THE AUSTRALIAN JUDICATURE - SOME CHALLENGES

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I INTRODUCTION

The judicature, or judiciary as we more commonly call it today, is the third arm of government, sometimes called the judicial arm of government. Its function is the administration of justice. The effective administration of justice requires public confidence in that process and in the judiciary. Because of the nature and importance of its function it is essential that the judiciary remains strong, independent, incorruptible and competent. If it does, that will contribute to the maintenance of public confidence in the judiciary.

Responsibility for the state of the judiciary rests with the legislative, executive and judicial arms of government. Each arm has its own responsibility in that respect. The members of the judiciary have a special responsibility. Each generation of the judiciary has a duty to maintain the institution in a sound state. It is a collective and an individual responsibility.

In this lecture I will identify some challenges facing the judiciary, that require consideration by the judiciary in particular, if we are to discharge our responsibility for the health of the judicature. They are issues that involve the other arms of government, but I suggest that they are issues in relation to which the judiciary has a particular responsibility.

II INDIVIDUAL AND COLLECTIVE RESPONSIBILITY

Members of the judiciary have, by and large, worked on the premise that if they discharge the judicial function competently, properly and fairly and observe appropriate standards of behaviour, they will have done their duty and, at the same time, will have acted in a way that will maintain public confidence in the administration of justice and in the judiciary. In that respect they are right.

This approach has contributed to a focus on our individual responsibility for the state of the judiciary. But there is a collective responsibility as well. That is, a collective responsibility to deal with issues beyond those with which we as individual members of the judiciary can deal, issues that call for a collective or institutional response. I will refer mainly to issues of that kind in this lecture.

As I have mentioned, the members of the judiciary at any one time have a special responsibility for the health of the judiciary. Like any professional group, we have a collective responsibility to see that appropriate standards are maintained.

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This collective responsibility goes beyond ensuring that, as individuals, we discharge our duty.

To some extent this collective responsibility falls on Chief Justices and other heads of jurisdiction. This is so because these matters of collective responsibility are of particular importance to courts and to jurisdictions viewed as units. But Chief Justices and heads of jurisdiction cannot deal with these matters alone.

III THE STATE OF THE JUDICATURE

Before I come to these issues, it is worth mentioning that it is not easy to find information about the state of the Australian judicature as a whole, or information revealing the matters regarded by the judiciary as matters of concern.

One source of information about the judiciary and about its concerns is 'The State of the Judicature' address given about every two years since 1977 by the Chief Justice of the High Court. The most recent of these was given by Chief Justice Gleeson in April 2003. These addresses contain a considerable amount of information about the Australian judiciary and its concerns.

'The Australian Judiciary' by Professor Enid Campbell and Professor H P Lee is the first attempt that I am aware of to make a comprehensive survey of significant matters affecting the Australian judiciary as an institution. In that respect it is an invaluable source of material. As well, there are articles and speeches that focus on particular issues.

But overall the available literature is relatively limited. I have relied mainly on my own experience as a Chief Justice to identify the challenges with which I will deal. To that extent this address is subjective. I canvassed some of these matters at the 2003 annual seminar of the Victorian County Court judges. This lecture reflects further thought on the topic, and the responses of those judges.

IV A CHANGING SOCIETY AND A CHANGING JUDICIARY

Australian society is changing. There is nothing new in that. But the rate of change is quickening. We are experiencing some fundamental changes in our society and its social structures. For example, attitudes to marriage and to the basic social unit, the family, have altered noticeably in the last fifty years. Lifestyles have changed dramatically in the last thirty years, influenced particularly by technological change and by globalisation. Young people are educated quite differently from my generation. They enter society and the workplace with attitudes and expectations which, in some respects, differ markedly from those of their parents. Workplaces now operate in a quite different manner from the way in which they operated thirty odd years ago.

It is not surprising that the law and the way in which we administer justice are changing. One would expect such changes to reflect social change. The expectations that society has of the judiciary are also likely to change, even

though the fundamentals of our work, the administration of justice, may remain unaltered. The legal profession is changing. In many respects it bears little resemblance to the profession that I entered in 1967. Its composition and work methods have been transformed.

