

# NATIONAL JUDICIAL COLLEGE of Australia



ANNUAL REPORT

2019 - 2020

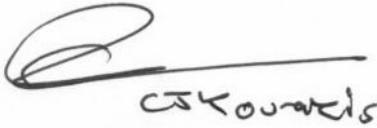
16 October 2020

**To: The Council of Chief Justices of Australia and New Zealand and the Council of Attorneys-General**

In accordance with clause 17 of the Constitution of the National Judicial College of Australia, I am pleased to send to you a report by the Council of the College on the operations of the College during the financial year 2019-2020.

This is the College's 18<sup>th</sup> annual report.

Yours sincerely



CSKourakis

**Chief Justice Christopher Kourakis**

Supreme Court of South Australia

Chair, Council of the National Judicial College of Australia

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## Foreword by the Chair of the NJCA Council

Like nearly all organisations, the National Judicial College of Australia has had a year that can be divided into two parts: pre and post the COVID-19 pandemic.

The period from July 2019 to the end of February 2020 was particularly busy, with nine programs delivered over eight months. Just over 300 participants attended these nine programs.

Unfortunately, due to the COVID-19 pandemic health and travel restrictions, all programs scheduled for the period from March to the end of June 2020 had to be postponed.

The pandemic and the resultant restrictions on travel has been particularly challenging for the NJCA. A great strength of the NJCA is the national character of its programs, bringing together judicial officers from different jurisdictions to share experiences and learn from one another through personal interaction and dialogue. The pandemic has necessitated taking a different approach to delivering programs and training, such as via webinar and online learning.

In parallel to this change in approach, there has been an increased acceptance of online methods of education by our participant base. The NJCA has found that for some topics, webinars and on-line learning can be useful and effective. For example, in June 2020, the NJCA presented a webinar on judgment writing for judicial officers potentially about to conduct judge-alone criminal trials for the first time because of the pandemic and subsequent changes in legislation. The webinar was well received by participants.

The technological competence of judicial officers in both the conduct and recording of judicial proceedings, and in dealing with digital evidence, will become more critical in the years ahead. These competencies are likely to demand more of the NJCA's attention in the future. I am confident of the NJCA's capacity to meet this challenge.

Membership of the NJCA Council was relatively stable in 2019-2020. In July 2019, Chief Magistrate Lorraine Walker resigned from the Council on her appointment as an Acting Justice in the Supreme Court of the ACT. Chief Magistrate Catherine Geason moved from being the alternate to the full Council member nominated by the judicial heads of the Magistrates' and Local Courts of the States and Territories. Chief Magistrate Steven Heath returned to Council as an alternate Council member.

I would like to thank Chief Magistrate Walker for the strong contribution and commitment to the work of the Council that she displayed during her term.

Importantly, I would like to acknowledge the great contribution of my predecessor as Chair of the NJCA, Chief Justice Helen Murrell, whose four-year term as NJCA Chair concluded on 30 June 2020.

I thank her for steering the NJCA so well throughout her term and handing over an organisation in very good health.

On behalf of the Council, I thank the Council of Chief Justices of Australia and New Zealand and the Councils of Attorneys-General for their continuing support of the work of the National Judicial College of Australia.

As a participant at NJCA programs, I have always been impressed by, the high quality of the programs, the enthusiasm and commitment of the presenters, and the willingness of all participants to share their own experiences. I am very much looking forward to chairing the NJCA for the next four years.

### Chief Justice Chris Kourakis

Supreme Court of South Australia

Chair, Council of the National Judicial College of Australia

# Overview of College Professional Development Programs

The NJCA continues to provide support for judicial officers by offering skills-based, judge led professional development programs. The national focus of the NJCA's programs provides opportunities for participants from different jurisdictions and States/Territories to share lessons learned with their peers.

The College strives to adopt best practice andragogy in the development and delivery of its programs with the focus on interactive learning. For most face-to-face programs, the number of participants is limited to between 25 and 30 to ensure the best experience for participants. This approach requires a greater involvement and commitment by presenters, the majority of whom are volunteer judicial officers.

Non-judicial experts are called on as appropriate to present information relevant to their field of expertise, often presenting the findings from their innovative research of relevance to the judiciary. Feedback from participants consistently indicates a very high level of satisfaction.

The on-line programs presented in 2019-20 were of shorter duration than the NJCA's multi-day face-to-face programs. Where feasible, programs provided opportunities for interactivity between participants and between participants and presenters.

Justices, judges and magistrates from all courts in Australia are eligible to attend NJCA programs. Programs are provided for judicial officers at different stages of their career, including orientation programs for the newly appointed, as well as programs for those more experienced. Tribunal members are eligible to attend some programs.

The College's Programs Advisory Committee and the individual program planning committees review and revise programs in the light of feedback from participants. New programs are developed based on proposals made by judicial officers, program planning committees and government agencies.

The NJCA is developing a suite of short (generally half-day) programs, which can be delivered to jurisdictions in their State/Territory at their request. This initiative is designed to make it both more time efficient and cost effective for individual jurisdictions to be able to provide professional development for their judicial officers. These programs will be available for delivery in 2020-2021.

In 2019-20, the Attorney-General's Department (AGD) extended the contract with the NJCA for three more years to deliver the Family Violence in the Court Program to Federal, State and Territory judicial officers. As a foundation program, it will be offered once per year to newly appointed magistrates and those magistrates interested in attending, and once per year to newly appointed judges and justices who hear cases where family violence may be involved.

The existing Family Violence in the Court program is being reviewed. Valued feedback from the Council of Chief Magistrates, presenters, past and present program planning committee members and participants has resulted in a suite of new topics for the 2020-2021 program.

