

## Protocol for Judicial Appointments in Queensland

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

- Supreme Court;
- 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. All participants involved in this Protocol are expected to uphold this aspect of the process.

The appointment of judicial officers is a prerogative of the Crown to be exercised by the Governor in Council, pursuant to Chapter 4 of the *Constitution of Queensland 2001*. Nothing that follows in this Protocol should be regarded as diminishing this prerogative, and the Attorney-General may depart from the Protocol should circumstances necessitate.

### The Advisory 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, in their expert opinion, considers suitable for appointment as a judicial officer for an existing or upcoming vacancy. The Panel may consider multiple vacancies.

The Panel shall consist of:

- (a) the chairperson, who shall be a former member of the judiciary with prior experience serving on the same court (or a higher Court) for which the vacancy applies;
- (b) a current or former President of the Bar Association of Queensland (if not available, a nominee of the President as agreed by the Attorney-General);
- (c) a current or former President of the Queensland Law Society (if not available, a nominee of the President as agreed by the Attorney-General);
- (d) up to three individuals who, in the opinion of the Attorney-General, represent community views and standards and/or possess knowledge, expertise or experience in the justice system that could usefully contribute to the selection of judicial officers (for example, an experienced legal practitioner, a former member of the judiciary, a current or former Executive in the Justice portfolio); and
- (e) in the case of a Land Court vacancy, a former Land Court President, former Land Court member, or a retired judge of the Supreme or District Court.

The membership of the Panel will be selected by the Attorney-General, who shall maintain lists of suitable Panel members.

The quorum for meetings of the Panel is four members and must include one of the panel members listed at (a), (b) or (c). In the case of Land Court vacancies the quorum must include the member identified at (e). Where the chairperson of the Panel is unable to participate in proceedings at any stage, the Attorney-General may select another member of the Panel to act as the Chairperson.

The Panel shall be supported by a Secretariat within the Department of Justice (DoJ).

## **The Expression of Interest 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 DoJ shall securely maintain a register of all Expressions of Interest received.

Expressions of Interest must include a curriculum vitae, three referees 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 (attached) and supply these forms along with their Expression of Interest. Form D particularly deals with 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 any other additional platforms decided by the Attorney-General, and will have a set closing date. Any Expression of Interest received during an advertised period will be considered alongside any standing Expressions of Interest previously submitted as part of the annual cycle.

The Attorney-General will consult with relevant Heads of Jurisdiction before referring vacancies for the Panel's consideration.

The Attorney-General may directly 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. If the advertisement for a vacancy spans over this time period, all applications received prior to 30 June will be considered valid for that vacancy.

The Panel may invite persons to register an Expression of Interest to facilitate their consideration and will invite the Attorney-General's (and also, by extension, the Head of Jurisdiction's) nominees to register if they are not already registered as long as this is done by the set closing date for the vacancy.

## **Vacancies in special jurisdiction courts and judicial leadership positions**

The Attorney-General shall exercise appropriate discretion in the application of elements of the Protocol, including involving the Advisory Panel, to assist with appointments to vacancies in the following special courts and judicial leadership positions:

- Chief Justice and Senior Judge Administrator;
- Chief Judge and Judge Administrator;
- Chief Magistrate and Deputy Chief Magistrate;
- President of the Court of Appeal;
- Judge of Appeal;
- President of the Mental Health Court;
- Judge of the Mental Health Court;
- President of the Children's Court;
- President of the Land Court; and
- QCAT President and Deputy President.

The Attorney-General shall, in the process of filling vacancies to any of the above positions listed, give due consideration to the existing lists of sitting judicial officers and shall consult with any persons deemed appropriate (by convention or legislation), including relevant Heads of Jurisdiction and any key stakeholders of the legal profession.

Both the Chief Justice and the President of the Court of Appeal will be consulted regarding vacancies on the Court of Appeal. The outgoing holder of a judicial leadership office listed above may be consulted on suitable candidates for the vacancy caused by their departure from office.

### 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* (2024). With the agreement of the Attorney-General, these criteria may be amended from time to time.