All of these things are producing change in the judiciary and will produce further change. Our own composition, attitudes and work methods are changing. It might be stating the obvious, but it is worth repeating that we need to be open to and prepared for change because it will occur whether we like it or not. We need to be aware of change as it occurs and to ensure that we manage it properly, with an eye to our role and responsibilities. We need to anticipate change, by reflecting on whether there are changes that we need to make. I mention this in particular. To some extent change will occur whether we like it or not. But there are aspects of the judiciary that will change only if we promote change. The point to emphasise is that if we do not make changes that are called for to respond to the changing society, we run the risk of damaging the judiciary as an institution. If we allow the judiciary to function, in the broadest sense, in a manner that is not appropriate for the performance of its function in contemporary society, it will seem out of touch and irrelevant to Australians, and they will lose confidence in it.

I hardly need say that I am not advocating change for the sake of change, or change in pursuit of public popularity. We need to take particular care in this respect. The administration of justice involves fundamental and long-term values. We need to be quite sure that we do not compromise them by rushing into change. But the need to take care is not an excuse for passivity or for resistance to change. A failure to make needed changes can be just as damaging as making unwise changes.

V RECRUITMENT

I will begin at the beginning. We need to ensure that the right people are attracted to judicial office and are willing and able to accept it when offered. If we do not continue to get the right candidates for judicial office, the quality of the judiciary will suffer.

Our assumption is that a judicial officer will work full time, is willing and able to work extended hours and, I think, has a spouse or partner who is the main home-maker. The demands that we make of judicial officers reflect these assumptions. I think that we also assume that most judicial officers will remain on the bench for a substantial period, and to the retirement age, and will then retire quietly on the judicial pension. In other words, we assume that judicial office will be the last career.

There are signs that we may need to revisit some of these assumptions. If we do not, we may not get the best people. These days, many people work part-time or on a job-share basis from preference. There are more people with children who do not have the support of a home-maker. It may be that good candidates for

judicial office are excluded from judicial office by the need to work full-time and by the demands of the office. In particular, those with significant family responsibilities. We should consider the possibility of making part-time appointments to meet their needs. I do not mean acting judicial officers, I mean permanent part-time appointments. In some states part-time magistrates can be appointed, but as far as I am aware the idea has gone no further. Part-time appointments to judicial office will bring with them some obvious difficulties in terms of efficient management, and possibly in terms of restrictions on activities that can be engaged in by a person who occupies judicial office. I am not saying that the change should be made, merely that it should be considered.

We may need to review the structure of judicial remuneration. The judicial pension has provided an attraction to judicial office, because it is attractive to those who expect to occupy that office for a lengthy period and then to retire. There may be a number of suitable candidates who do not wish to undertake a judicial career as their last career. They might be interested in appointment to judicial office for a moderate period, to be followed by another career. This seems to happen quite often in America. Again, the question is whether we should make judicial office more attractive to such persons by, perhaps, offering increased judicial remuneration as an alternative to a pension earned by service. Once again, there are issues that need to be faced. Many members of the judiciary are opposed to the concept of judges returning to legal practice in particular, and there may be problems with judges moving on to other careers. Once again, what I am suggesting is that the matter is worth consideration.

There may be other changes that we could consider that would affect recruitment. My point is simply that we might need to review some of the existing assumptions about judicial office to ensure that we continue to get the best people. If we find that there is no need to do that, or that it cannot be done, so be it. But if there is a need to do it to attract the best people, and if it can be done, then we should do it.

There are two aspects of recruitment that I have not mentioned, the pool of candidates and the process of appointment. The composition of the judiciary should broadly reflect the society that it serves. If it does not, one would ask what has happened to equality of opportunity. Also, Australians need to see that they have a stake in the administration of justice. If the judiciary is seen as the exclusive preserve of a small group, they will not think that they have a stake in the system of justice. There is an important qualification to be made. The study, training and experience required for appointment to judicial office means that candidates for appointment must come from a pool of people that cannot possibly mirror the make-up of society. The pursuit of a judiciary that is representative of Australia is necessarily qualified in that way. There is not much that the judiciary can do to ensure that its composition is broadly representative. The make-up of the pool of candidates is determined largely by factors beyond our control. The process of appointment has been debated and reviewed quite a lot. All reasonable options have been identified. I believe that this issue is receiving adequate attention.

VI PROFESSIONAL DEVELOPMENT

We expect men and women appointed to the judiciary to have the core skills and experience required to discharge judicial office because we regard substantial experience in legal practice, the background of most appointees, as equipping a person for judicial office.

