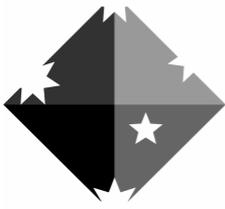




**NATIONAL  
JUDICIAL  
COLLEGE**  
*of Australia*

***NATIONAL JUDICIAL COLLEGE OF AUSTRALIA***

***ANNUAL REPORT 2005 - 2006***



**NATIONAL  
JUDICIAL  
COLLEGE**  
*of Australia*

7 September 2006

To: The Council of Chief Justices of Australia and New Zealand  
The Standing Committee of Attorneys General

I am pleased to send to you, in accordance with clause 17 of the Constitution of the National Judicial College of Australia, a report by the Council of the College on the operations of the College during the financial year 2005-2006.

This is the College's fourth annual report.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'J Doyle', is placed above the typed name.

The Honourable John Doyle AC  
Chief Justice of South Australia  
Chair of the NJCA Council

<b>Contents</b>	<b>Page</b>	
Foreword by the Chair of the NJCA Council	4	
College Professional Development Programs 2005/2006	7	
Phoenix Judges Program	7	
National Judicial Orientation Program	8	
Judgment Writing Program	8	
National conference on children and the courts	8	
Travelling Judicial Professional Development Program	9	
National conference on sentencing	9	
Federal Court Judgment Writing Program	9	
Facilitation of court conference sessions	9	
Technology based distance education programs	10	
Social awareness programs	10	
Plans for professional development programs 2006/2007	11	
College Projects 2005/2006		
National Standards for Judicial Professional Development	12	
Judicial Professional Development Curriculum	12	
Commonwealth Sentencing Database		12
NJCA website	13	
College Administration 2005/2006	14	
NJCA Council	14	
Regional Convenors	14	
Consultative Committee	14	
College Secretariat	15	
The College and the Australian National University	15	
NJCA funding	15	
Communication with the College	16	
Attachments		
A    List of members of the Council, Regional Convenors the Consultative Committee and the College Secretariat	17	
B    Members of Program Planning Committees	20	
C    The History and Policies of the College	22	

## **FOREWORD BY THE CHAIR OF THE NJCA COUNCIL**

The Annual Report of the National Judicial College of Australia is a report on the work of the College during the year ended 30 June 2006.

In this foreword I will deal only with the more significant matters dealt with in the body of the Report.

During the year the College built on the foundation laid in previous years. The College continued to treat as its first priority the provision of professional development programs of high quality for members of Australia's judiciary. The College continued to work on other projects that, in various ways, will contribute to its work.

The College has again presented programs in most States and Territories. During the year around 270 judicial officers attended College programs. Many more were involved in conferences which included a module presented by the College.

The emphasis continues to be on programs that involve relatively small groups of judicial officers (between about 20 and 30 persons) from different courts and different jurisdictions, sharing their knowledge and experience. The College has also continued the emphasis in its professional development programs on the practical or applied aspects of judicial work, including matters such as communication skills, health and fitness. The sessions that comprise our programs are delivered by a mix of appropriately qualified experts and judicial officers who (generally) lead discussion sessions, and by the participants themselves in programs, they being encouraged to share their experiences with each other.

The College is satisfied that its approach to professional development is soundly based. The responses from participants indicate that this is the approach that they find most helpful.

The College presented more programs this year than in previous years. That has been made possible by the work of our staff, and by the willingness of members of Australia's judiciary and numbers of non-judicial participants to contribute to the organisation and presentation of programs.

The College will continue to refine its programs, and to present them as frequently as our resources permit.

The College is developing a two day program on Judicial Leadership which will be presented to Chief Justices, Chief Judges and Chief Magistrates from Australia and New Zealand in April 2007. This will be the first time that this group has come together for such an event.

The Council remains of the view that distance education programs delivered electronically will become a significant part of the College's professional development programs. Distance education programs are a means of providing professional development to members of the judiciary without requiring them to travel from the court at which they work, and without interfering significantly with the time that they have for the performance of their judicial duties. The Council does not envisage that distance education programs will replace programs of the traditional kind, in the course of which judicial officers interact face to face. But distance education programs provide a means of delivering programs that are a follow up to traditional programs, of delivering additional programs and a means of delivering

programs to judicial officers who, for one reason or another, are unable to attend the place at which face to face programs are presented.

Developing programs suitable for delivery electronically requires resources and skills that are not readily available. The College has developed and presented several pilot programs. It has not yet overcome all the problems that are encountered in identifying programs with content suitable for delivery in this way, and in delivering the programs in a manner that is suited to the information technology systems available to judicial officers, and is appropriate for their skills in using the information technology. The College is continuing with its work in this area because it believes that in the long term distance education will be an important aspect of the College's work. But progress has been slower than the Council expected it would be.

There will always be a place in the College programs for conferences of the traditional kind. By this I mean larger groups meeting over a period of one or two days for presentations and discussions on, usually, a theme or linked themes. The College will from time to time organise such conferences, although its emphasis is on smaller groups of judicial officers working together. In February 2006, in conjunction with the Australian National University, the College presented a conference on aspects of sentencing in Canberra. The conference was very successful, attracting over 230 participants from all States and Territories, and from a wide range of backgrounds.

