



Statement on Judicial Wellbeing by Chief Justice of New South Wales

On 4 March 2025, the General Assembly of the United Nations adopted *Resolution 79/266*, which proclaimed 25 July of each year as the *International Day for Judicial Well-being*. Member States, judicial institutions, academia and civil society were encouraged to observe the day through activities tailored towards education and increased public awareness of judicial well-being. This statement is directed to that end.

The Preamble to the Resolution:

“Reaffirm[ed] that a well-functioning judiciary exemplifies the six core judicial values enshrined in the Bangalore Principles of Judicial Conduct: independence, impartiality, integrity, propriety, equality, competence and diligence,

Acknowledg[ed] that the physical and mental well-being of judges is crucial for promoting competence and due diligence, which highlights the importance of addressing judicial stress and the necessity of providing appropriate support, [and]

[Took] note of the Nauru Declaration on Judicial Well-being, adopted on 25 July 2024”.

The Nauru Declaration on Judicial Well-being¹ was the precursor to the Resolution and declared the following seven principles:

1. Judicial well-being is essential and must be recognized and supported.
2. Judicial stress is not a weakness and must not be stigmatised.
3. Judicial well-being is a responsibility of individual judges and judicial institutions.
4. Judicial well-being is supported by an ethical and inclusive judicial culture.
5. Promoting judicial well-being requires a combination of awareness-raising, prevention, and management activities.
6. Judicial well-being initiatives must suit the unique circumstances and requirements of national jurisdictions.
7. Judicial well-being is enhanced by human rights.

I endorse these principles and make the following observations on this important topic.

That judicial well-being is essential for the administration of justice and must be recognised and supported is self-evident. The task of a judicial officer, at all levels of the judicial hierarchy, carries peculiarly onerous responsibilities. The vast majority of decisions made by judicial officers in New South Wales affect an individual’s liberty, property, personal well-being and security, family, status and health or financial position. And the effect of those decisions extends to the families of litigants, victims and to society more generally. Judicial officers carry the burden of these decisions and their consequences every single day.

¹ See R Wimalasena, L C Leitch, C Schrever and J Fogel, “The Nauru Declaration: A Milestone for Judicial Wellness” *Judicature International* (2025).

Judicial work is largely solitary (especially but not only in rural and regional settings) and open to public scrutiny (and appropriately so). With a population of over 8.5 million spread over 800,000 square kilometres and with an economy valued at almost \$700 billion, New South Wales has a judiciary of approximately 330 dedicated men and women.² This human capital is a precious public resource, making the well-being of judicial officers not only a laudable goal in and of itself but one which should be of important community concern.³

The volume of work is vast. In 2024, some 4,316 matters were filed in the Supreme Court's Common Law Division and 4,334 matters in the Equity Division.⁴ The number of bail applications also surpassed 3,100, an increase of approximately 24% from the previous year.⁵ This work is performed by the 20 members of the Supreme Court's Common Law Division who also sit on the most serious of criminal trials, on the Court of Criminal Appeal and also hear civil disputes. The District Court's most recent annual report recorded an increase of 14% of criminal trials and 10.1% in the number of cases filed in the civil jurisdiction.⁶ Some 1,872 criminal trials were listed for hearing, 61.9% of which proceeded to verdict, and the average length of a trial was 11.37 days.⁷ A very large percentage of these were concerned with sexual assault and or domestic violence. There are just over 90 District Court judges. In the Local Court, some 388,739 criminal and 67,805 civil matters were commenced in 2024.⁸ Nearly half of that Court's caseload in 2024 was related to domestic, family and personal violence cases.⁹ Almost 40,000 bail applications were also determined in the Local Court last year. There are approximately 150 magistrates. The State's magistrates regularly deal with more than 100 cases in a day. This is not personally or institutionally sustainable.

These figures speak powerfully to the immense volume of work undertaken by the State's judiciary and the diligence of the judicial officers who comprise it. Their work is unrelenting, and they are stretched to capacity. Burnout is an ever-present risk. As I observed in opening the 2024 Law Term: "Our judges and magistrates can only be stretched so far. And overstretched they are, both in terms of numbers and resourcing. The pool of their undoubted goodwill and physical and emotional capacity is not infinitely deep".¹⁰ This is only exacerbated by threats of physical violence to, and trolling of, judicial officers, increasingly fired by social media. Such conduct is real¹¹ and supplies an added source of stress for judicial officers.

What the figures I have referred to do *not* convey is that the *nature* of so much of the judiciary's work brings with it peculiar stresses and the inevitable scope for vicarious or secondary trauma and depression. Daily exposure to sharp differences, disputes and argumentation render judicial officers especially vulnerable as a group.¹² This is especially the case for judicial officers working in high-volume, summary jurisdictions, regularly dealing with domestic violence and/or for those judges and magistrates hearing criminal, juvenile and family law matters and criminal appeals on a regular basis.