But the earlier approach that judges are talented amateurs who can turn their hand to any kind of judicial work and to all aspects of judicial work, without any assistance, has gradually faded. So has the belief that during a judicial career, spanning perhaps twenty years, a judge needs no help to maintain the judge's skills, to adapt to change and to remain enthusiastic about judicial work. The importance of professional development programs to assist the judiciary in this respect is now accepted.

Of particular importance are professional development programs that help judges improve their practical skills. This aspect of judicial work is not written down, and by and large can be learned only by experience or from one's fellow judicial officers. Also important are programs that help judicial officers improve their communication skills and the manner in which they deal with people who appear before them. As well, programs that refresh and reinvigorate and help to avoid burn-out are important.

Although the importance of professional development of this kind is now acknowledged, the institutional commitment needs to be greater than it has been. As well, there are some judges whose personal commitment is lacking. Some members of the judiciary apparently believe if there are any flaws in their performance they can identify them and deal with them. Experience suggests this is not always the case.

The institutional commitment certainly needs to be greater. The difficulty is that courts, by and large, do not have adequate funding to enable them to maintain a suitable range of good quality programs. Most courts have committees that run programs, as best they can, with quite limited funding. Not surprisingly, there is room for improvement in the range and quality of the programs. The exception is New South Wales, where the Judicial Commission of New South Wales is well funded and is able to provide a good range of programs. The establishment of the Judicial College of Victoria promises change for that state. Apart from that, throughout Australia professional development is somewhat hit and miss. The establishment of the National Judicial College of Australia promises change for the Australian judiciary. However, at present its funding is insufficient for it fully to discharge its national role.

Until the judiciary as an institution can win adequate funding for professional development, the programs available to the judiciary will fall short of what they should be. Attracting adequate funding for professional development is a real challenge for the judiciary. I regard it as a major challenge.

A further challenge is to ensure that we implement high quality programs of professional development, programs that really will make a difference. The belief remains fairly widespread that professional development means a lecture or seminar presented by an experienced judge or by an expert on a particular topic. To be truly effective, professional development programs need to go well beyond that, drawing on best practice in relation to adult learning. In short, there is a need to improve the range of courses, the number of courses and the manner in which professional development programs are conducted. This is a sizeable task. As well, we need to make good use of the latest developments in information technology.

It is unrealistic to think that the majority of judges can occupy judicial office for somewhere between fifteen and twenty years and, without the benefit of high quality professional development programs, continue to perform as well as they are capable of performing. Most of us are likely to have, or to develop, flaws in our practices that could and should be removed. Most of us are at risk of developing some poor habits along the way. As well, expectations of judges are changing. Unless we give the judges all the help they need, they will struggle to meet those expectations and will struggle to perform at their best for the whole of their judicial career.

As well as winning the funds that will help us make an appropriate institutional commitment, there is also the need to which I have referred, to persuade the judiciary as a whole of the importance of making an individual commitment. Most professions now recognise the importance of continuing professional development. The members of the judiciary need to do the same.

I want to touch on one particular aspect of professional development, namely, performance review. A judge or magistrate can sit on the bench for his or her career, which might be twenty years or more, and never have the chance to observe how other judicial officers deal with their work in court and never have the benefit of informed and constructive comment on their own performance. There is nothing to stop us continuing to repeat the same mistakes, developing bad habits or gradually falling away from best practice. I am talking here about the judge's performance in court, not the judge's knowledge or application of the law. An appellate court can detect and correct problems in the latter area. Deficiencies in the judge's performance in court are not likely to be dealt with in this way. The idea that members of the legal profession will, on an informal basis, provide informed and constructive comment to a judge about the judge's performance is a myth. The fact is, it does not happen to any significant degree. How many other professions, whose work depends so much on how they deal with people, would allow a situation like this to continue?

I have come to the view, over the last few years, that as an institution we need to develop our own system of performance review. I mean a system that will provide individual judicial officers with informed and constructive comment on their performance, in a manner that will help the judicial officer identify any deficiencies in the way in which courtroom work is done. I know that many

judicial officers disagree with me. They say that this has not been necessary in the past, so why is it necessary now? I challenge the premise and the conclusion. In my experience most barristers have appeared before a judicial officer whose performance in court can be criticised and can be improved. I suspect that usually the judicial officer in question is unaware of the deficiency. In any event, as I have earlier said, times are changing. Litigants, witnesses and others no longer accept treatment from judicial officers that they might have accepted in the past. Expectations in this respect are higher.