Topics to be included in the reworked content include:

- In the court - collusive language and communication style and the way language is used
- Practical session focusing on the experience of the complainant and the respondent in the courtroom

- Virtual reality experience – a practical session simulating a pressured, high volume court confronting a newly appointed judicial officer –
- Risk assessment and intersectionality – application and interpretation in a fast paced courtroom

## Programs July 2019 – June 2020

### Effective Judicial Presentations (5 July 2019, Sydney)

The annual skills based Effective Judicial Presentations (EJP) Program is for judicial officers who have volunteered as a presenter or have been nominated to sit on the Program Advisory Committee (PAC) or NJCA Council. The aim of Effective Judicial Presentations is to provide participants with the knowledge and practical experience in applying a variety of up to date adult education essentials during program development, delivery and evaluation.

The program included sessions on:

- Adult learning concepts
- Instructional design
- Constructing a session plan
- Organising a program/session
- Essential skills for the presenter

At evaluation, the participating judicial officers rated this one-day program as excellent / very good and revealed the concepts most valued as:

*'The analysis of a presentation. Addressing all the factors that go into making a good presentation'*

*'Practical suggestions for presentations and the support that presenters can get from NJCA.'*

*'The second module [training methods] was an a-ha moment'*

### Federal Circuit of Australia Delivering Judgments Program (Sydney, 7 August 2019)

Following an approach from the Federal Circuit Court (FCC) the NJCA delivered a half-day session to 60 FCC judicial officers attending their annual conference. Chaired by the Honourable Murray Kellam (formerly Court of Appeal Supreme Court Victoria), the program focus was on delivering judgments within a high volume court.

The program sessions included the general principles of judgment writing, ex tempore decisions and written decisions.

A brief evaluation post program revealed the most valuable lessons learnt were:

*'Identify the issue and go to the because'*

*'Why - because - and active case management from the get-go'*

*'Judge Altobelli's session on case management'*

*'Define the issues and all else follows from that'*

### National Magistrates Orientation Program (Brisbane, 2-6 September 2019)

This four and a half day program aims to provide newly appointed magistrates with the skills necessary to facilitate a transition to a role on the bench.

The program provides a balance of theory sessions (participants hear from subject matter experts and discuss topics and issues with their peers as well as more experienced judicial officers), and practical sessions involving facilitator led practice in managing the court room and delivering oral decisions in front of their peers.

The program was delivered to 21 magistrates from across Australia in September 2019.

Key sessions in the program included:

- Ethics
- Litigants in person
- Resilience, wellbeing and mindfulness
- Cultural awareness, emerging communities and interpreters
- Childhood trauma and the effect on brain structure and function
- Youth court
- Family & domestic violence
- Judgment writing
- Contempt in the face of the court
- Media and the courts

*'I thought the program was excellent - it was relevant, useful and every session was very well presented. It was also very well coordinated.'*

*'Excellent mix of substantive and practical skills training.'*

*'Brilliant course. Passionate committee, college and presenters.'*

## Reflections on the Judicial Function (Adelaide, 2-4 October 2019)

This two and a half day program is designed for experienced judicial officers. The program considers issues relevant to judicial duty and provides an opportunity for judicial officers to reflect and share with colleagues their approaches to work through the exploration of contemporary themes.

28 judicial officers participated in the program.

Feedback was very positive, with 90% of participants who responded to the feedback survey rating the program as excellent.

*The program was excellent, thought provoking and challenging. It also provided exactly what it said on the box - an opportunity to reflect on what we do.*

*This is the most informative and engaging conference I have been to. Congratulations to the team who organised this for choosing the topics you did and bringing the excellent presenters who delivered them.*

## Judicial Officers with Leadership Responsibilities (Sydney, 31 October-1 November 2019)

This invitation-only program was designed for heads of specialist courts, presidents/deputies in courts of general jurisdiction and the heads of major tribunals.

Topics included leadership and workplace culture, workplace bullying, managing change, judicial wellbeing and resilience, and influencing people. It was delivered to 31 judicial officers.

All participants found the program either excellent or very good. Feedback included:

*It was a great honour to be associated with such an excellent conference from which I learned*

*so very much. Thank you.*

*This program was just what I needed. It gave me wonderful opportunities to learn from experts and more experienced and skilful colleagues, and to plan for future leadership situations.*

## National Judicial Orientation Program (Gold Coast, 10-15 November 2019 and

## Sydney, 2-6 February 2020)

The National Judicial Orientation Program (NJOP) is a residential program delivered over five and a half days and is supported by the Judicial Commission of New South Wales and the Australasian Institute of Judicial Administration.

32 newly appointed justices and judges met on the Gold Coast to participate the program in November 2019.

28 justices and judges in Sydney attended the February 2020 NJOP. This program was rescheduled for delivery over four and half days.

The NJOP assists newly appointed judicial officers with the transition to judicial office by facilitating the development and refinement of the skills, knowledge and attitudes necessary for effective judging.

It includes the following topics:

- Judicial conduct and ethics
- Managing resources and priorities
- Psychological and physical health
- Court craft
- Unconscious judicial prejudice
- Lifestyle, resilience and health
- Assessing the credibility of witnesses
- Judgment writing
- Court proceedings and control
- Cultural barriers and interpreters
- Self-represented litigants
- Sentencing

The programs offered judicial officers insights into the role and responsibilities as a member of the judiciary, provided the opportunity for new appointees to benefit from the knowledge and experience of senior judges who attended the program as speakers, and allowed for an exchange of ideas and experiences. Many eminent members of the judiciary supported each of the programs in the capacity of either educator, facilitator or committee member. Independent experts and leading academics lent their expertise in many sessions.