The College continued to provide professional development modules to individual courts for inclusion in their own professional development programs. This is an important aspect of the work of the College. One of its aims is to assist courts with their own professional development programs. The College works on the assumption that courts will, as far as possible, continue to provide their own programs for their own members.

During the course of the year the College completed its work on the National Standard for Judicial Professional Development. This is a written statement of the amount of time that judicial officers should commit to their professional development and of the time that should be made available by courts to enable members of the judiciary to do so. The Standard has been endorsed by the Council of Chief Justices, the Council of Chief Judges, the Council of Chief Magistrates, the Judicial Commission of New South Wales, the Judicial College of Victoria, the Australian Institute of Judicial Administration and the Australian Association of Magistrates. It will shortly be forwarded to the Standing Committee of Attorneys-General.

Work on the proposed Professional Development Curriculum was further advanced during the year, and all being well that project will be completed during the year 2006/2007.

The development of the sentencing database for Commonwealth offences is taking a little longer than expected, but is proceeding steadily.

I acknowledge the substantial contribution made by judicial and non judicial members of the Committees which oversee the organisation and presentation of our programs.

It is also appropriate to acknowledge the substantial contribution made to the work of the College by our regional convenors and by the members of our Consultative Committee. They provide the Council with valuable ideas and advice. The annual meeting of the Consultative Committee, which includes the Regional Convenors and members of the Council, continues to be an important source of ideas and comments for the Council.

I also acknowledge the work of our staff John McGinness, Wendy Forster and Jane Avent.

On behalf of the Council I thank the Council of Chief Justices for their continued strong support. I thank also other heads of jurisdiction and the Australian judiciary generally for the support that they have given to the College.

As in the past we continue to work with the Judicial Commission of New South Wales, the Judicial College of Victoria, the Australian Institute of Judicial Administration, the Judicial Conference of Australia and the Australian Association of Magistrates. I thank them for their contribution to our work and for their support.

The College has contact from time to time with bodies in other countries involved in professional development for the judiciary. In particular, we are in regular contact with the Institute of Judicial Studies of New Zealand and with the National Judicial Institute of Canada.

Finally, I acknowledge the importance of the funding provided by the Attorneys-General for the Commonwealth, for New South Wales, for Queensland, for South Australia, for Tasmania, for the Northern Territory and the Australian Capital Territory. I record with pleasure that during the course of the year the Attorney-General for Queensland agreed to that State becoming a jurisdiction participating in the College.

The Council welcomes enquiries and comments about the work of the College. These can be sent to the Director at the address on page 16 of the Report.

The Honourable John Doyle AC  
Chief Justice of South Australia  
Chair of the NJCA Council  
**7 September 2006**

## ***COLLEGE PROFESSIONAL DEVELOPMENT PROGRAMS 2005/2006***

The College continues to develop and present judicial professional development programs around Australia.

As explained in attachment C to this report, the College has adopted best practice for adult professional learning. The College has not followed the approach of organising large conferences with formal lectures. Rather the College favours structured discussion of practical problems and other forms of active learning (for example self-teaching in small discussion groups based on well-planned practical problems). This focus on discussion rather than lectures means that most College programs are for groups of no more than 25 to 30 participants. The use of structured, interactive learning techniques involves presenters and College staff in considerably more work than would be involved in organising a series of lectures. However the Council of the College remains convinced that presenting a small number of high quality programs of long term educational value remains the best use of the College's resources.

Judges and magistrates from all courts in Australia are eligible to attend College programs. Some programs are limited to particular categories of the judiciary (for example orientation programs are limited to recent appointees).

The Council of the College, and individual planning committees for programs, routinely review and revise College programs in the light of feedback from participants. The College seeks written feedback from judicial participants in its programs. The responses indicate that participants have been very satisfied with the programs. The College develops new programs on the basis of proposals made by judicial officers in evaluating programs they attend and based on responses to a survey of the judiciary conducted in 2003. The proposed national curriculum for judicial professional development currently being developed by the College will form the basis for future decisions about the development of College Programs.

### **Phoenix Judges Program**

The Phoenix Judges Program was presented by the College for the second time in March 2006 in Canberra. The objective of the program was to provide a refresher program for experienced judges, exposing them to new ideas and new approaches from more recently appointed judicial officers and challenging them to think afresh about their judicial work. A second objective of the Program was to give recently appointed judges (no more than two or three years on the bench) an opportunity to work with experienced judges, and to learn from their experience.

The program covered a range of issues including pre-trial issue identification, management of proceedings, psychological indications of deception, new technology, sentencing, cultural diversity and cultural change, interpreters, alternative dispute resolution, colleagues assisting an 'impaired professional' affected by personal problems, dealing with judicial stress and maintaining good health.

On the basis of the participants' and the Planning Committee's evaluation, the College is satisfied that the Program was again successful in achieving these objectives. Participants commented that they benefited particularly from interacting with judicial officers from other jurisdictions, enabling them to compare experience and views from a wider variety of backgrounds.

