

CHAPTER 1

Introduction

1.1 On 5 February 2009, the Senate referred an inquiry into *Australia's Judicial System, the Role of Judges and Access to Justice* to the Senate Legal and Constitutional Affairs Committee for inquiry and report by 17 August 2009.

1.2 This reference was withdrawn on 19 March 2009 and in its place, the Senate referred two separate inquiries: one into Australia's Judicial System and the Role of Judges; and one into Access to Justice.

1.3 The terms of reference for the new inquiry into Australia's Judicial System and the Role of Judges require the committee to have particular reference to:

- a. procedures for appointment and method of termination of judges;
- b. term of appointment, including the desirability of a compulsory retirement age, and the merit of full-time, part-time or other arrangements;
- c. jurisdictional issues, for example, the interface between the federal and state judicial system; and
- d. the judicial complaints handling system.

Conduct of the inquiry

1.4 The committee advertised the inquiry in *The Australian* newspaper on 11 and 25 February and 8 and 22 April 2009. Details of the inquiry and associated documents were placed on the committee's website. The committee also wrote to a total of 59 organisations and individuals inviting submissions by 31 July 2009.

1.5 The committee received 39 submissions directly to this inquiry, and 5 submissions made to the earlier joint inquiry were relevant to these terms of reference. All 44 submissions are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public. The committee also received significant *additional information* which also is listed at Appendix 1 and is available through the committee's website.

1.6 The committee held public hearings in Sydney on 11 June 2009, Melbourne on 12 June, Perth on 13 July 2009 and Canberra on 17 November 2009. A list of witnesses who appeared at the hearings is at Appendix 2, and copies of the Hansard transcript are available through the internet at <http://www.aph.gov.au/hansard>.

Scope of the report

1.7 The structure of the report is as follows: