

APPENDIX 5

LAW COUNCIL OF AUSTRALIA – EXTRACT FROM SUBMISSION 11

Attachment A

Attributes of Candidates for Judicial Office

Legal Knowledge and Experience

1. It is necessary that successful candidates:

a) will have attained a high level of professional achievement and effectiveness in the areas of law in which they have been engaged while in professional practice; and

b) will possess either:

(i) Sound knowledge and understanding of the law and rules of procedure commonly involved in the exercise of judicial office in the court to which they are to be appointed; or

(ii) In the case of candidates with more specialised professional experience, the ability to acquire quickly an effective working knowledge of the law and rules of procedure in areas necessary for their work not covered by their previous experience.

2. It is desirable that successful candidates have court or litigation experience.

Professional Qualities

3. It is desirable that successful candidates possess the following professional qualities:

a) intellectual and analytical ability;

b) sound judgment;

c) decisiveness and the ability to discharge judicial duties promptly;

d) written and verbal communication skills;

e) authority – the ability to command respect and to promote expeditious disposition of business while permitting cases to be presented fully and fairly;

f) capacity and willingness for sustained hard work;

g) management skills, including case management skills;

h) familiarity with, and ability to use, modern information technology or the capacity to attain the same; and

i) willingness to participate in ongoing judicial education.

Personal Qualities

4. It is desirable that successful candidates possess the following personal qualities:

- a) integrity, good character and reputation;
- b) fairness;
- c) independence and impartiality;
- d) maturity and sound temperament;
- e) courtesy and humanity; and
- f) social awareness including gender and cultural awareness.

Attachment B

Office Holders to be Consulted Personally by the Attorney-General of Australia

Prior to the appointment of a Federal judge or magistrate (including a Chief Justice or Chief Magistrate), the Attorney-General of Australia should personally consult the following office holders:

- a) the current Chief Justice (or equivalent) of the Court or jurisdiction to which the appointment is to be made;
- b) the Presidents of the Law Council of Australia and the Australian Bar Association;
- c) the President of the Bar Association (or equivalent) of the State or Territory where the appointee will be assigned, or predominantly assigned, upon appointment;
- d) the President of the Law Society (or equivalent) of the State and Territory where the appointee will be assigned, or predominantly assigned, upon appointment;
- e) representatives of the Bar Associations and Law Societies of the other states and territories;
- f) the Council of Australian Law Deans;
- f) the President of Australian Women Lawyers;
- g) the Chair, National Legal Aid; and
- h) the Director, National Association of Community Legal Centres.