Feedback was overwhelmingly positive:

*'This was incredibly valuable for me at this early stage of judicial life. I have gained many things to put in my 'judicial toolkit' and I left the program eager to get back into the courtroom and put my learning to work. I feel more confident as a result of attending the program.'*

*'I have been to a few conferences (the court, COAT etc.) and this was far and away the best and most immediately practical.'*

### Writing Better Judgments Program (Sydney, 10-12 February 2020)

Delivered biannually, the Writing Better Judgments (WBJ) program has been designed to enable judges to enhance their ability to write clear, concise, comprehensive, coherent and convincing judgments in a timely fashion.

The program was delivered to 30 judicial officers. It provided facilitated sessions by judges and writers with substantial experience in teaching judgment writing.

Sessions provided practical tools and tips for better judgment writing. The program provided a high level of interactivity including group workshops and individual feedback. Sessions focused on:

- Preparation and planning for judgments
- Determining what is good legal writing
- Issues identification and resolution
- Structure, language and style
- Writer's block and procrastination

Participants evaluated the overall program as either excellent or very good, while the practical exercise of rewriting a judgment was viewed by most participants as extremely helpful to embedding concepts. Participant comments when asked 'what was the most important takeaway from the program' included:

*'Intro - set the scene'*

*'Brevity. Not being a court reporter. Appreciation of the court record. Having the parties assist you.'*

*'Keeping the issues front of mind at all times. What resonated most with me is the importance of telling the story as though you are telling it to a friend at a BBQ?'*

*'How to prepare - using templates and checklists; direction hearings; identification of issues'*

### NJCA/ANU Sentencing Conference (Canberra, 29 February-1 March 2020)

The National Judicial College of Australia and the Australian National University College of Law held their annual conference on the ANU campus. The theme of the conference was *Sentencing*. 66 participants attended.

Throughout the day and a half conference, participants heard from, amongst others:

- the CDPP who presented a session on the challenges of legislative and cultural jurisdictional differences when attempting to sentence Commonwealth offenders
- a panel presenting on the theory and practical implementation of the ALRC's recommendations in relation to sentencing of Aboriginal and Torres Strait Islander peoples
- a panel examining the forum of a royal commission as a vehicle for sentencing reform and the changes in sentencing law and practice arising from the Royal Commission into Institutional Responses to Child Sexual Abuse
- Academics who presented on their research into hardship and the effect on families arising from various sentencing forms including fines and deportation.

Professor Nicola Lacey CBE, School Professor of Law, Gender and Social Policy, London School of Economics presented the Keynote Address on the topic of *Dual process punishment without blame*.

*'I loved all the presentations. A mix of practical application and theoretical food for thought. I knew it was a good (sic) conference when I was provoked to think how I could do things differently. Thanks for a great program'*

*'All presentations were excellent. Even though the contempt presentation was not so relevant, it was fascinating and I thoroughly enjoyed it.'*

*'A brilliant conference, high quality speakers and nagging topics - thank you'*

## Writing Better Judgments

### Webinar: Issues Based Judgments - Judge alone criminal trials (26 June 2020)

A short judgment-writing course was presented via webinar to 53 judicial officers potentially about to

conduct judge alone criminal trials because of the present pandemic and recent legislation.

This was particularly relevant to judicial officers in Victoria where, unlike New South Wales, Queensland, the ACT, South Australia and Western Australia, trial by judge alone has not been previously possible.

The content was developed to fit within the agreed webinar period of 2 hours 40 minutes and divided into three, 30-minute sessions titled:

- Why an issues-based approach to judgments in judge alone criminal trials?
- The elements of an issues based criminal judgment
- How good trial habits make judgment writing in criminal trials more efficient

A moderated question and answer session followed each session. A short break was provided between sessions 2 and 3, allowing participants to meet in virtual break-out rooms with a presenter.

Feedback from participants included:

*'I found the seminar to be very worthwhile and would recommend it to my fellow judicial officers.'*

*'It was excellent. Monika set a very high standard, so it was always going to be hard to follow her. I liked the balance between the 'gold standard' of higher court judges who had their own trial experience as well as their appellate role, with the reality of workload and listing pressures for intermediate court judges.'*

*'Presentation as a webinar worked surprisingly well. I liked being able to see what would have been power points via screen sharing too. The breakout room discussion was a good idea too and it was good to have that available. Thank you to all who arranged the seminar and adapted it in this way.'*

*'This was a terrific and intensely useful webinar - I have a judge only reserved decision right now, and I've just completed 3 judge only trials in the past 4 weeks, so this is extremely useful and very timely. I have already decided to adapt my processes to incorporate further learnings from the webinar. I'm grateful for the input of all speakers and the participants in my breakout room.'*

## **2019-20 Programs Postponed due to COVID-19 Pandemic**

### **Oral Decisions, 23-24 April 2020, Sydney**

This one and one half day program has been tentatively rescheduled for August 2021 in Sydney.

The program incorporates feedback from the pilot programs run in Perth in May 2019 and is targeted primarily at magistrates and judicial officers from the Federal Circuit and Family Courts.

### **Effective Judicial Presentations, 1 May 2020, Sydney**

The annual Effective Judicial Presentations Program has been rescheduled for delivery on Friday 16 April 2021 as a one-day program.

### **New Perspectives on Courtroom Leadership, 4-5 June 2020, Brisbane**

This two-day program has been designed to help participants to lead and manage their courtrooms with confidence. This program has been postponed until 18-19 March 2021 in Brisbane.

