

INDEPENDENT AUDITOR'S REPORT



Government of South Australia

Auditor-General's Department

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To the Judicial Conduct Commissioner Judicial Conduct Commissioner

Opinion

I have audited the financial report of the Judicial Conduct Commissioner for the financial year ended 30 June 2021.

In my opinion, the accompanying financial report gives a true and fair view of the financial position of the Judicial Conduct Commissioner as at 30 June 2021, its financial performance and its cash flows for the year then ended in accordance with the relevant Treasurer's Instructions issued under the provisions of the *Public Finance and Audit Act 1987* and Australian Accounting Standards.

The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2021
- a Statement of Financial Position as at 30 June 2021
- a Statement of Changes in Equity for the year ended 30 June 2021
- a Statement of Cash Flows for the year ended 30 June 2021
- notes, comprising significant accounting policies and other explanatory information
- a Certificate from the Judicial Conduct Commissioner.

Basis for opinion

I conducted the audit in accordance with the *Public Finance and Audit Act 1987* and Australian Auditing Standards. My responsibilities under those standards are further described in the 'Auditor's responsibilities for the audit of the financial report' section of my report. I am independent of the Judicial Conduct Commissioner. The *Public Finance and Audit Act 1987* establishes the independence of the Auditor-General. In conducting the audit, the relevant ethical requirements of APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* have been met.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibilities of the Judicial Conduct Commissioner for the financial report

The Judicial Conduct Commissioner is responsible for the preparation of the financial report that gives a true and fair view in accordance with relevant Treasurer's Instructions issued under the provisions of the *Public Finance and Audit Act 1987* and the Australian Accounting Standards, and for such internal control as management determines is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Judicial Conduct Commissioner is responsible for assessing the entity's ability to continue as a going concern, taking into account any policy or funding decisions the government has made which affect the continued existence of the entity. The Judicial Conduct Commissioner is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

Auditor's responsibilities for the audit of the financial report

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987*, I have audited the financial report of the Judicial Conduct Commissioner for the financial year ended 30 June 2021.

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Judicial Conduct Commissioner's internal control

- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Judicial Conduct Commissioner
- conclude on the appropriateness of the Judicial Conduct Commissioner's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify the opinion. My conclusion is based on the audit evidence obtained up to the date of the auditor's report. However, future events or conditions may cause an entity to cease to continue as a going concern
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

My report refers only to the financial report described above and does not provide assurance over the integrity of electronic publication by the entity on any website nor does it provide an opinion on other information which may have been hyperlinked to/from the report.

I communicate with the Judicial Conduct Commissioner about, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during the audit.



Andrew Richardson

Auditor-General

30 September 2021

Judicial Conduct Commissioner

Financial Statements

For the year ended 30 June 2021

Judicial Conduct Commissioner
Certification of the Financial Statements
for the year ended 30 June 2021

I certify that the

- financial statements of the Judicial Conduct Commissioner:
 - are in accordance with the accounts and records of the Judicial Conduct Commissioner;
 - comply with relevant Treasurer's Instructions;
 - comply with relevant accounting standards; and
 - present a true and fair view of the financial position of the Judicial Conduct Commissioner, at the end of the financial year and the result of its operation and cash flows for the financial year.
- internal controls employed by the Judicial Conduct Commissioner for the financial year over financial reporting and preparation of financial statements have been effective.



The Honourable Ann Vanstone QC
Judicial Conduct Commissioner (2 September 2020 to 23 September 2021)
29 September 2021

Judicial Conduct Commissioner
Statement of Comprehensive Income
for the year ended 30 June 2021

	Note	2021 \$'000	2020 \$'000
Income			
Recoveries	2.1	5	6
Total income		5	6
Expenses			
Supplies and services	4.1	-	2
Other expenses	4.2	5	4
Total expenses		5	6
Total comprehensive result		-	-

The accompanying notes form part of these financial statements. The net result and total comprehensive result are attributable to the SA Government as owner.

Judicial Conduct Commissioner
Statement of Financial Position
as at 30 June 2021

	Note	2021 \$'000	2020 \$'000
Current liabilities			
Payables	5.1	5	5
Total current liabilities		<u>5</u>	<u>5</u>
Total liabilities		<u>5</u>	<u>5</u>
Net assets		<u>(5)</u>	<u>(5)</u>
Equity			
Retained earnings		(5)	(5)
Total equity		<u>(5)</u>	<u>(5)</u>

The accompanying notes form part of these financial statements. The total equity is attributable to the SA Government as owner.

Judicial Conduct Commissioner
Statement of Changes in Equity
for the year ended 30 June 2021

	Retained earnings \$'000	Total equity \$'000
Balance at 1 July 2019	(5)	(5)
Net result for 2019-20	-	-
Total comprehensive result for 2019-20	-	-
Balance at 30 June 2020	(5)	(5)
Net result for 2020-21	-	-
Total comprehensive result for 2020-21	-	-
Balance at 30 June 2021	(5)	(5)

The accompanying notes form part of these financial statements. All changes in equity are attributable to the SA Government as owner.

