

## **Protocol for Judicial Appointments in Queensland**

This Protocol applies to the permanent appointment of judicial officers to the following courts:

- Supreme Court;
- Court of Appeal;
- District Court;
- Land Court; and
- Magistrates Court.

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 for appointments to:
  - i. the Supreme Court (including the Court of Appeal and President of the Land Court), a retired Supreme Court judge;
  - ii. the District Court and Land Court members other than the President, a retired District Court judge; or
  - iii. the Magistrates Court, 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).
- e) In the case of a Land Court vacancy one of the individuals in d) will be a former Land Court President or a retired judge of the Supreme or District Court.

Panel members will be drawn from lists maintained by the Attorney-General.

The quorum for meetings of the Panel is four, and the quorum must include all panel members identified at (a) to (c) above. In the case of Land Court vacancies the quorum will include members identified at (a)ii, (b), (c) and (e).

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

### **The Process**

Any person qualified for appointment to the Supreme, District, Land and Magistrates Courts may register an Expression of Interest and update their Expression of Interest from time to time. The Department of Justice and Attorney-General shall maintain a register of

## Expressions of Interest.

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

Candidates will be requested to complete Forms A, B, C and D and supply these forms along with their Expression of Interest. Form D particularly deals with identification within diversity groups, acknowledgement that successful candidates may require a term of country/regional service and also meet minimum requirements for appointment.

Vacancies for appointment to the Magistrates, District, Supreme and Land Courts will be advertised on the Queensland Courts website and will have a set closing date.

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 by the due date set on the Courts website. However, existing judicial officers need not submit an Expression of Interest.

Expressions of Interest can be lodged at any time during the year (commencing 1 July) and will automatically lapse on 30 June each year.

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 as long as this is done by the set closing date for the vacancy.

When dealing with multiple concurrent vacancies, the Panel should provide a minimum of four candidates per vacancy. The Attorney-General may also specify a larger number of candidates to be shortlisted by the Panel.

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;
- e. for multiple vacancies of the same judicial level, the Attorney-General may specify

- f. the number of candidates to be shortlisted for consideration; and
- f. the lists may be accompanied by a report of supporting reasons.

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

Examples:

The Panel may also shortlist based on another recent selection exercise (for example, 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 a previous list or a previous nominee has withdrawn).

After receipt of the Panel's list, the Attorney-General will consult again with the relevant head 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 professional 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