It will not be easy to develop an appropriate program, but I believe that it can be done. Some American states have done so and, on the basis of my reading, have done so with success. Any such system must have safeguards that recognise the impact of judicial independence.

I regard this as a significant challenge for the judiciary. If we do not meet it, I fear that public respect for the judiciary will suffer. Australians no longer accept that persons who occupy high office or who have high professional status are entitled to operate with inadequate people and communication skills. In short, professional development is a significant issue. We need to attract adequate funding and to develop high quality programs.

VII MANAGEMENT

Judicial independence requires that the judiciary be responsible for its own management. Until relatively recently that involved little more than ensuring that enough judges were appointed to dispose of a court's workload within a reasonable time, ensuring that enough courtrooms were available, ensuring that court registries operated efficiently and managing judicial rosters. That is no longer the case. Like it or not, courts, or more precisely, court registries, are now regarded by the public as 'service providers'. People going to court registries or using registry services expect standards of service that are provided by service providers in the community. A range of expectations now exists in relation to court registries that did not exist until recently and that cannot be ignored. These expectations spill over to the court as well. We must provide facilities for the disabled, we must consider the needs of victims and vulnerable witnesses, the public rightly expect decent waiting facilities at courts, they expect to be treated courteously and considerately when they are involved with the courts. We are expected to be alert to cultural and ethnic sensibilities. There is no need to multiply examples. The courts and court managers are recognising that they are part of a larger system involving the police, the private profession, prosecuting authorities, a range of government agencies and correctional services. What happens in one part of the system can significantly affect the operations of another part of the system. Increasingly we have to work together with other persons and agencies involved in this broader system of justice.

In many respects our staff and our registries and the judiciary are meeting expectations that were not there, or were not met, twenty odd years ago.

Effective management of the courts has become much more complex than it was in the past.

The Australian Institute of Judicial Administration has made a major contribution to the manner in which Australian courts have responded to this challenge. We cannot afford to slacken off here. If anything, the resources available to courts need to be increased to enable them to meet these expectations. We have to respond to the challenge of managing our staff and our facilities to the highest standards.

The challenge lies not just in doing what I just said. We also need to get through to the judiciary as a whole that the public do not distinguish between the judicial and administrative aspects of the courts. If the public are not treated appropriately at either level, they consider that the court has failed them, and their estimation of the administration of justice is diminished.

We need to develop a strong sense of partnership between the judiciary, or at least those with responsibilities for court administration, and the court administrators. Putting it colloquially, we are in it together. As an institution the judiciary needs to be aware of the importance of court administration to our judicial work, and must work with our administrators.

The primary responsibility of judicial officers is to discharge the judicial office. Only a small number of judicial officers are directly concerned with judicial administration and court administration. But as an institution the judiciary does need to understand the close relationship between its work and that of court administration and the need to provide registry services and court facilities that meet public expectations.

In that context, more attention needs to be given to the work of Chief Justices and other heads of jurisdiction. Most heads of jurisdiction come to that role with no training or experience in the management of people, resources or public facilities. Court administration is mainly performed by skilled administrators, but the head of jurisdiction is the principal point of intersection between the administrative and judicial arm of the courts. The head of jurisdiction is likely to influence significantly the approach to court administration.

We should provide training and support for heads of jurisdictions in their management role, both in relation to court administration and in relation to management of the judiciary. I believe that there is evidence that this is needed, and that we cannot afford to ignore the need. At most levels, heads of jurisdiction meet periodically. I know from my involvement with the Council of Chief Justices of Australia and New Zealand how helpful it is to exchange views with, and to get advice and suggestions from, other heads of jurisdiction who face similar issues. But surely we can do better than rely on this informal networking. I regard this as a challenge we must face.

Persuading the executive government to recommend to Parliament an appropriation of funds sufficient for the courts to meet public needs and expectations has always been a problem. As the saying goes, there are no votes

in courts. To some extent we suffer from the fact that we do not have reliable and satisfactory means of measuring the flow of work coming to the courts and measuring the rate at which it is disposed of (meaning disposal in terms of numbers and time standards). The importance of reliable statistics can be overstated. But the measurement of workload demands on the judiciary and measurement of output and timeliness is a discipline in its infancy. I think that we could make our case better, and probably manage our resources better, if we had management information that enabled us to demonstrate more clearly the changes in demand and the level of demand.

VIII JUDICIAL CONDUCT

We know that to maintain public confidence in the judiciary, members of the judiciary must observe high standards of conduct in the judicial role and must accept some significant restraints on their conduct in their private life.

Public and media scrutiny of judicial conduct has increased. There is no reason to regret that. If judicial conduct falls below acceptable standards, that should be exposed and should be dealt with. The publication of the 'Guide to Judicial Conduct' by the Australian Institute of Judicial Administration for the Council of Chief Justices is a significant development. It enables us to demonstrate to the public that we do aspire to high standards of conduct and to inform the public of what those standards are.

A challenge for us is to keep those standards under review. In a changing society, we need to ensure that they are observed and adjusted as required. There is a healthy and encouraging awareness within the judiciary of the importance of this. This is another institutional challenge.

IX CRIMINAL JUSTICE

The aspect of judicial work that presents the greatest challenge to maintaining public confidence in the judiciary is probably the administration of criminal justice. There are several reasons. Public expectations have changed. Victims of crime are demanding, and rightly have been given, a place in the system of criminal justice. But further demands for involvement in the prosecution process and in sentencing are being made. Assessing those demands and accommodating them within our adversarial system is not easy. Second, the manner in which justice is administered and the manner in which the courts deal with their business is rightly expected to be far more sensitive than it was in the past to the needs of people like the disabled and the vulnerable. Third, certain types of cases, for example, cases involving sexual offences against children, are giving rise to particular difficulty in ensuring both fairness to the accused and to the victim and in providing a process and an outcome that is both just and acceptable to the public. Fourth, the sentencing process is subject to a lot of media scrutiny. We are in a phase in which there is concern about rising levels of crime and a

corresponding demand for heavier sentences. Sometimes, although not always, the demand for heavier sentences rests on erroneous or at least simplistic assumptions about the appropriateness of heavier sentences.

Responding appropriately to the public attitude to the administration of criminal justice in these respects is a real challenge for the judiciary. We administer justice on behalf of the community and, to some extent, it must be administered in a manner that reflects community expectations. But we cannot simply give way to those who make the most noise and without regard to basic principles. On the other hand, we need to recognise that a changing society and changing expectations may call for significant changes to the system. The existing system is not a purely logical construct. It reflects to some extent the nature and expectations of our society. It would be wrong to say that it cannot be improved. It would be equally wrong to say that because it has worked satisfactorily in the past it will remain satisfactory in contemporary circumstances.

The public debate about these matters, such as it is, is often conducted in the media at a superficial level. To some extent the public debate is affected by political rivalry that at times results in the public being given simplistic solutions.

The issues that arise are complex and there are no simple solutions. A particular problem for the judiciary is that it is not well placed to engage in the debate. Often the debate centres on a particular case on which we cannot comment. Sometimes the debate becomes political and then we have to avoid appearing to take sides in a political argument. We do not have the resources to research issues, to deal with interested parties and to develop proposals for law reform. That is not our function. Nor are we organised to provide a national response. All this means that our role tends to be local and reactive and one with a relatively narrow focus, usually consisting of comments on proposals made by others and, even then, often avoiding comment on matters of policy as distinct from matters of technique.

We have a real interest in the manner in which criminal justice is administered. I do not mean a self-seeking interest. I mean that in the public interest we, because of our experience, are well placed to assess the impact of proposed changes on the administration of justice and on the quality of justice. But often when the debate is at its most vigorous, we are effectively side-lined.

Managing the situation is a real challenge for the contemporary Australian judiciary. It raises the issue of whether we need to re-assess our traditional approach to involvement in such debates. This is a serious issue. If changes to the administration of criminal justice are proposed that will not work as expected, or will not work satisfactorily, we run the risk of being seen to be responsible, in the public eye, for their failure. And yet if we buy into the public debate to oppose them, we run the risk of breaching existing conventions that have served us well. We also tend to be seen as simply protecting the status quo. We are the ones who will have to implement the change and we have a particular responsibility for the quality of justice, and yet as things are, we run the risk of being saddled with reforms that will either raise expectations that cannot be met

or compromise the quality of justice. Yet, if we oppose the reforms, we are seen as reactionary, or, as I have said, breaching established and sound conventions. I regard this as one of the most significant challenges confronting the Australian judiciary.