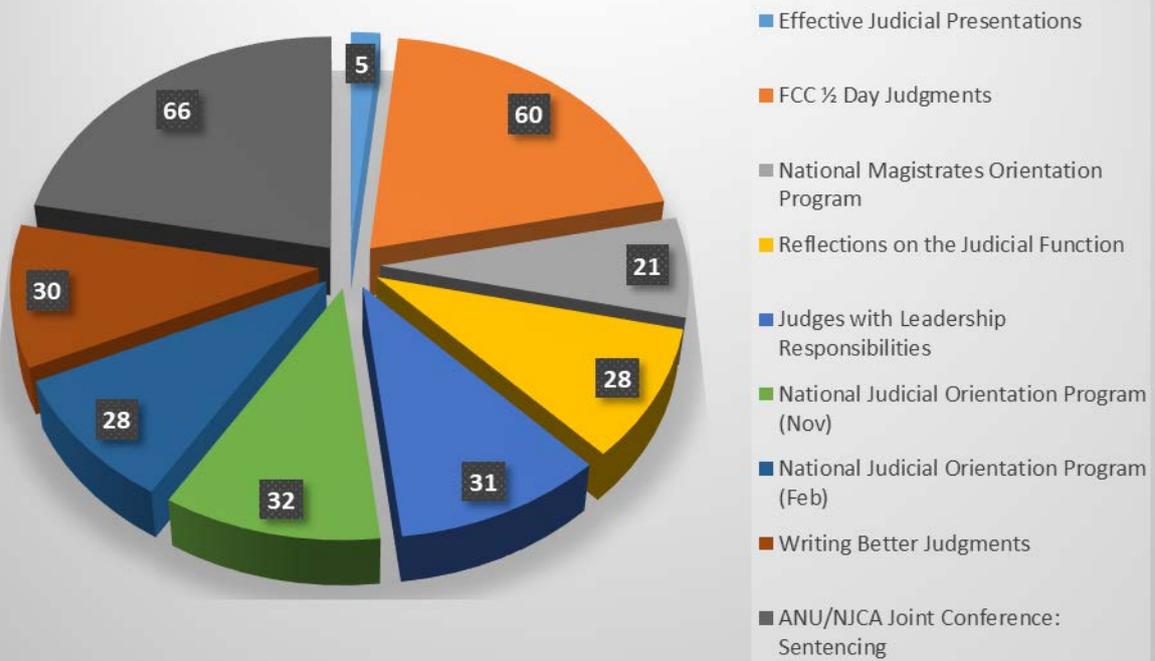
### **Family Violence Training, 12 June, Federal Circuit Court/Family Court, Melbourne**

Previously scheduled for 12 June 2020, it is anticipated the one-day Family Violence in the Court program will be delivered on 12 November 2021.

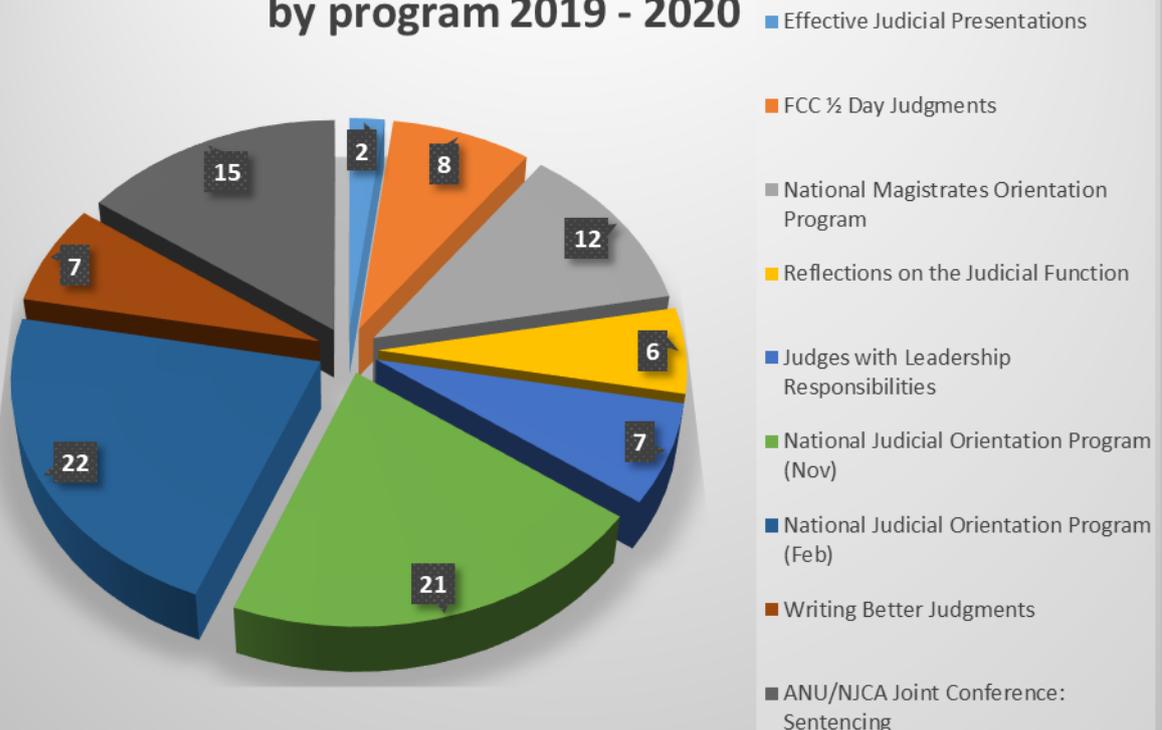
## Facts and Figures

Face to Face Programs July 2019 – June 2020	Date	Location	Length of program (days)	No. of participants	No. of volunteer judicial officers developing/delivering the program
<b>Effective Judicial Presentations</b>	5-6 July 2019	Sydney	1	5	2
<b>FCC ½ Day Judgments</b>	7 August 2019	Sydney	½	60	8
<b>National Magistrates Orientation Program</b>	2-6 September 2019	Brisbane	4 ½	21	12
<b>Reflections on the Judicial Function</b>	2-4 October 2019	Adelaide	2 ½	28	6
<b>Judges with Leadership Responsibilities</b>	31 October – 1 November 2019	Sydney	2	31	7
<b>National Judicial Orientation Program</b>	10-15 November 2019	Gold Coast	5 ½	32	21
<b>National Judicial Orientation Program</b>	2-6 February 2020	Sydney	4 ½	28	22
<b>Writing Better Judgments</b>	10-12 February 2020	Sydney	2 ½	30	7
<b>ANU/NJCA Joint Conference: Sentencing</b>	29 February – 1 March 2020	Canberra	1 ½	66	15
<b>TOTAL</b>				<b>301</b>	<b>100</b>