## **National Judicial Orientation Program**

Because of the number of new appointments of judges around Australia, two National Judicial Orientation Programs were co-presented in 2005/2006. The first in Sydney in October 2005 was attended by 24 judges from State Supreme Courts and intermediate courts. The second program in Melbourne in May 2006 was attended by 21 judges from Supreme Courts and intermediate courts in all States, from federal courts and from the National Court of Papua New Guinea.

The Program is a joint offering by the College, the Judicial Commission of New South Wales and the Australian Institute of Judicial Administration. The program covers topics including judicial conduct and ethics, assessing the credibility of witnesses, using technology, psychological and physical health, judgment writing, court craft, interpreters, evidence, litigants in person, sentencing and alternative dispute resolution. The main educational objective for the program is to assist newly appointed judicial officers with the transition to judicial office, with a particular focus on skills required of a trial judge. Based on the participants' evaluation comments and observations by members of the Steering Committee, the two programs were successful in meeting these objectives.

## **Judgment Writing Program**

The College presented a two and a half day Judgment Writing Program in Adelaide in September 2005. Participants are expected to bring examples of recently prepared and published judgements for discussion and review during the program. The essence of the Program is in participants learning through individually rewriting and then discussing their judgments in small groups with the assistance of feedback from the professional writers, senior judges and other participants. Judicial officers rarely have the opportunity to reflect on their approaches to writing judgments or for obtaining feedback from colleagues and others. This program was designed to allow participants to learn from interaction with other judicial officers as well as with professional writers. The program was attended by 22 judicial officers from federal and State Courts. Feedback from participants indicates the program was very successful.

In May and June 2006 the program was followed up by distance based masterclasses in which participants in the September 2005 Program reviewed samples of each others' judgments and discussed the judgments in teleconferences with writer presenters and other judges.

## **National conference on children and the courts**

In November 2005 the College presented a one day conference on 'Children and the Courts' in Sydney. The seventy participants were a mix of judicial officers, legal practitioners, government officers working in child protection or law reform, psychiatrists, psychologists and academics. Participants attended from every State and Territory in Australia.

The program for the event proved topical and of interest to a variety of participants due to:

- the release of a report in NSW on a pilot program for assisting in court child victims of sexual assault;
- the announcement by the Victorian Government of legislative reforms on child sexual assault in response to recommendations by the Victorian Law Reform Commission;

- the release of a discussion paper on Evidence by law reform commissions which proposes legislative reform in relation to expert evidence in child sexual assault cases.

### **Travelling Judicial Professional Development Program**

A Travelling Judicial Professional Development Program was presented in Brisbane in November 2005. As in previous presentations (in Adelaide in 2003 and Hobart in 2004) the program was presented over one and a half days. It comprised three modules, each half a day in length, on oral judgments, court craft and sentencing. Feedback from the 21 judicial participants indicated the program was well received.

### **National conference on sentencing**

The College worked with the Australian National University to organise a national conference on 'Sentencing: principles, perspectives and possibilities' in Canberra from 10 to 12 February 2006. It focussed in particular on the changes in the sentencing environment in the last 15 years, the very strong public and media interest in sentencing issues, the responses of legislatures, the involvement of victims and alternative approaches to dealing with offenders.

The conference was attended by 238 participants from all States and Territories, including the judiciary (74), government agencies (47), academics (41), public prosecutors (27), legal aid lawyers and public defenders (24), solicitors (9), barristers (8), ACT House of Assembly members (4) and police (4). The participants included judges and legal academics from New Zealand. Participants rated the conference as excellent, particularly the range of topics/speakers and the opportunity for cross fertilisation between judicial officers, health professionals and legal practitioners.

### **Federal Court Judgment Writing Program**

In May 2006 the College organised a judgment writing program for the Federal Court of Australia. The program was modelled on the Judgment Writing Program offered by the College in Adelaide in September 2005. Fifteen Federal Court judges participated.

### **Facilitation of court conference sessions**

During 2005/2006 the College again provided professional development programs for court conferences around Australia. The College provided modules on identification evidence and stress management in the annual conference of the Magistrates Court of the Northern Territory in August 2005. The College organised modules on children's evidence and identification evidence for the South Australian Magistrates Conference in October 2005. It also organised modules on work/life balance and identification evidence for the West Australian District Court Conference in March 2006. It assisted in the organisation of a judgment writing module for the Family Court of Western Australia in February 2006 and, in conjunction with the organising committee of the South Australian Judiciary Conference, it organised a half day module on court craft in June 2006.

### **Technology based distance education programs**

In 2005/2006 the College continued work to test technology based distance education programs for the judiciary. Using information technology to deliver distance education programs will enable the College to reach far more judicial officers than it would otherwise be able to reach. The development of high quality programs is time consuming and expensive. It requires presenters to develop new skills in the preparation and presentation of programs and in the use of the information technology.

The Australian National University is acting as consultant to the College in the development and delivery of a pilot distance education program for the judiciary. A second iteration of the pilot program is being developed in which judges and magistrates discuss judicial conduct and ethics problems using an Internet discussion board and telephone conferences.