All legal experience will be considered, including that outside mainstream legal practice and any prior service on a Court, Tribunal or Commission of a State or the Commonwealth.

### Selection process

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

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. recusal of a Panel member where there is a clear need (e.g. consideration of a candidate who is also a family member);
- d. consultation with whoever else the Panel considers appropriate (provided the interests and confidentiality of applicants is protected);
- e. selection of a list comprising up to eight (but no less than four) suitable candidates for filling the vacancy;
- f. the lists may be accompanied by a report of supporting reasons; and
- g. supporting reasons which may be provided in relation to the candidates directly referred to the Panel by the Attorney-General.

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

### Example:

*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), and to consider any new Expressions of Interest received.*

After receipt of the Panel's shortlist, the Attorney-General will consult again with the relevant Heads of Jurisdiction and with whoever else the Attorney-General sees fit. The Attorney-General may, at their discretion, provide the relevant Heads of Jurisdiction with any details supplied by shortlisted applicants to better inform the consultation.

Following this final consultation, the Attorney-General may, if necessary, reconvene the Panel to consider any relevant matters or to request additional shortlisted names of eligible candidates.

Finally, the Attorney-General will select a person to recommend for appointment by the Governor in Council to fill the vacancy on the respective Court. The recommendation shall be subject to approval by the Premier as the case may be.

## Attachment: AIJA suggested criteria for judicial appointment

### Values

Demonstrated commitment to:

#### *Impartiality*

- Maintaining an open, independent mind while hearing evidence and submissions, and when making a decision
- Avoiding apparent and actual bias
- Observing the rule of law

#### *Integrity*

- Maintaining good character
- Recognising and dealing appropriately with actual or potential conflicts of interest
- Meeting the expectations of the Guide to Judicial Conduct and Attaining Judicial Excellence: A Guide for the NJCA

#### *Inclusivity*

- Respecting all individuals and communities served by the courts
- Recognising social disadvantage and equity needs of individuals, groups and communities
- Understanding and adapting to change, especially social change

### Skills

Demonstrated commitment to:

#### *Make decisions*

- Make timely, well-reasoned, fair and consistent decisions
- Weigh evidence to determine facts, identify applicable law, and exercise sound judgement to reach a result
- Be resilient when faced with stressful decisions

#### *Apply legal expertise*

- Maintain and enhance knowledge of law, procedure, underlying principles, and their application, as appropriate to the jurisdiction
- Quickly absorb and analyse complex, competing facts and legal argument
- Engage in professional development

#### *Manage proceedings*

- Treat others with respect, and so inspire respect and confidence
- Exercise authority calmly and professionally, particularly when challenged
- Maintain control of courtroom, using fair direction or intervention
- Specialised abilities for a particular court

*Note: Criteria in relation to the category of interpersonal and interactive abilities are also important for managing proceedings, as well as in judicial work more generally.*

#### *Manage workload*

- Work well under heavy workload, large case volume and time pressure, while maintaining high standards
- Organise time, and set and meet priorities, including production of written judgments
- Case manage individual matters effectively
- Manage large daily lists efficiently
- Use IT and master new IT processes

## Interpersonal and interactive abilities

Demonstrated commitment to:

### *Manage demeanour*

- Speak calmly, courteously, and patiently, even when necessary to be forceful
- Balance seriousness, impersonal formality and informality
- Use or display humour with care, never at the expense of a court participant or relying on stereotypes
- Maintain appropriate demeanour even under pressure
- Avoid display of sarcasm, harshness, anger, rudeness, or hostility

### *Communicate effectively*

- Listen attentively
- Ask clear, concise, relevant and understandable questions
- Explain complex, competing factual and legal material, including decisions and reasoning, clearly and concisely, orally and in writing, as appropriate to the audience[s]
- Understand social media and use it appropriately

### *Manage emotion*

- Be aware of and thoughtfully manage own emotion and the feelings of others, consistent with the judicial role
- Balance confidence and humility
- Be willing to seek assistance and support when experiencing difficulties, especially with stress or trauma

