

# RECOMMENDATIONS

## Recommendation 1

2.9 The committee recommends that the High Court of Australia adopt a written complaint handling policy and make it publicly available, including on its website, within 1 month of the tabling of this report.

## Recommendation 2

2.19 The committee recommends that, following consultation about the best way to achieve this, all federal courts publish quarterly complaint handling summary status reports on their websites recording the number of complaints received and, in relation to each complaint, the date it was received, the nature of the complaint, the date on which it was resolved and a summary of any action taken in response to the complaint.

2.20 The committee recommends that no personal details of either the complainant or judicial officer be identifiable from these reports.

## Recommendation 3

3.23 The committee recommends that when the appointment of a federal judicial officer is announced the Attorney-General should make public the number of nominations and applications received for each vacancy.

3.24 If the government or department prepared a short-list of candidates for any appointment, the number of people on the list should also be made public.

## Recommendation 4

3.72 The committee recommends that the process for appointments to the High Court should be principled and transparent. The committee recommends that the Attorney-General should adopt a process that includes advertising vacancies widely and should confirm that selection is based on merit and should detail the selection criteria that constitute merit for appointment to the High Court.

## Recommendation 5

4.27 The committee recommends that all jurisdictions set a nationally consistent compulsory retirement age for judicial officers and encourages each jurisdiction to implement it within the next 4 years.

## Recommendation 6

4.28 The committee recommends that at the next Commonwealth referendum section 72 of the Constitution should be amended in relation to the compulsory retirement age for judges to provide that federal judicial officers are appointed until an age fixed by Parliament.

## Recommendation 7

4.64 The committee recommends that the *High Court of Australia Act 1969* (Cth) prohibition on federal judges holding another office of profit be retained.

## **Recommendation 8**

**4.70** The committee recommends that by 30 June 2010 the Attorney-General develop and implement a protocol that provides guidelines to federal courts for the appropriate use of short and long term part-time working arrangements for judicial officers.

## **Recommendation 9**

**4.71** The committee recommends that the Attorney-General present the protocol to the Standing Committee of Attorneys-General for consideration at the first meeting after 30 June 2010.

## **Recommendation 10**

**7.82** The committee recommends that the Commonwealth government establish a federal judicial commission modelled on the Judicial Commission of New South Wales.

## **Recommendation 11**

**7.83** The committee recommends that this new judicial commission include the three functions of complaints handling, assisting courts to achieve consistency in sentencing and judicial education.

## **Recommendation 12**

**7.84** The committee recommends that the functions currently fulfilled by the National Judicial College of Australia be incorporated into the new judicial commission.

## **Recommendation 13**

**7.85** The committee recommends that within 12 months the government undertake planning and budgetary processes necessary for the establishment of this commission.

## **Recommendation 14**

**7.86** The committee recommends that within 18 months the government introduce a bill to establish the new judicial commission.

## **Recommendation 15**

**7.87** The committee recommends that recommendations 10 to 14 above are implemented subject to any constitutional limits and in consultation with the federal courts.

## **Recommendation 16**

**7.96** The committee recommends that as soon as possible and no later than 30 June 2010, the government:

- implement a federal process enabling it to establish an *ad hoc* tribunal when one is needed to investigate complaints of judicial misconduct or incapacity;

- **establish guidelines for the investigation of less serious misconduct or incapacity issues; and**
- **implement the Family Court and Federal Magistrates Court proposal for an oversight committee.**