In December 2005 the Commonwealth Attorney-General approved a grant to the College to conduct a number of online judicial professional development programs on Commonwealth law topics. The topics for the programs are likely to include family law and child support (targeted at State magistrates implementing Commonwealth laws on these subjects in regional and remote areas), evidence laws (aimed at federal and State judicial officers enforcing Commonwealth family and criminal laws), perceived judicial bias (gender and cultural awareness), sentencing of Commonwealth offenders and disability discrimination.

### **Social awareness programs**

The public expects that the judiciary will be aware of cultural diversity within the community, and that many litigants confront cultural difficulties in dealing with the courts.

The College continues to include half day modules in its Phoenix Judges Program and Phoenix Magistrates Program on cultural awareness and diversity. In these sessions participants discuss questions of cultural and racial difference which may arise in the course of court proceedings.

The NJCA Council has commenced work on the development of a proposal for new indigenous cultural awareness programs. The programs will focus on how judges and magistrates exercise discretions in criminal sentencing, granting bail, and making domestic violence and child protection orders. They will assist judges and magistrates to better understand indigenous cultural practices and to appropriately apply the law in indigenous communities.

### ***Plans for professional development programs 2006/2007***

The College is well advanced in its planning for professional development programs in 2006 /2007.

The Phoenix Magistrates Program, last presented in May 2005 in Joondalup (Western Australia), will be held in August 2006 at Broadbeach Queensland. This will be the fourth year the program has been presented. Twenty seven participants are scheduled to attend from most States and Territories and one magistrate from the Solomon Islands. The program aims to have experienced judicial officers transfer the benefit of their experience to recently appointed judicial officers. A substantial part of the program is based on discussion led by members of the group. The program covers a diverse range of topics including Judicial Conduct and Ethics, Decision making and giving judgement, Children as witnesses, Court craft, Sentencing, Cultural awareness and diversity, Lifestyle and Stress Management.

The College will present a Travelling Judicial Professional Development Program in Darwin in August 2006. The Program is expected to be attended by judges and magistrates from the Northern Territory, South Australia, Queensland and New South Wales. It will include sessions on Court craft (communication in the court room), the Commonwealth Criminal Code, Psychological indications of witness deception and the Uniform Evidence Acts.

Another two and a half day Judgment Writing Program will be offered by the College in Adelaide in September 2006.

The National Judicial Orientation Program will be offered in Sydney in October 2006 and may be offered again in May 2007.

The College is presenting a one day conference in Sydney in November 2006 on 'Science Experts and the Courts'. The Conference is designed to be of interest to the judiciary, legal practitioners, health professionals and academics. Sessions will be delivered on the links between drugs and crime, the impact of attention deficit and autism spectrum disorders in court proceedings and expert evidence in courts by health professionals.

Building on the success of the Sentencing Conference in February 2006, the College is working with the Australian National University to organise a national conference on 'Confidence in the Courts' in Canberra from 9 to 11 February 2007. The conference will explore the factors which affect whether the public and those working within the justice system have confidence in the courts and what steps can be taken to enhance that confidence.

The Phoenix Judges Program will be offered again in Canberra in March 2007.

A program on Judicial Leadership is being planned for early 2007. Invitations to participate have been issued to Chief Justices, Chief Judges and Chief Magistrates in Australia and New Zealand. The College believes this will be the first time such a program has been presented in Australia.

During 2006/2007 the College will again offer to provide professional development modules for court conferences around Australia. The College will provide a module on assessing witness credibility for the annual conference of the Magistrates Court of Western Australia in November 2006.

## **COLLEGE PROJECTS 2005/2006**

The College is undertaking a number of significant projects relevant to judicial professional development.

### ***National Standard for Judicial Professional Development***

As reported in last year's annual report, the College has developed a written statement of the amount of time that judicial officers should commit to their professional development and the time that should be made available each year by courts to a member of the judiciary for professional development. The statement is also intended to indicate the amount of funding that should be provided on an annual basis for professional development for judicial officers.

The statement is intended to be a benchmark to encourage Australian governments to make an appropriate commitment to professional development for Australia's judiciary. It is also intended to encourage heads of jurisdiction to enable each judicial officer to be released from ordinary duties for the required amount of time each year. It will encourage individual judicial officers to recognise their own obligation to commit time to professional development, including some of their own time.

Following a process of consultation with the judiciary in 2005, endorsement of the standard has been sought from Chief Justices, Chief Judges, Chief Magistrates and judicial education bodies. The Standard is expected to be finalised in 2006. A copy of the standard is available on the College's website [www.njca.com.au](http://www.njca.com.au).

### ***Judicial Professional Development Curriculum***

During 2005 and 2006 the College continued work to develop a national curriculum for professional development for Australian judicial officers. It was assisted in this work by a grant from the Commonwealth Attorney-General.

The curriculum will be a framework to support the development of a comprehensive and integrated range of programs of professional development, provided from different sources. It will cover the full range of offerings that should be provided to judicial officers in Australian courts. The College hopes the curriculum can be developed on a collaborative basis with other Australian bodies providing professional development programs.