## No. of participants by program 2019 - 2020



## No. of volunteer judicial officers developing/delivering the program, by program 2019 - 2020



## Programs planned for 2020/2021

### Programs postponed due to the COVID-19 pandemic

- Family Law Training short course, 2 July 2020, NSW Magistrates Court. Rescheduled to 3 June 2021.
- National Magistrates Orientation Program, 7-11 September 2020, Brisbane. Rescheduled to 29 August – 03 September 2021.
- Refresher Judgment Writing, 30 Sept – 2 October 2020, Hobart. Rescheduled to 17-18 June 2021.
- Family Violence in the Court, November 2020. Rescheduled to 25 June 2021.
- Writing Better Judgments, 30 September - 2 October 2020, Hobart. Rescheduled to October 2021.
- National Judicial Orientation Program, 25 - 30 October 2020, Brisbane. Rescheduled to 18-23 April 2021.
- Jury Management, 9 - 10 November 2020, Canberra. Rescheduled to 6 – 7 May 2021.
- ANU/NJCA Joint Conference: Therapeutic Jurisprudence. Rescheduled to 26 - 27 Feb 2022. The next Sentencing conference will take place in Feb 2023.

### Webinars scheduled for the period 1 July 2020 to 30 June 2021

#### Family Violence in the Court Webinar:

This webinar was presented on Monday 14 September 2020 to approximately 85 judicial officers from the Federal Circuit Court and Family Court of Australia.

The session focussed on the ‘warm transfer’ initiative, which provides people impacted by family violence with a supported transfer through the court system.

The webinar gave an opportunity for Chief Justice Alstergren to launch the NJCA’s updated Family Violence in the Court eLearning modules. The e-learning modules underpin the one-day face-to-face education delivered to newly appointed judicial officers and judicial officers wishing to refresh their knowledge.

#### National Judicial Orientation Program

**Webinar:** The College will present a two-hour webinar for the cohort of judicial officers who would have attended the orientation program in October 2020 (now postponed).

The webinar is on *Judgements: Written & Oral* (scheduled for Friday 30 October 2020). It will introduce judicial officers to the principles of good judgments whether written or delivered orally.

#### South Australian Courts Oral Decisions

**Webinar:** On 6 November, the NJCA will present a one-hour webinar on oral decisions to members of the South Australian courts at their professional development day.

### Face-to-face programs scheduled for the period March 2021 to 30 September 2021

#### New Perspectives in Courtroom Leadership, 18-19 March, Brisbane

This two-day program is designed to help participants maintain control within the court; enhance existing judicial leadership skills; understand and conceptualise the judicial role of leadership; gain applied skills and knowledge to increase courtroom effectiveness; acquire the required confidence as the leader of the courtroom; and maximise personal resources to deal with the unexpected more effectively and efficiently.

### **Writing Better Judgments, 24-26 March, Perth:**

Open to participants from all jurisdictions, this two and a half day program is offered twice each calendar year.

### **Effective Judicial Presentations, 16 April 2021, Sydney**

This one-day invitation-only program is for judicial officers who have volunteered as a program presenter or have been nominated to sit on the Program Advisory Committee (PAC) or NJCA Council for the NJCA.

### **National Judicial Orientation Program, 18-23 April 2021**

The NJCA, in conjunction with the Judicial Commission of NSW and the Australasian Institute of Judicial Administration, will present the National Judicial Orientation Program for newly appointed judges in April 2021.

### **Jury Management, 6 - 7 May 2021, Canberra**

This one and a half day program is designed to enable judges to develop more effective and efficient jury management practices. It looks at ways of dealing with the many practical issues connected with managing a jury.

Participating judicial officers will gain an understanding of the juror's perspective; discuss the key aspects of jury directions; consider aides to directions; and learn how to manage difficulties that arise at all stages of a trial.

### **Family Law Training Short Course, 3 June 2021, Sydney**

The Local Court of New South Wales and the Judicial Commission of NSW have requested that the NJCA deliver a condensed version of the family law training (parenting only) to 140/150 magistrates.

Topics selected to be the focus of the training include:

- Objects of Part VII; Best interests; making an order for shared parental; reasonable practicality
- Determining a child's best interests; children's views
- Approaches to interim decision making; interim stage risk assessment and risk management

### **Refresher Judgment Writing, 17-18 June 2021, Adelaide**

This two-day program is designed to revitalise participants' skills in writing judgments and is open to those judicial officers who have previously attended a Writing Better Judgments program.

### **Family Violence in the Court, 25 June 2021**

Newly appointed magistrates are to be invited to participate in this one-day program.

## **Indigenous cultural awareness programs**

For many years, the Commonwealth Attorney-General's Department provided grant funding to the NJCA to raise Indigenous cultural awareness. That funding has now ended, with all funds fully expended. The NJCA Council approved the delivery of five final projects:

- Supreme Court of the Northern Territory 'Language and the Law III' Conference.
- District Court of WA three-day Aboriginal cultural awareness program in Broome
- Magistrates Court of WA cultural site visit to Rottnest Island.

- Magistrates Court of Queensland cultural intelligence workshop delivered at three regional conferences.
- Supreme Court of SA recorded interviews with indigenous South Australians and the development of a half-day training session incorporating the interviews.

Feedback from the many hundred participants who attended the first four of the programs/site visits listed above were overwhelmingly positive. The programs achieved the aims of the funding to raise awareness of indigenous culture amongst the judiciary.

The videos developed by the Supreme Court of SA provide significant insights into the intergenerational trauma suffered by the indigenous population. The half-day training session is being currently being finalised and will be available for use by all jurisdictions.

Members of the Indigenous Justice Committee are listed in Attachment B.

## Social and cultural awareness

The College's residential programs continue to include sessions raising social and cultural awareness issues for the judiciary.

Examples include sessions on cultural difficulties that many litigants confront in accessing the justice system and sessions on identifying possible biases in decision making.

## Commonwealth Sentencing Database

The Commonwealth Sentencing Database (CSD) is a joint project between the NJCA, the Judicial Commission of New South Wales, the

Office of the Commonwealth Director of Public Prosecutions, and the ANU College of Law. It is accessible at <https://csd.njca.com.au>. The CSD is made up of two components: the 'Principles and Practice Commentary' component and the 'Statistics' component.

The 'Principles and Practice Commentary' component is a joint project of the NJCA and the ANU College of Law. It provides concise commentary on the applicable sentencing principles for Commonwealth criminal offences.

It is updated on a regular basis by NJCA researchers and all commentary is approved by a panel of academics from the ANU College of Law and the Charles Sturt University College of Law. The members of the academic panel for the financial year were Dr. Wendy Kukulies-Smith (Editor of the Commonwealth Sentencing Database (until February 2020)), Naomi Wootton (Editor of the Commonwealth Sentencing Database (from February 2020)) Professor Mark Nolan (Director, Centre for Law and Justice CSU) and Dr Anthony Hopkins (Associate Professor, ANU College of Law).

The NJCA also maintains a 'Recent Federal Cases' page, which provides users with recent summaries of cases, updated by NJCA researchers on a weekly basis.

A new page on 'Sentencing Terrorism Offenders' was published in July 2019. The page receives a significant number of viewers and has risen to one of the 'top ten' viewed pages each month. The usage of the 'Principles and Practice Commentary' component has continued to rise over the last year, growing to between 4000-4500 viewers a month. This has continued the trend over the past few years and reflects a ~100% increase over a three-year period.

The 'Statistics' component provides a general guide to the pattern of sentences handed down by courts in all Australian jurisdictions for Commonwealth offences. It is operated using software of the Judicial Commission of New South Wales and statistics provided by the Commonwealth Director of Public

Prosecutions. Access to the statistics is available free of charge upon application to the Judicial Commission of New South Wales.

In the 2019-20 financial year the 'Statistics' component was updated by the Judicial Commission of NSW to make sentencing information more accessible to users.

Specifically, the statistics can now be exported by email, as a PDF or to an excel spreadsheet. Additional information on how to read and interpret the statistics is available on the graphs.

The College continues to send a regular newsletter to subscribers to ensure that CSD users can track updates to CSD commentary and recent federal cases.

## Promotion of College activities

The NJCA website provides information about the College, its programs and publications, and contact details.

Judicial officers can register for programs online and access program material through a secure online portal.

The Chair of the NJCA regularly writes to heads of jurisdiction to update them on programs being planned by the NJCA.

In 2019-20, the NJCA increased the frequency of its electronic newsletter to members of the judiciary from quarterly to every two months. The newsletter contains information about future programs as well as an update from the Chair of the NJCA and a short article on a topic of interest to judicial officers.

Electronic newsletters providing information on specific programs and initiatives are also occasionally distributed.

## The College and the Australian National University

The College is generously hosted by the ANU College of Law. In January 2019, the NJCA and the ANU College of Law signed a new four-year memorandum of understanding to continue this arrangement.

As part of our commitment to the partnership, the Judge in Residence program was reinstated in 2019/2020. A Judge in Residence was appointed in October 2020 to work with and participate in the life of the ANU College of Law for a two-week period. The program was well received by academics and students of the ANU College of Law, and provided an enjoyable and rewarding experience for the Judge.

In March 2020, the College joined the ANU College of Law in organising the biennial Sentencing Conference. Both organisations will build on this success through a conference to be delivered in February 2022 where the theme will be *Therapeutic Jurisprudence*.

## Life Members

In 2018, the NJCA changed its Constitution to enable the appointment of Life Members. To be considered for appointment as a Life Member, the person (either a judicial or a non-judicial officer) must have rendered exceptional service to the NJCA over an extended period. This service must be beyond the call of his or her ordinary duties.

Two new Life Members were appointed in December 2019: Professor Mark Nolan, Director of the Centre for Law and Justice at Charles Sturt University, and the Honourable Murray Kellam, Supreme Court of Victoria (retired) in recognition of the exceptional service they have each provided the NJCA over many years.

They join nine other NJCA Life Members (attachment D).

## College Funding

NJCA operating costs are met by annual contributions totalling \$737,514 in 2019/2020 from Commonwealth, State and Territory Governments.

Because government funding does not cover the cost of delivering programs, the College charges registration fees. The fees vary according to program length, venue and the number of presenters.

The College's financial accounts are audited by Vincents' Audit. The College provides an annual report to the Australian Charities and Not-for-Profits Commission.

## College Administration

### NJCA Council

The governing 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. Members of the Council and their alternates are listed in Attachment A.

### Programs Advisory Committee

The Programs Advisory Committee oversees the work of planning committees in developing and presenting programs; sets priorities for development of new programs; and advises the Council and committees on educational methods. Members of the Committee are listed in Attachment B.

### Program Planning Committees

Small committees of judicial officers and administrators plan and oversee the delivery of programs. The members of each committee responsible for programs delivered in 2019/2020 are listed in Attachment C.

