Standard for Judicial Professional Development in Australia

Preamble

Judicial officers will be better able to maintain the high standards required of them if they are provided with, or given access to, appropriate professional development programs that help them to maintain and improve skills, respond to change in our society, maintain their health and retain their enthusiasm for the administration of justice.

Australia's judicial officers must deal with a range of challenges, including –

- increased workloads
- increasingly complex work
- limited resources
- a changing society
- changing expectations of the judiciary, and
- changing expectations of the process of administration of justice.

In this context, a commitment by heads of jurisdiction and individual judicial officers to professional development should be made, bearing in mind the following general principles:

- Equally available and adequate professional development for all judicial officers in Australia will enhance the fair and efficient administration of justice.

- Judicial officers should consider participation in professional development activities to be a duty.

- Heads of jurisdiction should encourage judicial officers to participate in professional development and adequate resources must be made available to enable such participation, the cost of participation being met by the court in question.

- The responsibility for planning, conducting and overseeing relevant and responsive professional development properly rests with the judiciary, in consultation with education professionals and other appropriate experts.

The commitment can be met only if Australia's Governments provide the resources to enable it to be met. Resources need to be provided to courts to enable them to conduct their own programs, and to enable them to meet the cost of judicial officers attending programs provided by others.

Resources should also be provided to organisations, controlled by the judiciary, that are established for the purpose of providing professional development programs to the judiciary. They are the National Judicial College of Australia, the Judicial Commission of New South Wales, the Judicial College of Victoria and the Australian Institute of Judicial Administration.

Professional Development for all Judicial Officers

Each judicial officer should be able to spend at least five days each calendar year participating in professional development activities relating to the judicial officer's responsibilities. The standard should be reviewed in 2010.

This standard need not be met in each year but can be met on the basis of professional development activities engaged in over a period of three years.

This standard can be met, in part, by self-directed professional development.

Judicial officers should be released from court duties to enable them to meet this standard. However, judicial officers should commit some private time to meet the standard.

Professional Development for Newly Appointed Judicial Officers

On appointment a judicial officer should be offered, by the court to which he or she is appointed, an orientation program. The program should inform the judicial officer about the work and the functioning of the court.

Within 18 months of appointment, a judicial officer should have the opportunity to attend a national orientation program, involving judicial officers from different courts and jurisdictions. The program should be a residential program of about five days' duration.

Commentary on the Standard

The goals of the Standard for Judicial Professional Development in Australia are:

- To encourage an awareness by judicial officers that professional development, on a regular basis throughout their judicial careers, is necessary if they are to maintain and enhance their adherence to the high standards required of them, and to adjust to change.

- To encourage judicial officers to undertake professional development, while leaving the meeting of the standard to the individual.

- To give Australia's governments and the public clear guidelines, which will encourage recognition of the need to make time and resources available for this purpose.

- To create standards for professional development for judicial officers which will facilitate and support the provision of adequate professional development programs of a high standard.

All those involved in the provision of professional development for judicial officers should endeavour:

- To improve and enhance through professional development the administration of justice.

- To maintain public confidence in the judiciary by informing the public of the commitment by the judiciary to professional development.

- To provide judicial officers with the knowledge, skills, techniques and awareness required to perform their judicial responsibilities fairly, correctly and efficiently.

- To encourage judicial officers to maintain the highest standards of judicial conduct.

It is the responsibility of –

- each judicial officer to recognise the need for professional development in order to maintain and enhance competence and adjust to change, and to spend such time as may reasonably be required to accomplish that purpose.

- Australia's governments in the public interest to provide resources that will enable judicial officers to meet this Standard and that will enable providers of professional development programs to provide appropriate programs.

- those who are charged with administering the courts to provide adequate time, funding and related support to encourage and support participation in professional development programs.

- judicial officers to assist in the provision of professional development programs when called upon to do so.

- the providers of professional development programs to provide high quality programs which meet the needs of judicial officers at all stages of their careers, and address the goals of these standards.