

Question 6 (page 7 of transcript):

The Hon. SHAOQUETT MOSELMANE: I will just jump in on a couple of other matters that my colleague raised earlier about the appointments of District Court judges. By appointing 70 per cent of the judges who had a defence or a prosecution background, is not the Attorney General effectively restricting the pool from which the court can choose?

Mr SEVERIN: I would have to take that on notice. But a District Court judge is a District Court judge and can adjudicate across the whole spectrum of the law as it is dealt with by the District Court.

The Hon. SHAOQUETT MOSELMANE: My understanding is that in the District Court there is a significant civil jurisdiction and you would expect that a significant number of judges or appointees would have a civil law background, would you not?

Mr SEVERIN: Again, I need to take that on notice.

The Hon. SHAOQUETT MOSELMANE: You can take this one on notice as well and tell us whether there is a pattern, whether historically other Attorneys General have decided to appoint judges who have a prosecution background as opposed to a balance of a prosecution and civil background to the District Court.

Mr SEVERIN: I will take that on notice.

ANSWER:

See response to question 1 above.

Judges Appointed to the District Court Under AG Upton

August 2015	Girdham Traill	Crown Prosecutor Crown Prosecutor
August 2015	Farmer	CWLTH DPP
November 2015	Buscombe	CWLTH DPP
March 2016	Herbert Pickering	Crown Prosecutor NSW DPP
April 2016	Wells	CWLTH DPP
May 2016	Montgomery	
July 2016	Dicker	
July 2016	Noman Ingram McLenna Sutherland Hunt	Crown Prosecutor Crown Prosecutor Crown Prosecutor

Estimates - District Court Appointments

Since Upton became Attorney General in April 2015 there have been 14 appointments of judges to the District Court. Ten of these have had a prosecution background (6 were Crown Prosecutors, one Acting Director of DPP and 3 had worked as commonwealth DPP). Over 70% of the appointments were from the prosecution (and another was Bart Bassett's Barrister at ICAC!). None of the appointments is individually objectionable but the overall impact seems wrong. District Court judges have positions advertised and you then apply (list attached). Apart from appointing barristers with a non-criminal prosecution background, they should appoint lawyers who know civil law.

1. Why have 70% of your appointment to the District Court since you became Attorney had a prosecution background?
2. Is this your Policy – or is this the policy of the justice cluster senior minister, the deputy premier?
3. Appointees to the District Court bench have to apply – do you really mean 70% of applicants where from the DPP or were Crown Prosecutors?
4. If you're refusing to appoint Judges with a defence background, aren't you restricting the pool from which to choose?
5. Doesn't this fly in the face of accepted practice?

Question 1 (page 2 of transcript):

The Hon. LYNDA VOLTZ: I will give it a go. Mr Severin might know the answer, but I doubt it. I say that only because he is the acting secretary of the department and I know where he usually works. Since the Attorney General was appointed there have been 14 judicial appointments to the District Court, and 70 per cent of the appointees have a prosecution background. Is it the Government's policy that District Court judicial appointees should have a prosecution background?

Mr SEVERIN: That is a question entirely for the Attorney General to answer. I will take it on notice and refer it to the Attorney General for a response.

Mr DAVID SHOEBRIDGE: We get the same answer from the Attorney General. Your answer is almost a replica of the answer given by the Attorney General.

The Hon. LYNDA VOLTZ: You are obviously well briefed on this issue. Is there now a departmental policy with regard to these appointments?

Mr SEVERIN: There has been absolutely no indication to me about a departmental policy that in any way discriminates one way or the other in relation to the background of candidates considered for those appointments, other than those set out in law.

The Hon. LYNDA VOLTZ: Please take on notice whether 70 per cent of the appointees have a prosecution background. Obviously I am not asking for the names, but I would like a breakdown of the appointee's background.

Mr SEVERIN: I will take that question on notice.

ANSWER:

I am advised that the statutory requirements for qualification for office in the District Court are set out in the *District Court Act 1973* (NSW).

Information about the selection criteria and process for appointment of District Court judges is available on the Department of Justice website:

<http://www.careers.justice.nsw.gov.au/Pages/our-roles/judicial-careers/Judicial-careers.aspx>.