### The NJCA Office

The College's office is located in offices on the Australian National University campus in Canberra. The office staff are primarily involved in the day-to-day planning, delivery and coordination of programs and projects. They also service meetings of the Council and Committee, maintain financial and other systems and deal with correspondence and liaison with courts, government agencies and the public. Office staff are listed in Attachment E.

### Communication with the College

Enquiries can be directed to:  
The Chief Executive Officer  
National Judicial College of Australia  
Building 5, Fellows Road  
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# Attachments

## (A) NJCA Council members and Council alternates as at 30 June 2020 (alphabetically)

### The Council

Chief Justice Helen Murrell (Chair) <i>Supreme Court of the Australian Capital Territory</i>	Nominee of the Chief Justices of State and Territory Supreme Courts and Chair appointed by the Chief Justice of Australia
Justice Ann Ainslie-Wallace <i>Family Court of Australia</i>	Nominee of the Chief Justices of the Federal and Family Court
Chief Judge Michael Evans <i>District Court of South Australia</i>	Nominee of the Chief Judges of the District or County Courts of the States
Chief Magistrate Catherine Geason, <i>Magistrates Court Of Tasmania</i>	Nominee of Chief Magistrates of the States and Territories
Mr Cameron Gifford <i>Commonwealth Attorney-General's Department</i>	Nominee of the Attorney-General of the Commonwealth
Mr David Mackie <i>Department of Justice and Attorney-General</i>	Nominee of the Attorneys-General of the participating States and Territories

### Council Alternates

Mr Iain Anderson <i>Commonwealth Attorney-General's Department</i>	Nominee of the Attorney-General of the Commonwealth
Mr Richard Glenn <i>ACT Justice and Community Safety Directorate</i>	Nominee of the Attorneys-General of the participating States and Territories
Chief Magistrate Steven Heath, <i>Magistrates' Court of Western Australia</i>	Nominee of the Chief Magistrates of the States and Territories
Justice Glenn Martin AM <i>Supreme Court of Queensland</i>	Nominee of the Chief Justices of the State and Territory Supreme Courts
Justice Mark Moshinsky <i>Federal Court of Australia</i>	Nominee of the Chief Justices of the Federal Court and Family Court
Judge Dina Yehia <i>District Court of New South Wales</i>	Nominee of the Chief Judges of the District or County Courts

## (B) Members of Policy Committees as at 30 June 2020 (alphabetically)

### Programs Advisory Committee

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Justice Glenn Martin AM (Chair)	Supreme Court of Queensland
Magistrate Alison Adair	Magistrates Court of South Australia
Judge Liz Boyle	Federal Circuit Court of Australia
Justice Ian Harrison	Supreme Court of New South Wales
Magistrate Andrée Horrigan	Children's Court of Western Australia
The Honourable Murray Kellam AO	formerly Court of Appeal Supreme Court Victoria
Ms Lillian Lesueur	National Judicial College of Australia
Judge Martine Marich	County Court of Victoria
Judge Julie McIntyre	District Court of South Australia
Mr Johan Revalk	National Judicial College of Australia
Professor Heather Roberts	ANU College of Law
Justice James Stevenson	Supreme Court of New South Wales
Professor Sally Wheeler OBE	ANU College of Law

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## Indigenous Justice Committee

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The Honourable Wayne Martin AC (Chair)	Supreme Court of Western Australia (retired)
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Justice Peter Barr	Supreme Court of the Northern Territory
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Mr Dennis Eggington	Aboriginal Legal Service Western Australia
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Justice Stephen Kaye	Supreme Court of Victoria
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Ms Lillian Lesueur	National Judicial College of Australia
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Magistrate Tina Previterra	Magistrates Court of Queensland
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Justice Stephen Rothman AM	Supreme Court of New South Wales
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Judge Suzanne Sheridan	District Court of Queensland
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Professor Anne Wallace	La Trobe University Victoria
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## (C) Members of Program Planning Committees as at 30 June 2020 (alphabetically)

### National Judicial Orientation Program

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Justice Ian Harrison (Chair)	Supreme Court of New South Wales
Justice Ann Ainslie-Wallace (Deputy Chair)	Family Court of Australia
Judge Peter Cole	Federal Circuit Court of Australia
Ms Una Doyle	Judicial Commission of New South Wales
Justice Jacqueline Gleeson	Federal Court of Australia
Judge Sarah Huggett	District Court of New South Wales
Ms Lillian Lesueur	National Judicial College of Australia
Judge Samantha Marks	County Court of Victoria
Justice Glenn Martin AM	Supreme Court of Queensland
Judge Julie McIntyre	District Court of South Australia
Ms Karen Sloan	National Judicial College of Australia
Mr Ernest Schmatt AM PSM	Judicial Commission of New South Wales
Judge John Staude	District Court of Western Australia

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## National Magistrates Orientation Program

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Magistrate Andrée Horrigan (Chair) Children's Court of Western Australia

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Magistrate Teresa Anderson Magistrates Court of South Australia

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Chief Magistrate Terry Gardiner Magistrates Court of Queensland

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Chief Magistrate Catherine Geason Magistrates Court of Tasmania

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Magistrate Fiona Hayes Magistrates Court of Victoria

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Chief Magistrate Steven Heath Magistrates Court of Western Australia

---

Ms Lillian Lesueur National Judicial College of Australia

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Ms Karen Sloan National Judicial College of Australia

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## ANU/NJCA Joint Conference (Therapeutic Jurisprudence)

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Chief Magistrate Lorraine Walker (Co-Chair) Magistrates Court of the Australian Capital Territory

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Associate Professor Anthony Hopkins (Co-Chair) ANU College of Law

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Professor Lorana Bartels ANU College of Arts and Social Sciences

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Magistrate Andrée Horrigan Children's Court of Western Australia

