputers\*
- 1 Toshiba colour portable personal computer\*

\* 1991-1992 acquisitions for the Sentencing Information System

FOR THE YEAR  
ENDED  
30 JUNE 1992

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## APPENDIX 1 — CODE OF CONDUCT

### **Introduction**

In accordance with Government initiatives to strengthen confidence and integrity in the public sector the Judicial Commission of New South Wales has adopted a Code of Conduct for members of its staff. This Code is modelled on the New South Wales Public Sector Code of Conduct and sets forth those principles which officers are expected to uphold. It establishes standards of behaviour and levels of accountability for all staff members and aims to assist in the resolution of ethical issues in the workplace.

The Code of Conduct is based upon the premise that staff members will act with —

- integrity
- honesty
- fairness
- conscientiousness
- compassion and
- loyalty to the public interest

and that they will, in carrying out their duties, adhere to the spirit and intentment of the *Judicial Officers Act 1986* (as amended).

### **Application of the Code**

The Code applies to every individual employed, appointed or otherwise attached to the Commission and includes all persons engaged to provide the Commission with service, information or advice.

### **Principles of the Code**

The Code is not intended to be read as an exhaustive statement nor should each word be scrutinised for its legal meaning. The Code is designed to convey, in plain language, the obligations placed on and the behaviour expected of all staff of the Commission.

#### *1. Public Confidence*

The public are entitled to expect that officers of the Judicial Commission, in carrying out their duties, act honestly and with integrity and that members of the public are treated in a fair and reasonable manner.

## CODE OF CONDUCT

### 2. *Rights of Staff Members*

The rights and entitlements of staff members of the Judicial Commission are similar to the rights and entitlements of other employees in the public sector as set out under statute and at common law.

### 3. *Conflicts of Interest*

Staff members should avoid any financial or other interest or undertaking that may directly or indirectly compromise the performance of their duties. A conflict of interest should be assessed in terms of the likelihood that an officer possessing a particular interest might be influenced, or might appear to be influenced, in the performance of their duties in relation to a particular matter. In these situations the onus is on the staff member to notify his/her senior officer(s) if a potential or actual conflict of interest arises or may arise. In most cases, the early and open disclosure of such an interest will allow management to prevent a conflict of interest occurring.

### 4. *Corrupt Conduct*

Section 11 of the *Independent Commission Against Corruption Act 1988* requires that the Chief Executive report to the Independent Commission Against Corruption any matter that is suspected on reasonable grounds, to concern corrupt conduct. This implies a duty on all officers to report suspected corrupt conduct through the internal reporting mechanism listed hereunder —

Where an officer suspects corrupt conduct to be occurring, the officer must discuss the allegation with the Divisional Head who will pass on all allegations of corrupt conduct to the Chief Executive.

If an officer does not consider it appropriate to disclose an allegation of suspected corrupt conduct to the Divisional Head, it should be made to the Chief Executive or directly to the Independent Commission Against Corruption.

### 5. *Acceptance of Gifts or Benefits*

A staff member should not accept a gift or benefit if it could be seen by the public, knowing the full facts, as intended or likely to cause that person to do their job in a particular way or to deviate from the proper performance of their professional duty.

## CODE OF CONDUCT

Token gifts or benefits may be accepted where refusal to accept may offend provided however that the Chief Executive or other member of senior management is satisfied that there is no possibility that the recipient might be, or might appear to be, compromised in the process.

### *6. Personal and Professional Behaviour*

All staff members shall perform their professional duties diligently, impartially and to the best of their ability.

In the performance of their duties officers shall —

- keep up to date with changes and developments in their area of expertise
- comply with any legislative, administrative or procedural requirements
- maintain proper and adequate documentation to support decisions made
- treat other staff members and members of the public in a respectful and courteous manner
- provide any necessary and appropriate assistance to members of the public
- strive to ensure that value for the expenditure of public money is obtained and to avoid the wasteful and extravagant use of public resources
- refrain from taking or seeking to take improper advantage of any official information gained in the course of employment.

When faced with having to implement a decision or procedure which is at variance with a staff member's own views, that officer should discuss the matter with senior management to resolve the issue.

Staff members of the Commission should not harass or discriminate in work practices on the grounds of race, sex, marital status, nationality, ethnic or national origin, pregnancy, physical or intellectual impairment, sexual preference or religious or political conviction in dealing with their colleagues or members of the public. Supervisors should understand and apply the principles of Equal Employment Opportunity.

Staff members are obliged to report, to a senior officer, any unethical behaviour or wrongdoing of another staff member.