The draft curriculum was circulated for comment in mid 2006. A copy is available on the College's website [www.njca.com.au](http://www.njca.com.au).

### ***Commonwealth Sentencing Database***

As reported in last year's annual report, the College received a grant of funding from the Commonwealth to develop an electronic database with information about sentencing for Commonwealth offences.

The Commonwealth Sentencing Database will:

- (a) include a sentencing statistics component to:
  - (i) provide users with online access to statistical information in the form of graphs and tables on the range and frequency of penalties imposed by courts for Commonwealth criminal offences;
  - (ii) enable users to obtain comparative sentencing information (including information on the "going rate" or "tariff" for a Commonwealth offence) by searching statistical information on the database by reference to certain criteria;
- (b) provide users with online access to the full text of Commonwealth Acts and Regulations relating to sentencing.
- (c) include a Commonwealth Sentencing Principles and Practice component which will:
  - (i) contain concise commentary on sentencing principles for Commonwealth criminal offences (including key passages from judgments in leading cases);
  - (ii) include links to the full text of cited judgments from the High Court database and other publicly available databases;
  - (iii) include links to the Commonwealth legislation component.
- (d) include a Commonwealth Case Summaries component which will summarise significant cases concerning sentencing for Commonwealth criminal offences decided by the State and Territory Supreme Courts and the High Court of Australia.

The College is working with the Judicial Commission of NSW and other relevant agencies to develop the database.

### ***NJCA website***

The College website [www.njca.com.au](http://www.njca.com.au) provides details about the College, its publications and contact details for inquiries. It also provides a Calendar, based on information provided by Courts and other bodies around Australia, giving the dates and other information about all judicial professional development events around Australia.

Work is continuing on development of additional features of the College website including webpages to facilitate the College's distance education programs, links to the proposed Commonwealth Sentencing Database, an electronic library of unpublished articles on judicial professional development topics and train the trainer materials for presenters in College programs,

## **COLLEGE ADMINISTRATION 2005/2006**

### ***NJCA Council***

In the course of the development of proposals for the College it was agreed that the independence of the judicial arm of government required that a body devoted to judicial professional development be under the control of the judiciary. That is reflected in the Constitution of the College which provides for control by the judiciary with outside representation. The Council is comprised of four judicial members, a member nominated by the Commonwealth Attorney General, and a member nominated by participating State and Territory Attorneys General. The Constitution of the College also provides for each member of the Council to appoint an alternate to exercise some or all of the powers of that Council Member as required from time to time. Members of the Council and their alternates are listed in Attachment A.

In accordance with the College's Constitution the Council monitors the College's financial position, approves proposals in relation to programs and projects and makes decisions on all policy and major operational issues. The Council met on four occasions during the year.

### ***Regional Convenors***

Regional Convenors (listed in Attachment A) contributed significantly to the work of the College during the year by participation in Program Planning Committees for events taking place in their States, advertising College programs to the judiciary and advising on College plans, policies and projects. Regional Convenors met by teleconference on four occasions during the year.

### ***Consultative Committee***

The College's Constitution provides for a Consultative Committee to:

- (a) advise the Council as to how the College should meet the professional development needs of judicial officers;
- (b) advise the Council as to the perceived quality and value of the College's programmes previously conducted; and
- (c) facilitate good communications between the College and judicial officers.

The members of the Committee are listed in Attachment A.

The fourth meeting of the NJCA Consultative Committee (including Council members, Council alternates and regional convenors) was held in the Canberra on 9 February 2006.

The objectives of the meeting were:

1. to discuss the draft national standard on judicial professional development;
2. to discuss a draft paper on the national curriculum;

3. to discuss the NJCA's role in providing professional development for the judiciary on social and cultural awareness issues;
4. to hear from an expert in judicial professional development in the USA about lessons relevant to the Australian experience;
5. To enable Council and Consultative Committee members to develop the working relationships developed at the Consultative Committee's previous meetings.

### ***College Secretariat***

The College has a small secretariat comprising three staff located in offices at the Australian National University in Canberra. The secretariat is primarily involved in the day to day planning, delivery and co-ordination of College programs and projects. It also services College meetings (of the Council, Regional Convenors, Consultative Committee and Program Planning Committees), maintains the College's financial and other systems and deals with correspondence and liaison with courts, government agencies and members of the public.

### ***The College and the Australian National University***

The College is hosted by the Australian National University College of Law. During the year the ANU College of Law and the NJCA agreed to a four year extension of the Memorandum of Understanding between the two organisations.

In February 2006 the NJCA joined the ANU College of Law in organising a successful national conference on Sentencing. Both organisations will build on this success by offering a national conference on 'Confidence in the Courts' in Canberra in February 2007.

### ***NJCA funding***

The College's operating costs are met by annual contributions totalling \$367,794 in 2005/2006 from the Commonwealth Government and the Governments of New South Wales, Queensland, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory. In July 2005 the participating jurisdictions agreed to continue funding the College indefinitely.