X MEDIA

This leads conveniently to another challenge, which is the relationship between the judiciary and the media.

This is a large topic in itself. I will confine myself to certain aspects only. The media have a significant effect on the public's impression of the judiciary and so can affect public confidence in the judiciary. The manner in which the media portray the judiciary is important, because the media are the public's main source of information about the judiciary. For example, when the print media want a picture of a group of judges for a story, they often use a shot of judges in ceremonial robes. Pictures or footage of individual judges are often taken from ceremonial sittings of the court, because these are one of the few occasions on which the media can get pictures of individual judges in their robes. It is hardly surprising if members of the public think that we work in our ceremonial robes and regard us as strangely old fashioned for that reason. Unless we provide the media with material that we would prefer them to use, we can hardly complain. This is just one small example. Many judges are resistant to the idea that the judiciary should provide the media with file footage and, in particular, they are resistant to the cultivation of a media 'image'. On the latter point I agree with them. But we have to be realistic. We want the public to see us as we are. We want the public to have a reliable impression of us and of our work. To achieve that, we need to work with the media and to use the media ourselves.

The manner in which the media report court proceedings is equally important. We have a real stake in encouraging and helping the media to report proceedings accurately. We have that stake because of our responsibility for public confidence in the process and because that public confidence is affected by the manner in which the process is reported. We can encourage and help the media in various ways by using our media officer. We need to see this as part of the institutional responsibility of the judiciary.

There is a fair level of acceptance within the judiciary now that the judiciary must do what it can to inform the public about the judiciary and the administration of justice, and must use the media to do so. It is no longer enough simply to do our judicial work well. We have to do more. In particular, we need to do what we can to improve the quality of the information provided to the public about our work. We have to do this with limited resources, without losing sight of the fact that our primary role is the administration of justice, without being lured into the dangers of image shaping, and without involving ourselves in the media or trying to use the media in the manner in which politicians and 'spin doctors' do. We have more or less abandoned our earlier approach of having almost nothing to do

with the media. The influence of the media on public confidence in the judiciary is too great to adhere to that approach. But we also have to be careful not to go too far the other way. I regard the management of the relationship between the courts and the media as a significant challenge for the judiciary.

On Tuesday 2 September 2003, the editorial column in Adelaide's *The Advertiser* referred to recent criticisms of the legal system by the Premier. The writer called on judges, magistrates and lawyers to speak out if they disagreed, and not just grumble privately. The writer concluded: 'If the Premier is wrong, those purporting to uphold the highest standards of the law should set him straight with neither fear nor favour'. In a way, this is correct, but unfortunately the solution is not so straightforward.

XI JUDICIAL INSTITUTIONS

I have canvassed a number of challenges that face the judiciary as an institution. I have said that they call for an institutional response. I have mentioned several bodies that are involved in providing that response. The Judicial Conference of Australia warrants a particular mention. Its membership is open to all levels of the Australian judiciary and to the judiciary from all jurisdictions. On some of these issues it is well placed to speak for the judiciary as a whole. Its resources are somewhat limited, because so far it has been mainly dependent on subscriptions provided by members of the judiciary who become members. Hopefully, the Judicial Conference will attract funding from other sources that will enable it to commit resources to some of these issues. But our federal structure means that a number of these issues will also require a response that is specific to a particular court or jurisdiction. There is no one body that can assume responsibility for all of these issues. Certainly, there is no one body that is funded to provide that response. Despite that, I do not advocate the formation of yet another body. The challenges that I have identified should be met by the existing institutions and people.

The point I would make is that the judiciary needs to think about these issues at an institutional level and needs to do more about them on an institutional basis. Somehow we must find the time and the resources to do so, and that also is part of the challenge.

XII CONCLUSION

As an institution and as an arm of government, the judiciary has coped well over a long period of time with the demands placed on it. I am confident that Australia's judges and magistrates will continue to perform, as individuals, to a high standard. But I believe that we are entering a phase in which we face challenges that call for an institutional response, if the judiciary as a whole is to continue to perform to the highest standard and to have to the fullest the confidence and support of Australians.