## CODE OF CONDUCT

### 7. *Public Comment and the Use of Official Information*

Staff members shall not engage in public comment on any matter concerning the Judicial Commission without prior approval of the Chief Executive. Public comment refers to, but is not limited to, comments made to representatives of the media, comments on radio, television and in the press and the expression of views in letters to newspapers or in books, journals or notices or such other places where it might be expected that the publication or circulation of the comment will spread to the community at large.

Circumstances in which public comment is not appropriate include instances where —

- the implication that the public comment, although made in a private capacity is in some way an official comment of the Judicial Commission
- public comment, irrespective of any connection with the staff members' normal duties, amounts to criticism sufficiently strong to give rise to the public perception that the officer concerned is not willing to implement the decisions of the Commission as they relate to his/her duties.

In discussing the Commission's work outside the Commission, except for authorised official comment, discussion should be confined to material in the public domain and others should be made aware that the matters being discussed are only those in the public domain. In cases where a staff member is uncertain whether information is in the public domain the matter should be treated as confidential.

A staff member should only disclose other official information or documents, acquired in the course of his/her employment, when required to do so by law, in the course of duty, when called upon to give evidence in court or when prior authority has been given. In these cases, comments made by Commission staff members should be confined to factual information and should not express opinion or comment on Commission policy or practice.

### 8. *Use of Commission Facilities and Equipment*

It is expected that staff members will be —

- scrupulous in their use of Commission property and facilities and not permit their abuse by others
- efficient and economical in their use of public resources.

Commission facilities should only be used for private purposes when official permission to do so has been granted.



## CODE OF CONDUCT

### 9. *Outside Employment*

In relation to staff members engaging in any form of paid employment outside their official duties, the prior approval of the Chief Executive is required. In determining whether to accept outside employment a staff member should accord Commission employment first priority and avoid situations which give rise to, or may give rise to, a conflict of interest.

In particular, the matter of whether the prospective company or organisation is in, or is about to enter into, a contractual relationship with the Commission, should be considered.

### 10. *Political Participation*

Staff members are required to ensure that any participation in political matters does not bring them into conflict with their principal duties as officers of the Commission.

A determination of what is appropriate in any particular case will depend upon the extent of the participation of the individual, the nature of the issue and the position held by the other person. If an officer of the Commission becomes aware that a conflict has arisen or may arise, that person should immediately inform the Chief Executive.

In circumstances where a conflict of interest does arise that officer may be required to refrain from participating in political activity or withdraw from areas of duty upon which the conflict of interest is based.

STATEMENT OF AFFAIRS

Agency Number 1640

June 1992

**A. Affairs of the Agency**

***Structure and Function***

*The Commission*

The Judicial Commission is a statutory corporation established under the *Judicial Officers Act 1986*. The Act was assented to on 17 December 1986 and its substantive provisions commenced on 19 December 1986. Subsequent amendments were made to the founding legislation by the *Judicial Officers (Amendment) Act 1987*. This amending legislation received assent on 1 May 1987 and its substantive provisions commenced on the day of assent.

The first meeting of the Commission was convened on 23 January 1987.

The Commission comprises eight members, six of whom are official and two of whom are appointed by the Governor, on the nomination of the Attorney General.

The President of the Judicial Commission is the Chief Justice of New South Wales. The Chief Justice is an official member of the Commission and is joined by other heads of jurisdiction who also hold office as Official Members. They are as follows —

- the President of the Industrial Relations Commission and Chief Judge of the Industrial Court
- the Chief Judge of the Land and Environment Court
- the Chief Judge of the District Court
- the Chief Judge of the Compensation Court and
- the Chief Magistrate

Of the two members appointed by the Governor at the nomination of the Attorney General one is required to be a legal practitioner and the other a person of high standing in the community.

The principal functions of the Commission are to —

- assist courts in achieving consistency in imposing sentences
- organise and supervise an appropriate scheme for continuing education and training of judicial officers
- deal with complaints that concern or may concern the ability of a judicial officer to discharge responsibilities of office

## FREEDOM OF INFORMATION

- formulate guidelines to assist the Conduct Division in the exercise of its functions and to maintain a watching brief on the activities of the Conduct Division
- provide advice to the Minister on such matters as it considers appropriate
- liaise with persons or organisations in connection with the performance of any of its functions.

The Commission attaches great significance to the activities it undertakes for the purposes of meeting the continuing legal education requirements of the judiciary and in providing criminological assistance on sentencing to the State's criminal courts. It is these activities which occupy most of the time and resources of the Commission.

### *Criminological Assistance*

Section 8 of the *Judicial Officers Act* 1986 requires the Commission to provide criminological assistance on sentencing to the State's criminal courts in order to promote consistency in imposing sentences.

This assistance is provided to judicial officers through the development of a computerised sentencing information system. The Commission also undertakes original research into topics relevant to sentencers on the efficiency and consequences of certain criminal sanctions. In addition it prepares and publishes statistical information in bulletin and monograph form to assist the judiciary generally.