Because that funding does not cover the cost of delivering programs, the College charges registration fees for the attendance by judicial officers at some of its programs. The fee varies according to the length of a program, the venue and number of presenters involved. In 2005/2006 the College received \$319,109 in fees and spent \$334,465 in meeting the costs of programs (including venue and equipment hire, presenter travel and catering). During the year the College also received grants from the Commonwealth for operational expenses, for development of the national curriculum and for development of online programs on Commonwealth law topics.

The College's accounts are prepared by its accountants KPMG Australia and audited annually by Deloitte Touche Tohmatsu. In accordance with the Corporations Act, the College's annual financial statements are filed with the Australian Securities and Investments Commission.

## **COMMUNICATION WITH THE COLLEGE**

Inquiries can be directed to:

The Director  
National Judicial College of Australia  
PO Box 8102 ANU A.C.T. 2601  
Telephone: (02) 6125 6655  
Facsimile: (02) 6125 6651  
Email: [ea@njca.anu.edu.au](mailto:ea@njca.anu.edu.au)  
Website: [www.njca.anu.edu.au](http://www.njca.anu.edu.au)

**NJCA Council members, Council alternates, Regional Convenors,  
Consultative committee members and Secretariat members  
as at 30 June 2006**

**THE COUNCIL**

The Council members as at 30 June 2006 were:

Chief Justice John Doyle AC Supreme Court of South Australia	Nominee of the Chief Justices of the State or Territory Supreme Courts and chair appointed by the Chief Justice of the High Court
Justice Linda Dessau Family Court of Australia	Nominee of the Chief Justice of the Federal Court and the Family Court
Senior Judge Tony Skoien District Court of Queensland	Nominee of the Chief Judges of the District or County Courts
Chief Magistrate Steven Heath Magistrates Court of the Western Australia	Nominee of the Chief Magistrates of the Federal Magistrates' Court and Magistrates' or Local Courts
Mr Robert Cornall Secretary, Commonwealth Attorney General's Department	Nominee of the Attorney General of the Commonwealth
Mr Laurie Glanfield AM Director-General, New South Wales Attorney General's Department	Nominee of the Attorneys General of the participating States and Territories

**COUNCIL ALTERNATES**

The alternate members of the Council as 30 June 2006 were:

Justice Geoffrey Miller Supreme Court of Western Australia	Nominee of the Chief Justices of the State or Territory Supreme Courts
Justice Susan Kenny Federal Court of Australia	Nominee of the Chief Justices of the Federal and Family Court
Judge Margaret Sidis District Court of New South Wales	Nominee of the Chief Judges of the District or County Courts
Chief Magistrate Ronald Cahill Magistrates Court of the Australian Capital Territory	Nominee of the Chief Magistrates of the Federal Magistrates' Court and Magistrates' or Local Courts

Ms Kathy Leigh  
Commonwealth Attorney General's  
Department

Nominee of the Attorney General of the  
Commonwealth

Vacant

Nominee of the Attorneys General of the  
participating States and Territories

## **REGIONAL COVENORS**

The following are NJCA regional convenors as at 30 June 2006:

Australian Capital Territory

Justice Terry Connolly  
Supreme Court of the ACT

New South Wales

Magistrate George Zdenkowski  
Local Court New South Wales

Northern Territory

Justice Trevor Riley  
Supreme Court of the Northern Territory

Queensland

Judge John Robertson  
District Court of Queensland

South Australia

Judge Brian Gilchrist  
Industrial Relations Court of South Australia

Tasmania

Magistrate Peter Dixon  
Magistrates' Court Tasmania

Victoria

Judge Wendy Wilmoth  
County Court of Victoria

Western Australia

Justice Geoffrey Miller  
Supreme Court of Western Australia

## **THE CONSULTATIVE COMMITTEE**

As at 30 June 2006 the members of the Consultative Committee are the eight regional convenors and the following additional members:

Magistrate Robert Lawrence  
Magistrates Court of Western Australia

Nominee of the Australian Association of  
Magistrates

Deputy Chief Magistrate Andrew Cannon  
Magistrates Court of South Australia

Nominee of the Australian Institute of  
Judicial Administration

Mr Ross Ray QC

Nominee of the Law Council of Australia

Justice David Lloyd  
Land and Environment Court NSW

Nominee of the Judicial Conference of  
Australia

Professor Michael Coper  
Australian National University

Nominee of the Council of Law Deans

Professor Larissa Behrendt  
University of Technology Sydney

Nominees of the Attorneys General of the  
Commonwealth and participating States  
and Territories

Ms Karen Curtis  
Commonwealth Privacy Commissioner

Mr Phillip French  
Disability Studies and Research Institute

### **THE COLLEGE SECRETARIAT**

The administrative staff of the College as at 30 June 2006 are:

Mr John Mc Ginness

Director

Ms Wendy Forster

Conference Co-ordinator

Ms Jane Avent

Executive Assistant

## **MEMBERS OF PROGRAM PLANNING COMMITTEES**

The members of planning committees for College Programs during 2005/2006 were

### ***Phoenix Magistrates Program Planning Committee***

Chief Magistrate Steven Heath (chair)	Magistrates Court Western Australia
Chief Magistrate Marshall Irwin	Magistrates Court Queensland
Magistrate Kym Millard	Magistrates Court South Australia
Mr John Mc Ginness	National Judicial College of Australia