### *Interact appropriately*

- Engage constructively and collegially with others, including judicial colleagues, court administrators and staff, and others in the workplace
- Engage appropriately with a wide range of court participants, including skilled or unskilled legal representatives, represented and unrepresented parties, witnesses, jurors, and court staff
- Be considerate, tactful, and empathetic with others

### *Leadership*

Demonstrated ability to provide effective leadership, as appropriate to the particular judicial office, including:

- Motivate, support and encourage performance of others
- Maintain and improve judicial and court performance
- Represent the court and judiciary externally
- Use resources efficiently and effectively
- Introduce and manage change
- Contribute to the development of court and legal policy
- Form and implement strategic objectives

**Personal particulars form –  
Private and confidential**

**Form A**

Candidates for appointment are requested to complete and sign this form. The information is sought to assist in assessing a candidate's suitability for nomination/appointment. An answer of yes to any question(s) will not automatically exclude a person from selection. Your response will be treated as confidential and will only be used for purposes connected with this Expression of Interest.

*Note: If selected, it is requested that you advise the relevant Minister in writing of any changes to the above information on becoming aware of such changes at any time during the term of your appointment.*

<b>Name:</b>	
<b>Address:</b>	
<b>Date of birth:</b>	
<b>Place of birth:</b>	

<b>Please answer all of the following questions. If there is insufficient space below, please attach details.</b>
If selected, would you have any conflicts of interest, that is, do you have any private interests that may affect or appear to affect your public duty, eg employment, directorships, partnerships, assets or liabilities? <b>[If yes, please provide details by separate annexure.]</b>
Do you have any disclosable criminal convictions, i.e. convictions as an adult that form part of your criminal history and which have not been rehabilitated under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> ? <b>[If yes, please provide details by separate annexure.]</b> If you are unsure about the status of any criminal convictions which you have, you may wish to seek legal advice in responding to this question.
Are you aware of any charges pending against you or are there any matters involving offences which are under investigation and which may involve you? <b>[If yes, please provide details by separate annexure.]</b>
Are you, or have you been, a party either as plaintiff/applicant or defendant/respondent in any civil court proceeding (including as a director or other office holder of a company that is or was a party to such a proceeding)? <b>[If yes, please provide details by separate annexure.]</b>
Are you or have you ever been the subject of a complaint to a professional body in Australia which has been substantiated or is currently under investigation, including the Crime and Corruption Commission or the former Criminal Justice Commission? <b>[If yes, please provide details by separate annexure.]</b>
Have you ever been dismissed from employment because of a discipline or misconduct issue? <b>[If yes, please provide details by separate annexure.]</b>
Have you ever been declared bankrupt, entered into a debt agreement under Part IX of the <i>Bankruptcy Act 1966</i> or entered into a personal insolvency agreement under Part X of the <i>Bankruptcy Act</i> ? <b>[If yes, please provide details by separate annexure.]</b>
Are you aware of any physical or mental medical condition or illness which could impair your ability to discharge the duties of office? <b>[If yes, please provide details by separate annexure.]</b>
Do you know of any reason why you should not be appointed which should be disclosed for consideration? <b>[If yes, please provide details by separate annexure.]</b>

**Declaration**

I consent to provide the above information in respect of myself and understand that there is no legal obligation for me to do so. I declare that the personal information provided by me in this form is complete and correct to the best of my knowledge. I consent to a criminal history check being undertaken in respect of myself if my application is to proceed to appointment, and that the results of that check will be taken into account by the Queensland Government in assessing my suitability for appointment.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*The Department of Justice is collecting your personal information for the purpose of assessing your eligibility for appointment. It is the Department's usual practice to disclose your personal information where it is relevant and appropriate with regards to the appointment. This may include the Department of the Premier and Cabinet and Queensland Treasury.*



**QUEENSLAND POLICE  
AUTHORITY AND INDEMNIFICATION**

CONSENT TO CHECK NATIONAL POLICE RECORDS AND ADVISE A THIRD PARTY

(Family Name)	MR/MRS/MS/MISS
(Given Names)	

(Former Maiden Name, Married Name/s, or Aliases)

(Residential Address)	
POSTCODE	
TELEPHONE	
PRIVATE (     )	BUSINESS (     )

