

Protocol for Judicial Appointments in Queensland

This procedure applies to the permanent appointment of judicial officers to the Magistrates, District and Supreme Courts (including the Court of Appeal).

All steps taken under this Protocol are to be taken in a manner that respects the interests and protects confidentiality of all applicants, and of all persons consulted during the appointment process.

The Panel

There shall be a Judicial Appointments Advisory Panel (the Panel).

The purpose of the Panel is to select and present to the Attorney-General and Minister for Justice (Attorney-General) a shortlist of persons whom the Panel considers suitable for appointment as a judicial officer for an existing or upcoming vacancy.

The Panel shall consist of:

- a) the chairperson, who shall be:
 - i. for appointments to the Supreme Court (including the Court of Appeal), a retired Supreme Court judge;
 - ii. for appointments to the District Court, a retired District Court judge; or
 - iii. for appointments to the magistracy, a retired District Court judge (who has been a Chief Magistrate) or a retired magistrate;
- b) the President of the Bar Association of Queensland, or a person authorised in writing by the President to represent the Association;
- c) the President of the Queensland Law Society, or a person authorised in writing by the President to represent the Society; and
- d) up to two individuals, one of whom must be a lawyer, who, in the opinion of the Attorney-General, is/are appropriate to represent community views and standards and possess knowledge, expertise or experience in the justice system that could usefully contribute to the selection of judicial officers (for example, the Anti-Discrimination Commissioner or a representative of the Women Lawyers Association of Queensland).

Judicial panel members will be drawn from lists maintained by the Attorney-General. The list of retired judicial officers will include three judicial members for each court level.

The quorum for meetings of the Advisory Panel is four, and the quorum must include all panel members identified at (a) to (c) above.

The Panel shall be supported by a Secretariat within the Department of Justice and Attorney-General (DJAG).

The Process

The DJAG shall maintain a register of expressions of interest in appointment to the Magistrates, District and Supreme Courts.

Any person qualified for appointment to the relevant court may register an expression of interest and update their expression of interest from time to time.

Expressions of interest must include a curriculum vitae and information required by the Panel as published on the Queensland Courts website.

Vacancies for appointment to the Magistrates, District and Supreme Courts will be advertised on the Queensland Courts website.

In recognition of historical under-representation of these groups, women, Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds are particularly encouraged to apply.

The Attorney-General will consult with relevant heads of jurisdiction before referring vacancies for the Panel's consideration, The Chief Justice and the President of the Court of Appeal will be consulted regarding vacancies on the Supreme Court and Court of Appeal.

The Attorney-General may nominate candidates for the Panel's consideration, including those raised for consideration through consultation with heads of jurisdiction

To be considered for selection for a vacancy by the Panel, a person will need to have registered an expression of interest relevant to the level of court for the vacancy. However, an expression of interest is not necessary for the consideration of existing judicial officers.

The Panel may invite, persons to register an expression of interest to facilitate their consideration and will invite the Attorney-General's nominees to register if they are not already registered.

A person is not eligible for appointment to a vacancy if the person served on the Panel for that vacancy.

Selection criteria

Appointments will be made on the basis of merit. Candidates will be assessed against the attached Australasian Institute of Judicial Administration's *Suggested Criteria for Judicial Appointments* (2015) or, with the agreement of the Attorney-General, these criteria as amended from time to time. Opportunities for promoting diversity in the judiciary will be a relevant consideration. All legal experience will be considered, including that outside mainstream legal practice.

Selection process

The Panel shall decide its own processes, but those processes should generally include the following elements:

- a. consideration of all eligible candidates;
- b. assessment of the merits of eligible candidates, including interview (if considered necessary for this purpose for eligible candidates who are not already judicial officers);
- c. consultation with whoever else the panel considers appropriate (including to inform the panel from a community legal services and diversity perspective);
- d. selection of a list comprising up to eight (but no less than four) suitable candidates for filling the vacancy; and
- e. the lists shall be accompanied by a report of supporting reasons.

The Panel can also adapt the process as appropriate to the circumstances.

Examples:

When dealing with multiple concurrent vacancies, the Panel may choose to increase the list by one candidate for each additional vacancy so there is a choice of candidate (regardless of who is selected for other vacancies).

The Panel may also shortlist based on another recent selection exercise (say, in the previous six months) and reconvene only for ensuring there are up to eight (but no less than four) nominations (if there has been a selection from previous list or a previous nominee has withdrawn).

After receipt of the Panel's list, the Attorney-General will consult again with the relevant heads of jurisdiction before selecting a person to recommend to the Governor in Council to fill the vacancy.

AIJA suggested criteria for judicial appointment

1. Intellectual capacity

- Legal expertise
- Litigation experience or familiarity with court processes, including alternative dispute resolution
- Ability to absorb and analyse information
- Appropriate knowledge of the law and its underlying principles, and the ability to acquire new knowledge

2. Personal qualities

- Integrity and independence of mind
- Sound judgement
- Decisiveness
- Objectivity
- Diligence
- Sound temperament
- Ability and willingness to learn and develop professionally and to adapt to change

3. An ability to understand and deal fairly

- Impartiality
- Awareness of, and respect for, the diverse communities which the courts serve and an understanding of differing needs
- Commitment to justice, independence, public service and fair treatment
- Willingness to listen with patience and courtesy
- Commitment to respect for all court users

4. Authority and communication skills

- Ability to explain the procedure and any decisions reached clearly and succinctly to all those involved
- Ability to inspire respect and confidence
- Ability to maintain authority when challenged
- Ability to communicate orally and in writing in clear standard English

5. Efficiency

- Ability to work expeditiously
- Ability to organise time effectively to discharge duties promptly
- Manages workload effectively
- Ability to work constructively with others

6. Leadership and management skills

- Ability to form strategic objectives and to provide leadership to implement them effectively
- Ability to engage constructively and collegially with others in court, including courts administration
- Ability to represent the court appropriately including to external bodies such as the legal profession
- Ability to motivate, support and encourage the professional development of others in the court
- Ability to manage change effectively
- Ability to manage available resources