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Miss Claire Huxley National Judicial College of Australia

---

Ms Lillian Lesueur National Judicial College of Australia

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Dr Anne McDuff ANU College of Law

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Magistrate Pauline Spencer Magistrates Court of Victoria

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Ms Karen Sloan National Judicial College of Australia

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## Applying Family Law to Parenting and Property

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Judge Tom Altobelli (Chair) Federal Circuit Court of Australia

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Ms Janie Armstrong National Judicial College of Australia

---

Justice Robert Benjamin Family Court of Australia

---

Professor Richard Chisholm Australian National University

---

Chief Magistrate Catherine Geason Magistrates Court of Tasmania

---

Ms Lillian Lesueur National Judicial College of Australia

---

The Honourable Dr John Lowndes formally Northern Territory Local Court

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Deputy Chief Magistrate Leanne O'Shea Magistrates Court of Queensland

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## Effective Judicial Presentations

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Justice Glenn Martin AM (Chair) Supreme Court of Queensland

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Ms Janie Armstrong National Judicial College of Australia

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Chief Magistrate Steven Heath Magistrates Court of Western Australia

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## Family Violence in the Court

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Justice Judy Ryan (Co-Chair)	Family Court of Australia
Magistrate Jay McGrath (Co-Chair)	Magistrates Court of South Australia
Ms Janie Armstrong	National Judicial College of Australia
Judge Liz Boyle	Federal circuit Court of Australia
Judge Kate Hughes	Federal Circuit Court of Australia
Chief Judge Elizabeth Morris	Northern Territory Local Court
Magistrate Colin Strofield	Magistrates Court of Queensland
Magistrate Stella Stuthridge	Magistrates Court of Victoria

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## Judicial Officers with Leadership Responsibilities

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The Honourable John Byrne AO RFD (Chair)	formerly Supreme Court of Queensland (retired)
Ms Anne Britten	Council of Australasian Tribunals
Chief Magistrate Terry Gardiner	Magistrates Court of Queensland
Dr Geoff Garrett AO	Leadership Consultant
Ms Lillian Lesueur	National Judicial College of Australia
Justice Julie Ward	Supreme Court of New South Wales
Justice Joshua Wilson	Family Court of Australia

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## New Perspectives on Courtroom Leadership

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Judge Tom Altobelli (Chair)	Federal Circuit Court of Australia
Professor Laurence Boule	Australian Catholic University
Miss Claire Huxley	National Judicial College of Australia
Magistrate Jayanthi McGrath	Magistrates Court of South Australia
Justice James Stevenson	Supreme Court of New South Wales
Magistrate Colin Strofield	Magistrates Court of Queensland

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## Oral Decisions

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Justice James Stevenson (Chair)	Supreme Court of New South Wales
Judge Susanne Cole	NSW Civil & Administrative Tribunal
Ms Lucy Cornell	CEO, the Voice Advisory
Judge Penny Eldridge	Youth Court of South Australia
Judge Warwick Hunt	<a href="mailto:Judge.Hunt@courts.nsw.gov.au">Judge.Hunt@courts.nsw.gov.au</a>
Justice Glenn Martin AM	Supreme Court of Queensland
Magistrate Roslyn Porter	Victorian Children's Court
Ms Karen Sloan	National Judicial College of Australia

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## Reflections on the Judicial Function

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Justice Stephen Gageler AC (Chair) High Court of Australia

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Justice Ann Ainslie-Wallace Family Court of Australia

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Chief Justice Alan Blow Supreme Court of Tasmania

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Associate Justice Melissa Daly Supreme Court of Victoria

---

Judge Martin Flynn District Court of Western Australia

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Ms Lillian Lesueur National Judicial College of Australia

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Justice Alan Robertson Federal Court of Australia

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## Writing Better Judgments

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The Honourable Murray Kellam AO (Chair) formerly Court of Appeal Supreme Court Victoria

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Ms Janie Armstrong National Judicial College of Australia

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Justice Craig Colvin Federal Court of Australia

---

Ms Lillian Lesueur National Judicial College of Australia

---

Justice Glenn Martin AM Supreme Court of Queensland

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Justice Debra Mullins AO Supreme Court of Queensland

---

Judge Chris O'Neill County Court of Victoria

---

Acting Justice Monika Schmidt AM Supreme Court of New South Wales

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Justice James Stevenson Supreme Court of New South Wales

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## (D) Current NJCA Life Members (alphabetically)

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The Hon John Byrne AO RFD	Formerly Supreme Court of Queensland
The Hon Linda Dessau AC	Formerly Family Court of Australia
The Hon John Doyle AC QC	Formerly Supreme Court of South Australia
The Hon John Dowsett AM	National Native Title Tribunal
Chief Magistrate Steven Heath	Magistrates Court of Western Australia
The Hon Murray Kellam AO	Formerly Supreme Court of Victoria
The Hon Wayne Martin AC QC	Formerly Supreme Court of Western Australia
Justice Debra Mullins AO	Supreme Court of Queensland
Professor Mark Nolan SFHEA	Director of the Centre for Law and Justice, Charles Sturt University
Acting Justice Monika Schmidt	Supreme Court of New South Wales
The Hon Tom Wodak	Formerly County Court of Victoria

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## (E) The NJCA Office Staff (alphabetically)

The administrative staff of the College as at 30 June 2020 were:

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Miss Bridie Adams	Research Assistant
Ms Janie Armstrong	Program Manager
Miss Claire Huxley	Administration/Events Coordinator
Ms Lillian Lesueur	Chief Executive Officer
Ms Amber Mercer	Office Manager
Miss Charlotte Michalowski	Research Assistant
Mr Andrew Ray	Research Assistant
Mr Johan Revalk	Education Director
Ms Karen Sloan	Program Manager

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