



**NATIONAL  
JUDICIAL  
COLLEGE**  
*of Australia*

## **JUDICIAL EDUCATION IN AUSTRALIA**

## **Background**

The majority of judges and magistrates in Australia are selected from among the ranks of very experienced legal practitioners. It is common for a person to be appointed only after 20 to 30 years experience as a practicing lawyer in the courts. Thus on appointment judicial officers not only have academic qualifications in law but also extensive experience as practitioners in the courts. They are presumed to possess the necessary skills and experience for judicial functions because of this experience.

Judges and magistrates in Australia are appointed by federal and state Governments. Although legislation sets minimum requirements (for example 5 years experience after attaining qualification as a lawyer), in practice governments consult existing judges and elected representatives of the legal profession before selecting persons for appointment. Typically appointees have the recognition of existing judges and other lawyers as persons who have outstanding ability in the law and legal practice.

Judicial officers tend to occupy judicial office for fairly lengthy periods. The fact that judicial officers hold office for substantial periods of time means that they are likely to benefit from programs of on going professional development. In addition 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. Thus, the members of the Australian judiciary can benefit from programs 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 courts and judicial education bodies in Australia conduct these organised programs of professional development.

### **Judicial education in the courts**

Until recently most professional development programs for judicial officers in Australia were developed and delivered by committees of judges or magistrates in Australian courts. Many courts hold annual conferences or more regular meetings of judicial officers which include elements of professional development. The focus of these programs is often on updating judicial officers on developments in the law or topics of particular relevance to the work of the court in question. Some information on these events is available in the annual reports of Australian courts (links to court websites are available via the Links page on the website of the National Judicial College of Australia at [www.njca.com.au](http://www.njca.com.au) ).

There is a [judicial education calendar page](#) on the website of the National Judicial College of Australia.

### **The National Judicial College of Australia**

The National Judicial College of Australia (NJCA) was established in May 2002 as an independent entity, funded by contributions from the Commonwealth and some State and Territory governments. It is controlled by a governing Council, a majority of whose members are judicial officers.

The College's [Constitution](#) provides that the College is to assist judicial officers to administer the law in a just, competent and speedy way by offering them opportunities to:

- (i) share lessons learned from experience, leading to identification and adoption of best professional practices;
- (ii) broaden and enhance their general and legal educational standards;
- (iii) participate in educational programs intended to broaden their understanding of the processes and consequences of change in our society;
- (iv) participate in educational programs intended to broaden their understanding of the extent and consequences of diversity in various aspects of society and to help them acquire skills to deal with that diversity;
- (v) undertake individual learning programs;
- (vi) develop their skills in management (including case management), conduct of trials and appeals, and judgment writing;
- (vii) develop other skills relevant to judicial office ;
- (viii) participate in educational programs which will help judicial officers develop substantive and procedural law, thus shaping for the future the law and its administration; and
- (ix) participate in educational programs which will help judicial officers maintain physical and mental health while exercising judicial office.

The College provides professional development programs to all judicial officers in Australia. The Council of the College has adopted some policies which it will pursue in developing professional development for judicial officers. These are set out in the College's annual reports.

The College's programs are detailed in its [annual reports](#).

## **Other Australian judicial education bodies**

### *Australasian Institute of Judicial Administration*

The Australasian Institute of Judicial Administration is a research and educational institute associated with Monash University. It is funded by the Standing Committee of Attorneys-General and also from subscription income from its membership.

The principal objectives of the Institute include research into judicial administration and the development and conduct of educational programmes for judicial officers, court administrators and members of the legal profession in relation to court administration and judicial systems.

The Institute runs a number of regular activities in the area of judicial education including programs for court administrators, court librarians, magistrates and judges that are run either each year or biennially. It has also been involved in developing courses in relation to a number of specialised areas including gender awareness programs, courses relating to cultural awareness, court technology and case management. Information on the topics covered in its programs are available on the Institute's website <http://www.aija.org.au/>

### *Judicial Commission of New South Wales*

The Judicial Commission was established in 1986 by NSW State legislation. The Commission's principal functions are to investigate complaints against the judiciary, to achieve consistency in sentencing and to organise continuing education and training of judicial officers in NSW. It is funded by the NSW Government.

The JCNSW has an extensive publication program, with the production of 'Bench Books' for each court, a regular journal (the Judicial Officers Bulletin), research monographs, statistical papers, and online facilities (the Judicial Information Research System, which includes a sentencing database as well as online access to cases and statutes). Information on the topics covered in its programs are available on the Commission's website: <http://www.judcom.nsw.gov.au/>

### *Judicial College of Victoria*

The Judicial College of Victoria was established in 2003. It is involved in assisting with court conferences, organising seminars and workshops for judges and magistrates. It is also reviewing and updating sentencing manuals and benchbooks for Victorian courts. The College's website is : <http://www.judicialcollege.vic.edu.au>

### *The Judicial Conference of Australia*

The JCA was established in 1993. Its objects all relate to the public interest in maintaining a strong and independent judiciary within a democratic society that adheres to the rule of law. The Conference's Governing Council consists of judges and magistrates drawn from all jurisdictions and levels of the Australian court system. Further information about the Conference is available at its website: <http://www.jca.asn.au/>

## **Judicial education overseas**

Some Australian based organisations are involved in providing judicial education to overseas courts.

The **Federal Court of Australia** provides assistance to judiciaries in Asia and the South Pacific. In particular, the Court conducts the Pacific Judicial Education Program. Website <http://www.paclii.org/PJDP/>

The **Asia Pacific Judicial Reform Forum** (APJRF) is a network of 49 superior courts and justice sector agencies in the Asia Pacific Region who have joined together to contribute to judicial reform in the region. It resulted from the Manila Declaration on Judicial Reforms in 2005, which called for a forum to learn from judicial reform successes and failures. The APJRF's purpose is to create a network to support Asia Pacific jurisdictions committed to advancing judicial reform. Website: <http://www.apjrf.com/index.html>

Some international bodies involved in judicial education are:

### **The International Organisation for Training of the Judiciary**

The Organisation is a global organization dedicated to providing training and continuing education for judges, with a view to promoting the rule of law and encouraging and assisting in the establishment of judicial institutes where none exist. Some further information is available on the Internet at:

<http://www.iojt3conference.net/>

### **The Commonwealth Judicial Education Institute**

The Institute was established in 1998 to:

- provide support and linkage among existing Commonwealth judicial education bodies;
- encourage the sharing of information, human and fiscal resources inter-nationally and inter-regionally;
- maintain linkages with American judicial education bodies to share information and resources;
- encourage the establishment of new national and regional judicial education bodies in the Commonwealth;
- develop programs and teaching tools for the use of all;
- deliver judicial education programs at the invitation of the Chief Justice in partnership with national judicial education bodies;
- organize study tours of justice systems and judicial education processes;
- encourage interaction among judges and jurisdictions;
- provide sustainable infrastructure for judicial education;

Website: <http://www.dal.ca/~cjei/index.html>

### **Further information**

Further information about judicial education in Australia is available on in the NJCA [website](#).