Judicial Conduct Commissioner
Statement of Cash Flows
for the year ended 30 June 2021

	2021 Inflows (Outflows) \$'000	2020 Inflows (Outflows) \$'000
Cash flows from operating activities		
Cash inflows		
Recoveries	5	6
Cash generated from operations	5	6
Cash outflows		
Payments for supplies and services	(5)	(6)
Cash used in operations	(5)	(6)
Cash and cash equivalents at the end of the reporting period	-	-

The accompanying notes form part of these financial statements.

Judicial Conduct Commissioner
Notes to and forming part of the financial statements
For the year ended 30 June 2021

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Judicial Conduct Commissioner

Notes to and forming part of the financial statements

For the year ended 30 June 2021

1. About the Judicial Conduct Commissioner

The Judicial Conduct Commissioner (the Commissioner) was established by the *Judicial Conduct Commissioner Act 2015*.

As the Commissioner is a not-for-profit entity, Australian Accounting Standards that are applicable for not-for-profit entities have been applied. Australian Accounting Standards and Interpretations that have recently been issued or amended but are not yet effective, have not been adopted by the Commissioner for the period ending 30 June 2021.

1.1. Basis of preparation

The financial statements are general purpose financial statements prepared in compliance with:

- section 23 of the *Public Finance and Audit Act 1987*;
- Treasurer's Instructions and Accounting Policy Statement issued by the Treasurer under the *Public Finance and Audit Act 1987*; and
- relevant Australian Accounting Standards with reduced disclosure requirements.

For the purpose of preparing the financial statements, the Commissioner is a not-for-profit entity. The financial statements are prepared based on a 12 month reporting period and presented in Australian currency. The historical cost convention is used unless a different measurement basis is specifically disclosed in the note associated with the item measured.

The Commissioner is liable for goods and services tax (GST). GST collections and payments are carried out by the Attorney-General's Department (AGD) on behalf of the Commissioner. GST in relation to the Commissioner is reported in the AGD Controlled Financial Statements.

Income, expenses and assets are recognised net of the amount of GST except:

- When the GST incurred on a purchase of goods or services is not recoverable from the Australian Taxation Office, in which case the GST is recognised as part of the cost of acquisition of the asset or as part of the expense item applicable; and
- Receivables and payables, which are stated with the amount of GST included.

Assets and liabilities that are to be sold, consumed or realised as part of the normal operating cycle have been classified as current assets or current liabilities. All other assets and liabilities are classified as non-current.

1.2. Objectives

The principal function of the Commissioner is to receive and deal with complaints made in accordance with the *Judicial Conduct Commissioner Act 2015* about serving judicial officers in relation to the conduct of those judicial officers. The Commissioner's activity fluctuates depending on the number of complaints she receives.

1.3. Impact of COVID-19 pandemic on the Commissioner

There has been no material impact on the operations of the Judicial Conduct Commissioner due to the COVID-19 pandemic.

Judicial Conduct Commissioner
Notes to and forming part of the financial statements
For the year ended 30 June 2021

2. Income

2.1. Recoveries

	2021 \$'000	2020 \$'000
Recoveries	5	6
Total recoveries	5	6

3. Board, committees and employees

3.1. Key management personnel

The Commissioner is both independent and accountable to the Crown.

Related parties include all key management personnel and their close family members.

There were no individually significant transactions with key management personnel and other related parties.

Key management personnel include the Commissioner who has responsibility for strategic direction and management.

Total compensation for the Commissioner was nil.

4. Expenses

4.1. Supplies and services

	2021 \$'000	2020 \$'000
Information technology and communications charges	-	2
Total supplies and services	-	2

4.2. Other expenses

	2021 \$'000	2020 \$'000
Other *	5	4
Total other expenses	5	4

*Includes Audit fees payable to the Auditor-General's Department relating to work performed under the *Public Finance and Audit Act 1987* were \$4 100 (2020: \$4 000). No other services were provided by the Auditor-General's Department.

Judicial Conduct Commissioner
Notes to and forming part of the financial statements
For the year ended 30 June 2021

5. Liabilities

5.1. Payables

	2021	2020
	\$'000	\$'000
Current		
Creditors	1	1
Accruals	4	4
Total current payables	5	5
Total payables	5	5

Payables and accruals are raised for all amounts owing but unpaid. Sundry payables are normally settled within 30 days from the date the invoice is first received. All payables are non-interest bearing. The carrying amount of payables represents fair value due to their short-term nature.

The net amount of GST recoverable from the ATO is included as part of payables.

6. Cash flow

Cash flows are included in the Statement of Cash Flows on a gross basis and the GST component of cash flows arising from investing and financing activities, which is recoverable from, or payable to, the ATO is classified as part of operating cash flows.

7. Outlook

7.1. Unrecognised contractual commitments

There are no material commitments as at 30 June 2021.

7.2. Contingent assets and liabilities

The Commissioner is not aware of any contingent assets or liabilities in relation to its activities.

7.3. COVID-19 pandemic outlook for the Commissioner

The COVID-19 pandemic is not expected to have a material impact on the operations of the Commissioner in 2021-22.

7.4. Events after the reporting period

Commissioner Vanstone has resigned as the Judicial Conduct Commissioner effective 23 September 2021.

8. Measurement and Risk

8.1. Financial instruments

Liquidity / funding risk

The continued existence of the office of the Commissioner in its present form is dependent on State Government policy and recoveries provided by the Attorney-General's Department.

The Commissioner has received representation from the AGD that recoveries will be provided in 2021/22 to enable the Commissioner to continue her activities.