DATE OF BIRTH	/     /	PLACE OF BIRTH	
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***PROOF OF IDENTITY***

**Attach a legible –  
photocopy of your current Driver's Licence OR  
photocopy of your current passport including photograph and signature OR  
photocopies of two other forms of identification bearing your signature**

<b>NAME OF THIRD PARTY</b>	
This check is for the purpose of undertaking work with the Third Party that is <b>PAID</b> <b>UNPAID</b>	

I, ..... whose personal particulars are set out above, authorise the Commissioner of Police or his servants or agents to:

check my name against records that are held by the Queensland Police Service or are available to them nationally from other Australian Police Services, and I further agree to provide my fingerprint impressions if required for checking purposes, and if I do not have a conviction or if I only have a conviction that cannot be disclosed by virtue of the Criminal Law (Rehabilitation of Offenders) Act 1986 (Qld) to advise the above-named third party that I do not have a conviction that can be disclosed. If I have a conviction that can be disclosed, I authorise the disclosure to the above-named third party of the details of that conviction. I clearly understand that any details disclosed to the above-named third party will be considered by them and may affect any application I have made with them for a position of trust or employment, or as the case may be.

I hereby agree not to take or suffer or permit to be taken any legal action whatsoever or howsoever against the Crown in the right of the State of Queensland, the Commissioner of Police or any member or agent of the Queensland Police Service in respect of advice given to a third party or the disclosure or use of information relating in any way to records under the name supplied.

SIGNATURE OF PERSON	
SIGNATURE OF WITNESS	
PRINTED NAME OF WITNESS	

**IN THE PRESENCE OF**

DATE

/     /



*The Department of Justice is collecting your personal information for the purpose of assessing your eligibility for appointment. It is the Department's usual practice to disclose your personal information where it is relevant and appropriate with regards to the appointment. This may include the Department of the Premier and Cabinet and Queensland Treasury.*

**Expression of Interest for:**

(Please tick)

- ☐ **Supreme Court**
- ☐ **District Court**
- ☐ **Land Court**
- ☐ **Magistrates Court**

<b>Name</b>			
<b>Address</b>			
<b>Date of Birth</b>			
<b>Qualifications</b>	<b>Year</b>	<b>Degree</b>	<b>University</b>
<b>Date of Admission or Call to the Bar</b>			
<b>Additional Information</b> [If there is insufficient space below, please attach details.]	<p>Are you a King's Counsel? (yes/ no)</p> <p>Please outline which courts and jurisdictions you have been admitted to below.</p> <p>Please outline your primary areas of legal practice and expertise below.</p>		

- ☐ I acknowledge that by providing this Expression of Interest I have read and understand the requirements of a judicial appointment, including those contained in the Protocol for Judicial Appointments in Queensland and associated legislation.
- ☐ Further, I acknowledge that should I be appointed to a judicial office that I may be required to serve in a remote/regional area.
- ☐ I confirm that I meet all minimum requirements for appointment as a Magistrate or Judge of the Supreme and District Courts and Land Court.

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Signature

Date:     /     /

The Department of Justice (DoJ) collects the personal information on this form to assess your eligibility for appointment to a Judicial Office. DoJ usually provides your personal information to the Department of the Premier and Cabinet and ultimately to the Governor in Council. Your personal information will not otherwise be used or disclosed unless authorised or required under a law. Your personal information will be managed and handled in accordance with the *Information Privacy Act 2009*.

# STATEMENT IN RESPONSE TO THE AIJA SUGGESTED CRITERIA FOR JUDICIAL APPOINTMENT

In accordance with the Protocol for Judicial Appointments in Queensland, your response to the AIJA Suggested Criteria for Judicial Appointment is to be no longer than two pages.

<b>Skills</b>
1. <i>Ability to make decisions</i>
2. <i>Apply legal expertise</i>
3. <i>Manage proceedings</i>
4. <i>Manage workload</i>

<b>Interpersonal and Interactive Abilities</b>
1. <i>Manage demeanour</i>
2. <i>Communicate effectively</i>
3. <i>Manage emotion</i>
4. <i>Interact appropriately</i>
5. <i>Leadership</i>