### ***Phoenix Judges Program Planning Committee***

Justice Terry Connolly	Supreme Court ACT
Justice Philip Cummins	Supreme Court Victoria
Chief Justice John Doyle	Supreme Court South Australia
Justice Murray Kellam (chair)	Supreme Court Victoria
Deputy Chief Justice John Faulks	Family Court of Australia
Judge Wendy Wilmoth	County Court Victoria
Mr John Mc Ginness	National Judicial College of Australia

### ***National Judicial Orientation Program***

Justice Terry Buddin	Supreme Court of NSW
Justice John Byrne	Supreme Court of Queensland
Justice Linda Dessau	Family Court of Australia
Justice David Lloyd (chair)	Land & Environment Court of NSW
Justice Paul Stein AM	Supreme Court of NSW
Judge Thomas Wodak	County Court of Victoria
Professor Greg Reinhardt	Australian Institute of Judicial Administration
Mr Ernest Schmatt PSM	Judicial Commission of NSW
Ms Ruth Windeler	Judicial Commission of NSW
Mr John McGinness	National Judicial College of Australia

### ***Judgment Writing Program***

Judge Brian Gilchrist	Industrial Relations Court South Australia
Justice Peter Heerey (chair)	Federal Court of Australia
Justice Bernard Warnick	Family Court of Australia
Mr John McGinness	National Judicial College of Australia

***Travelling Judicial Professional Development Program (Darwin)***

Magistrate David Bamber	Magistrates Court of the Northern Territory
Magistrate Jenny Blokland	Magistrates Court of the Northern Territory
Justice Linda Dessau (chair)	Family Court of Australia
Justice Trevor Riley	Supreme Court of the Northern Territory
Mr John McGinness	National Judicial College of Australia

***Travelling Judicial Professional Development Program (Brisbane)***

Chief Magistrate Marshall Irwin	Magistrates Court Queensland
Judge John Robertson (chair)	District Court of Queensland
Mr John McGinness	National Judicial College of Australia

***Children and the Courts Planning Committee***

Magistrate George Zdenkowski (chair)	Local Court New South Wales
Mr Lloyd Babb	Attorney-General's Department NSW
Mr John McGinness	National Judicial College of Australia

***Science Experts and the Courts Planning Committee***

Judge Maragret Sidis	District Court New South Wales
Senior Judge Tony Skoien (chair)	District Court Queensland
Magistrate George Zdenkowski	Local Court New South Wales
Mr John McGinness	National Judicial College of Australia

## **THE HISTORY AND POLICIES OF THE NATIONAL JUDICIAL COLLEGE OF AUSTRALIA**

### *History*

In the early 1990s calls were made for the establishment of a body dedicated to providing judicial education for the whole Australian judiciary. In 2000 the Australian Law Reform Commission's Report number 89 'Managing Justice' canvassed the issues and recommended the establishment of an Australian Judicial College. It proposed that the College be under the governance of judges and have responsibility for orientation training of new judicial appointees and continuing professional development of existing judicial officers.

In March 2000 the Standing Committee of Attorneys General (SCAG) formed a working group to consider the establishment of a National Judicial College. The working group found that there was a high level of support from the judiciary and other interested persons for the establishment of a national college. The working group report in May 2001 stated the case for a National Judicial College as follows:

“Currently judicial officers in Australia attend a diverse range of judicial education programmes but the availability varies greatly between jurisdictions. A national approach to judicial education would address the needs of judicial officers throughout Australia. A national college would ensure that education for judicial officers was planned and coordinated at a national level, both increasing quality and avoiding duplication. Judicial officers from across jurisdictions and from different geographical regions would have the opportunity to exchange information and experiences. This would maximize the benefit derived by judicial officers and the community from professional development programmes. The establishment of a national judicial college would bring Australia into line with developments in other common law jurisdictions in relation to the provision of judicial education.”

The working group's report was accepted in principle by SCAG in July 2001 and the working group was asked to implement the proposals in its report.

The National Judicial College of Australia was established in May 2002 as an independent entity, incorporated as a company limited by guarantee. It is funded by contributions from the Commonwealth and some State and Territory governments. The College will report annually to the Council of Chief Justices and to the Standing Committee of Attorneys General. The College will provide professional development programs to judicial officers in Australia and, on occasion, will conduct courses for non-judicial officers, such as senior court administrators and tribunal members.

At the official launch of the College in August 2002, the first chair of the Council of the College, Chief Justice John Doyle of South Australia, said the following about the need for judicial education in Australia:

“I believe that the case for a National Judicial College for judicial education is self-evident. However, it is worth restating it very briefly. The work of the judiciary is demanding. Judges and Magistrates are expected to have professional legal skills of a high order. They should also have a wide range of practical judicial skills to enable them to carry out judicial work properly. Some of these practical skills are peculiar to the judicial role, some are skills that are also required in other professions.

