

Judicial Commission of New South Wales

The Judicial Commission has issued a press release outlining its perception of how it will achieve its role in educating the judiciary.

Introduction

In November, 1987 the N.S.W. Judicial Commission released details of its plans for servicing the continuing legal education requirements of the judiciary and for providing criminological assistance on sentencing to the State's criminal courts.

The Commission was established by legislation in December 1986. In addition to servicing these requirements of the judiciary, it has responsibility for investigating complaints against Judges and Magistrates and taking appropriate steps in relation to such complaints.

The Commission comprises the Chief Justice as President and the heads of the other five State Courts together with two appointed members. Judge Thorley retired from the District Court in December 1987 to take up full time duty as the Chief Executive.

Continuing Judicial Education

In its role of providing assistance in continuing judicial education (CJE) the Commission will be following similar organisations established in England and Canada as well as in the United States.

The assistance to be provided will cover a wide spectrum commencing on the initial appointment of the judicial officer and extending throughout the tenure of office. It will cover both practical and academic aspects of judicial work.

On the academic side, there is a constant flow of new legislation, new cases and other general literature with which judicial officers must keep up to date. Until now they have been largely unaided in this regard. The Commission intends to provide significant assistance to judicial officers in meeting this requirement. This in turn will enhance the quality of the administration of justice in this State.

The plans involve seminars on recent legal and social trends and developments. The Commission will publish a regular judicial bulletin and will prepare handbooks on court practice and procedure covering a wide variety of matters dealt with in the courts of this State.

As a first step, CJE committees will be established for each jurisdiction. From these a central cross-jurisdiction committee will be established. These committees will identify areas of need and provide guidance in determining priorities.

In developing the plans consultation will take place at all levels of the judiciary and with other organisations and individuals who are involved with CJE both here and overseas. Links will also be established with the College of Law and academic faculties.

There will be constant evaluation and review so that it will be possible to assess whether the objectives are being achieved as well as the extent of the benefits to participants.

Criminological Assistance on Sentencing

The Commission has also drawn up plans to assist judicial officers to co-ordinate sentencing practices and to eliminate disparities in approach to sentencing in the criminal courts.

A computerized sentencing information resource will be established which will contain dissected details of each sentencing decision of every Judge and Magistrate in New South Wales.

Information in the database will include the important features of each offence and the sentence imposed. This data will be synthesised and sent by computer to courts throughout the State.

An individual Judge or Magistrate, when considering the sentence to impose in a case, will be able to use the information system to determine the nature of penalties imposed in past similar cases. At the press of a button access will be available to the combined experience of all Judges and Magistrates who have dealt with similar cases in the past.

The information will be directed towards assisting a Judge or Magistrate to arrive at the decision appropriate to the case in hand. It will not control or constrict the individual decision to be made.

The sentencing information system will be the first of its kind in Australia and is believed to be one of the most comprehensive of its type in the world.

Work on the information system has already begun and it will commence operation at Local Court level. The Local Courts account for over 90% of all penalties imposed in the State.

The information system will be expanded in the latter part of 1988 to include the District Court and in due course the Supreme Court. When fully in place Judges and Magistrates will be able to call on the details of over 88,000 cases each year.

In addition to establishing the information source, the Commission's CJE programme will include seminars, sentencing exercises and the provision of assistance generally to Judges and Magistrates on sentencing philosophy and practice. The regular judicial bulletin and hand books will also have an important part in this field.

Conclusion

The Commission is confident that the implementation of its programme for continuing judicial education and criminological assistance on sentencing will be of significant assistance to Judges and Magistrates. This in turn will be reflected by improvements in efficiency and more effective use of the judicial resources of the State. Although it is likely that the workload of the courts will continue to increase the Commission, as a judicial service organisation, will play an important part in countering the delays that exist at the present time in New South Wales courts. □