

## Processes to be followed by the Attorney-General in Judicial Appointments

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1. The Attorney-General will arrange for public advertisements in the media seeking expressions of interest and nominations for judicial appointments. It is not an essential requirement that candidates self-nominate. Potential candidates may either be nominated by third parties, or, if a selection panel (as referred to below) believes there is a more desirable candidate that has not applied or been nominated, the panel may approach and invite that person to submit their name.
2. The Attorney-General should undertake a thorough personal consultation with at least the individuals and professional bodies set out in Attachment B to this Policy.
3. A selection panel should be established by the Attorney-General to assess all applications and nominations against published criteria. The selection panel should consist of:
  - a) the head of the court or jurisdiction to which the appointment is being made (or their nominee);
  - b) a retired senior judicial officer or officers of the State; and
  - c) a senior official from the Department of the Attorney-General.

5. The published criteria should be in accordance with Attachment A to this document.
6. The selection panel will assess all applications and nominations against the published appointment criteria and develop a shortlist of suitable candidates. The panel will reserve the right to conduct, where thought appropriate, an interview with a candidate to assist in this process, but it is not obliged to do so.
7. At the completion of its deliberations the panel will provide a shortlist of recommended suitable candidates to the Attorney-General, who will be expected to propose to Cabinet the actual appointee from amongst those so-identified suitable candidates.

**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 State Attorney-General in State Appointments

Prior to the appointment of a WA Judge or Magistrate (including a Chief Justice or Chief Magistrate), the State Attorney-General 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 President of the Western Australian Bar Association;
- c) the President of the Law Society of Western Australia;
- d) the President of Women Lawyers of Western Australia Inc;
- e) the President of the Criminal Lawyers Association.