The administration of justice involves much more than professional and practical competence. There is a qualitative aspect to the administration of justice which calls for judicial officers to have a real enthusiasm for their work, a strong belief in the importance of justice, and a commitment to the administration of justice in the fullest sense of the word. While these attitudes and beliefs are instilled in us in our professional life, experience tells us that over time judicial officers can become cynical and can suffer what is generally called "burn out". Experience tells us that most judicial officers can benefit from programmes of professional development that help them avoid this phenomenon.

Finally, judicial officers tend to occupy judicial office for fairly lengthy periods. This is in the public interest. It takes time to develop fully the skills required of a judicial officer, and it is in the public interest that those who have fully developed those skills put them to the public benefit for as long as possible. The fact that judicial officers hold office for substantial periods of time mean that they are likely to benefit from programmes of professional development that reinvigorate, refresh and enthuse.

Thus, the members of the Australian judiciary can benefit from programmes of professional development that focus on their legal skills, their practical judicial skills, and their approach to their work and which help them to maintain fitness and enthusiasm for the work. The scope for programmes for professional development is substantial. In the past it was assumed that, somehow or other, in the course of a judicial career, a judge or magistrate would receive the stimulus for self-improvement, and the refreshment and re-invigoration that we know we need. We now know that this assumption is too optimistic. There is a real need for organised programmes of professional development. The judiciary, as a profession, has come to understand this, as have the other professions."

## ***Policies***

In considering the development of the College's programs, the Council of the College has identified some policies it intends to pursue. These policies have been formed as a result of the Working Group's consultations with judicial officers and other interested persons in 2001/2002, thorough discussions in meetings of the Council and again at the first meeting of the College's Consultative Committee in Canberra in February 2003. The policies are summarised below.

The role of the College is to assist judges in their professional development. Programs should be developed to meet real needs. They must be delivered in ways which maximize the benefit to be derived by judicial officers and the community and take account of the particular sensitivities incidental to activities concerning judicial officers.

In developing programs the emphasis should be on matters not adequately covered by readily available sources such as text books and journals. In particular, emphasis should be on practical skills, a large aspect of judicial work. The College appreciates the importance of providing programs on social and cultural awareness issues including issues relating to disability awareness, persons from non English speaking and indigenous backgrounds and the protection of children. Other important matters include recent legal developments; legal, and programs concerning judicial physical and mental health. In general the College would not expect programs to focus upon substantive law. That area will usually be better addressed in other forums or by private study.

In Australia there are a large number of judicial officers with different responsibilities. Needs may be quite specialized. Although there are some common aspects to all judicial work, the College will not assume that one program will be suitable for all, or even most judges. This may lead to our offering specialized courses to small groups. The College must identify and try to satisfy the real needs of the judiciary and of the community.

Judicial officers are a group of people who, by reason of talent, experience, education and training, have been identified as suitable to receive the authority of the state to resolve disputes between citizens and between the state and citizens. They will be busy people who are themselves regularly asked to participate in programs as speakers and teachers. Any program developed by the College must be worthy of the time which participants will be asked to invest in it.

The College should adopt best practices for adult professional learning. The emphasis should not be on formal lectures. Rather the College will use structured discussion of practical problems and other similar forms of active learning, for example self-teaching in small discussion groups, based on well-planned, practical problems.

The focus on discussion rather than lectures means that most programs will be suitable for groups of no more than 25 to 30 participants.

The College's programs will be participant focussed rather than "teacher focussed". Judicial officers collectively will often bring more to college programs than any one presenter or group of presenters and the emphasis should be on sharing and building upon the experience of participants; presenters should guide discussion and encourage participation, but should not be seen as a faculty separate from the participants.

The College's role is not to standardize judicial approaches to problems or issues or to label any acceptable approach as "right" or "wrong", nor should there be any public comment upon the extent to which any judge, in his or her work, has complied with, or failed to comply with approaches suggested in the course of any program.

The Council believes that those who are carrying out judicial work are usually best placed to lead professional development programs, bearing in mind that almost always this involves a mix of technical and practical skills. The accumulated experience and skill of the judiciary are valuable national assets. The College should harness and enhance them in ways which are more appropriate to their true value. Thus most of the educational programs of the College will be led by experienced and respected judicial officers. However, the College will also draw on academic lawyers and members of other professions who have appropriate expertise and experience. In particular, the College hopes to build a fruitful relationship with the members of the ANU College of Law.

As far as possible, the College will take its programs to the Australian judiciary, rather than bring them to Canberra to attend courses. There is a place for both approaches, but the emphasis should be on providing programs to the Australian judiciary in their home towns. The College's programs must be designed to be easily conducted at various places around the country and allow for different presenters to present the same program in different cities. To the extent that it is practical, we will develop "template programs" that can be readily repeated, with or without changes. Presenters should change regularly to maximize input from the whole judiciary and to avoid the institutionalization of the views of a small group.

One of the objectives of nationally organised professional development activities is that judicial officers from across jurisdictions and from different geographical regions will have the opportunity to exchange information and experiences. This would maximize the benefit derived by judicial officers and the community from professional development programmes. The College aims as much as possible to increase opportunities for the exchange of experience between jurisdictions.