



Policy: Continuing Professional Development

Commencement

1. This policy commences on 3 May 2024 and replaces the policy published 23 October 2008 and revised on 16 August 2013.

Purpose of the policy

2. The Land and Environment Court of New South Wales is committed to continuing professional development for Judges and Commissioners of the Court. The purpose of continuing professional development is to:
 - a) enhance professional expertise;
 - b) facilitate development of professional knowledge and skills; and
 - c) promote the pursuit of juristic excellence.

Application

3. The policy applies to all Judges and Commissioners of the Land and Environment Court of New South Wales.

Definitions

4. In this Policy:

Court means the Land and Environment Court of New South Wales.

Judge means a Judge of the Court.

Commissioner means a Commissioner or Acting Commissioner of the Court.

Learning is the process of gaining knowledge, new information, and/or new techniques. It typically includes formal training, like classroom instruction, e-learning, and workshops.



Development is the process of applying knowledge in real-world situations, improving performance through practice, and converting the knowledge into a skill. Development occurs through workplace-based opportunities, interaction with others, and engagement with new challenges as well as through feedback, coaching and mentoring.

National standard for judicial professional development

Source: <https://www.judcom.nsw.gov.au/education/continuing-judicial-education-policy>:

A national standard or benchmark for the amount of time that should be available for each member of the Australian judiciary for professional development has been developed by the National Judicial College of Australia and endorsed by the Council of Chief Justices of Australia, chief judges, chief magistrates, the Judicial Conference of Australia, the Association of Australian Magistrates, and judicial education bodies throughout Australia.

The standard, which was reviewed in late 2010, is that each judicial officer should be able to spend at least five days each calendar year participating in professional development activities relating to the judicial officer's responsibilities.

This standard need not be met in each year but can be met on the basis of professional development activities engaged in over a period of three years. This standard can be met, in part, by self-directed professional development.

Judicial officers should be released from court duties to enable them to meet this standard. However, judicial officers should commit some private time to meet the standard.

Standard for the Land and Environment Court of NSW

5. Each Judge and full-time Commissioner should spend **five days (or 30 hours)** each calendar year participating in professional development activities relating to their professional duties.
6. An Acting Commissioner should spend as many hours up to 30 hours, every calendar year participating in professional development activities related to their professional duties as they are able to spend, given their other role commitments, with the goal of maintaining their knowledge, experience and skills. Acting Commissioners should, at the minimum, attend the professional development activities provided by the Court.



Meeting the differing needs of individuals

7. There is a need to provide a range of education activities to meet the differing needs of individual members of the Court. Activities will be designed to address a range of topics and delivered in a variety of formats to assist in the development of appropriate knowledge, skills and attitudes.

Accessing professional development activities

8. To assist in meeting the standard of five days (or 30 hours), the Court and the Judicial Commission will provide:
 - 8.1 an annual conference of two full days (12 hours); and
 - 8.2 a twilight seminar series which will provide 12 hours (two days) of educational activities a year.
9. Generally, the primary focus of twilight seminars is to address topics of practical relevance to environmental dispute resolution, and a broader purpose of the annual conference is to promote the intellectual development of members of the Court, including addressing topics that challenge or expand accepted ideas and concepts.
10. The remaining day (six hours) of continuing professional education may be met by members of the Court as they feel is appropriate in order to meet their immediate or long term needs in relation to their professional development, for example, by attending an external conference or seminar of relevance to their particular professional expertise or by presenting papers in their area of expertise to other relevant bodies.

Roles and responsibilities

11. The Judicial Commission and Education Committee of the Court, with oversight by the Chief Judge, will have responsibility to develop and manage the program of educational activities provided by the Court.
12. The staff of the Judicial Commission will advise and assist the Education Committee and Chief Judge, and act on their instruction to administer and implement the continuing professional development program.
13. The Court will:
 - 13.1 Build an environment that encourages continuous learning and development within the Court.



- 13.2 Encourage and facilitate access to development opportunities.
 - 13.3 Provide time and capacity for Judges and Commissioners to build their capabilities.
14. Judges and Commissioners will:
- 14.1 Proactively take charge of their learning and development.
 - 14.2 Seek out relevant resources and courses to enhance knowledge and skills.
 - 14.3 Engage in learning and development initiatives to enhance knowledge and skills.
 - 14.4 Have regular conversations about performance and development needs.

Evaluation

15. The Judicial Commission and Education Committee will evaluate the effectiveness of the program of continuing professional development activities in order to:
- 15.1 ensure that it provides useful assistance and benefits to members of the Court in the performance of their professional duties; and
 - 15.2 provide feedback to presenters to ensure their sessions meet the needs of members of the Court.
16. Members of the Court are encouraged to provide feedback on each educational activity by completing the evaluation forms which will be distributed. The evaluation form will request input on:
- 16.1 whether or not the educational objectives were met;
 - 16.2 the program's usefulness and relevance;
 - 16.3 the program's contribution to the intellectual development of members of the Court;
 - 16.4 content;
 - 16.5 delivery;
 - 16.6 practical benefits; and
 - 16.7 improvements for future programs.



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17. The evaluation form will also ask for suggestions for themes or topics for future activities relevant to members of the Court.
18. Comments made by participants will be confidential although feedback based on participants' comments may be made available to the presenters, but not the verbatim comments.
19. An evaluation report will be prepared and will be based on a summary of the formal evaluation instrument completed by the participants and further observations provided from presenters and the Judicial Commission.

Issued by:

*The Honourable Justice Brian J Preston
Chief Judge – Land and Environment Court of NSW
Date: 3 May 2024*

Document Information

Title: Policy: Continuing Professional Development
Document Number: LEC-PPL13
Document Owner: Land & Environment Court of New South Wales
Classification: OFFICIAL
Key Words: Judge, Commissioner, Acting Commissioner, Training, Development, Education