² The New South Wales judiciary comprises the Supreme Court, Land and Environment Court, Industrial Relations Commission, District Court, Local Court, Drug Court, Children's Court, Youth Koori Court and Coroner's Court.

³ C Schrever et al, "The Psychological Impact of Judicial Work: Australia's First Empirical Research Measuring Judicial Stress and Wellbeing" (2019) 28 *JJA* 141 at 141.

⁴ Supreme Court of New South Wales, *Annual Review 2024* at 28, 33.

⁵ Supreme Court of New South Wales, *Annual Review 2024* at 5.

⁶ District Court of New South Wales, *Annual Review 2023* at 32, 40.

⁷ *Ibid* 32, 34.

⁸ Local Court of New South Wales, *Annual Review 2024* at 10.

⁹ Local Court of New South Wales, *Annual Review 2024* at 12.

¹⁰ The Hon A S Bell, "The Bicentenary of the Supreme Court and its Significance" (Opening of Law Term Dinner Address, Law Society of New South Wales, 31 January 2024) at 8.

¹¹ See the Hon A S Bell, "The Third Arm and the Fourth (and Fifth) Estates" (Senior Courts Judges' Conference, New Zealand, 16 April 2025).

¹² The Hon M D Kirby AC CMG, "Judicial Stress" (1995) 2(3) *TJR* 199, and a revised version at Judicial Commission of New South Wales, *The Role of the Judge*, Education Monograph No 3, 2004 at p 43.

These judicial officers are routinely exposed to the most confronting of circumstances and societal dysfunction which makes occasional claims by certain sections of the media to the effect that the judiciary is “out of touch” or “sit in ivory towers” as regrettable as it is ill-informed.

The well-being of judicial officers is critical to the optimal functioning of the judiciary. Recent empirical studies in Australia mean that we now know more about the causes of judicial stress than we have in the past,¹³ and the tragic passing of two Victorian magistrates by suicide in 2017 and 2018, and of Federal Circuit Court Judge Guy Andrew in 2020, as well as a host of premature judicial retirements prompted by stress and burnout, highlight the fact that this issue is confrontingly real.

It has also correctly been observed that “stress undermines key human faculties required for good decision making. It undermines our objectivity and critical thinking, making it more likely that decisions will be infused with unconscious biases or heuristics.”¹⁴ The link between judicial well-being and both judicial integrity and the quality of judicial decision-making is also well established.¹⁵

Happily, we have long passed the time when it was contended that recognition of the reality of judicial stress and the corresponding importance of judicial well-being implied a degree of weakness or vulnerability on the part of the judiciary, thereby undermining public confidence in the administration of justice. As with a greater appreciation of the importance of mental health in society more generally, so too recognition of its importance within the judiciary is salutary. Stress is most pernicious when it goes untreated and develops into distress or depression, and the implications of these conditions for good and competent judicial decision making are obvious.

Heads of jurisdiction in New South Wales are acutely conscious of the importance of judicial well-being. The Judicial Commission has a judicial well-being portal on the Judicial Information Research System (JIRS) to assist judicial officers maintain and sustain a healthy judicial life. This includes personal accounts from the Bench, a repository of academic research, strategies for judicial well-being, mental health issues, advice as to the availability of professional help and self-help programs as well as guidance for assisting colleagues who may be labouring under their work burdens or are showing symptoms of mental stress. All judicial officers in New South Wales are encouraged to be aware of this valuable resource. Judicial well-being is now also an established feature of judicial orientation.

But beyond institutional and personal self-help strategies, support is required from government. The single greatest source of stress and pressure on the judiciary is the volume of work expected to be discharged by the State’s judicial officers. Proper resourcing in terms of numbers of judicial officers and of adequate facilities including properly equipped court rooms to accommodate this workload and proper security is essential. Backlogs in the hearing of cases are not caused by any lack of judicial diligence. The judiciary must be recognised as providing the community with an essential service, and its work must be valued, respected and appropriately funded in that context.

The *International Day for Judicial Well-being* provides a timely occasion to make these points. I acknowledge the hard work of the State’s judiciary and thank its dedicated judicial officers and registry staff for the vital and essential role they play in our democracy.

25 July 2025

**The Hon. Andrew Bell
Chief Justice of New South Wales**

¹³ See, eg, Schrever et al at fn 3 above; J Hunter et al, “A Fragile Bastion: UNSW Judicial Traumatic Stress Study” (2021) 33(1) *JOB* 1.

¹⁴ R Wimalasena, L C Leitch, C Schrever and J Fogel, “The Nauru Declaration: A Milestone for Judicial Wellness” *Judicature International* (2025).

¹⁵ UNODOC, “Exploring Linkages between Judicial Well-Being and Judicial Integrity: Report on the Global Survey Conducted by the Global Judicial Integrity Network” (2022).