### *Judicial Education*

Section 9 of the *Judicial Officers Act* 1986 provides the Commission with its mandate to organise and supervise an appropriate scheme for the continuing education and training of judicial officers. This has involved the provision of an induction or pre-bench program for newly appointed judicial officers, an extensive seminar program, the monthly publication of the *Judicial Officers Bulletin*, the on-going development and provision of Bench Books and the publication of other material of value to Judges and Magistrates.

Conference support and library facilities are also provided. The programs and publications of the Commission are developed for the exclusive use of Judges and Magistrates.

## FREEDOM OF INFORMATION

### *Complaints Against Judicial Officers*

Any member of the public may complain to the Commission about a matter that concerns or may concern the ability or behaviour of a judicial officer: section 15 *Judicial Officers Act* 1986.

Section 17 of the *Judicial Officers Act* 1986 sets out the manner in which complaints are to be made to the Commission.

Section 37 of the *Judicial Officers Act*, subject to certain exceptions, prohibits the disclosure of any information obtained by members or officers of the Commission in relation to a complaint. Disclosure is punishable upon conviction by a fine or imprisonment or both.

Particulars of complaints dealt with by the Commission are contained elsewhere in this Report.

### **B. Public Participation in Commission policy**

There are no provisions pursuant to the *Judicial Officers Act* 1986 for public involvement in the Commission's policy development or implementation.

### **C. Categories of Documents held by the Commission**

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

These files fall into the following principal categories —

- *Administration* — all aspects of the Commission's internal administration, including budget and finance matters, correspondence and accommodation. Education, Research and computer related files are also held within the administration group
- *Staff Matters* — including files relating to recruitment, staff training, staff member's personnel files and salaries
- *Contracts and tendering* — the Sentencing Information System has given rise to a number of documents, many of which still contain commercially sensitive material
- *Commission Matters* — Minutes, Agendas and Business papers relating to meetings convened by and held at the Commission
- *Complaints* — files and documents relating to complaints against judicial officers

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

## FREEDOM OF INFORMATION

### **D. Access Arrangements, Procedures and Points of Contact**

#### *Access to Documents Published by the Commission*

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

- The Commission's Summary of Affairs
- The Commission's Statements of Affairs
- The Annual Report of the Chief Executive of the Commission
- The Annual Report of the Judicial Commission

#### *Access to Documents for the Purpose of Alteration*

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

#### *Enquiries and Access to Commission Information*

Enquiries concerning Freedom of Information and also access to documents for inspection and purchase from the Judicial Commission is provided between 9.00 am and 4.30 pm Monday to Friday and should, in the first instance, be directed to —

Mr Mario Devjak  
Freedom of Information Co-ordinator

Judicial Commission of New South Wales  
Level 5, 301 George Street  
Sydney NSW 2000

Telephone — (02) 299 4421

Facsimile — (02) 290 3194

## APPENDIX 3 — PUBLICATIONS

The Judicial Commission publishes a number of monographs and bulletins principally for the purpose of assisting the judiciary. These publications deal mainly with the results of original research undertaken by the Commission into topics which are relevant to sentencers including the efficiency and consequences of certain criminal sanctions.

These include —

### **Monograph Series**

- *The Use of Custodial Sentences and Alternatives to Custody by NSW Magistrates*, Number 1, April 1990
- *Community Service Orders: Views of Organisers in NSW*, Number 2, March 1991
- *Community Service Orders and Periodic Detention as Sentencing Options: A Survey of Judicial Officers in New South Wales*, Number 3, April 1991
- *Sentencing Juvenile Offenders and the Sentencing Act 1989 (NSW): The impact of legislative and administrative changes in the Children's Court 1982-1990*, Number 4, December 1991\*

### **Sentencing Trends**

- *The Children's Court*, Number 1, March 1991
- *The Impact of Truth in Sentencing: Part 1 — The Higher Courts*, March 1992\*
- *The Impact of Truth in Sentencing: Part 2 — The Local Courts*, Number 3, June 1992\*

\* published in the reporting year

### **Note — Production of Annual Report**

One thousand copies of the Judicial Commission's Annual Report have been produced at a cost of \$ 9,932.00.

DIRECTORY

*Office hours*

8.30 am to 5.00 pm

*Office location*

5th Floor, ANA House  
301 George Street, Sydney

*Telephone*

(02) 299 4421

*Postal address*

GPO Box 3634  
SYDNEY NSW 2001

*Document exchange*

DX 886 Sydney

*Facsimile*

(02) 290 3194

*Sentencing Information Help Desk*

*Telephone*

008 043 623

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