The Australian Institute of Judicial Administration Incorporated

Annual Report

for the year ended 30 June 2001

The Australian Institute of Judicial Administration Incorporated

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Chief Justice of Australia

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President, Victorian Civil & Administrative Tribunal

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Supreme Court of Tasmania
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The Hon Justice John Byrne
Supreme Court, Queensland

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Supervising Magistrate, South Australia

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Family Court of Australia

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The Hon Justice Sally Thomas AM
Supreme Court of the Northern Territory

The Hon Justice James Wood AO
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Chief Judge, District Court of South Australia

Her Honour Judge Mary Ann Yeats
District Court of Western Australia

New Zealand Representative
The Hon Justice Lowell Goddard
High Court of New Zealand

Papua New Guinea Representative
The Hon Sir Arnold Amet CBE
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Professor Greg J Reinhardt

Deputy Executive Director
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Mrs Raffaella Stefanovski

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PRESIDENT'S MESSAGE

The Hon Justice Murray Kellam

My predecessor, Justice Catherine Branson, in her annual report for the year ended 30 June 2000 stated that several initiatives were in the process of discussion or implementation. In particular she noted the changes to the Executive Structure of the Institute, a review by Council of the research activities of the Institute and the work being conducted towards the establishment of an Australian Judicial College.

I am delighted to report upon progress in relation to these initiatives. In doing so, I must acknowledge the work of Justice Branson in bringing these matters forward and in encouraging a most constructive debate in relation to them. I am also pleased to report on a number of significant initiatives undertaken by the AIJA during the past year in its conference and education activities.

At the Annual General Meeting held in Melbourne in October, members of the Institute approved the changes to the executive structure of the Institute identified by Justice Branson in last year's Annual Report. I have been pleased to have the assistance throughout this year of the two Deputy Presidents, Justice Peter Underwood and Mr Stephen Skehill. I believe that the restructuring of the Institute's Executive has been timely.

The AIJA Council has devoted much attention during the past year to the future direction of the Institute's research program. At the October 2000 Council meeting, Council identified a number of priority areas for research. Council also accepted a suggestion from Professor Neave that small grants (or seeding funds) be made available for researchers to enable them to develop smaller research projects or proposals for larger research in conjunction with government research grants in these areas. The Institute subsequently advertised the availability of grants and seed funding and the response has been gratifying. Several new research projects have been initiated and details of those projects are provided later in this report.

I am encouraged by the work that has been conducted by the Institute's Projects and Research Committee and express my appreciation to the Committee and its Convener Justice Robert Nicholson.

Another Committee with a significant workload during the past year has been the Technology for Justice Steering Committee, convened by AIJA Deputy President Justice Peter Underwood, which staged the second AIJA Technology for Justice Conference, *Technology for Justice 2000*, in Melbourne between 8-10 October 2000. The conference was a highly successful one, both in terms of its content and attendance, and was particularly marked by a high level of international attendance. The Institute looks forward to continuing its work in this area to assist courts and tribunals to obtain the maximum benefit from new technologies.

Discussion continues in relation to the establishment of a National Judicial College. During the past year, Victoria has enacted legislation to set up its own judicial college. I believe that the respective roles of a National Judicial College and a Victorian Judicial College will be complementary. The Standing Committee of Attorneys-General is to consider further the establishment of the National College.

Members of the Institute will be interested to read in the Annual Report of the initiatives taken

in relation to Papua New Guinea and the further developments with which the Institute has been associated in relation to the Indonesian judiciary. I was particularly pleased to be involved in the seminar conducted in Papua New Guinea in October/November. The AIJA's East Timor Committee, convened by Council member, Mr Richard Coates, has been actively involved in determining ways to provide assistance to the judiciary in that country as it embarks on the task of re-building.

The Institute's focus on developing and extending its ties with judicial communities in the Asia-Pacific region will continue, with plans well advanced to hold another Asia-Pacific Courts Conference in Melbourne in 2003.

I would like to thank all Council members and all of those involved in the Institute's Committees who have been responsible for much valuable work during the past year. I would like also to thank members of the Board of Management as well as the staff of the AIJA Secretariat who have diligently supported the work of the Institute throughout the year. In particular the work of the Executive Director and his Deputy has been "beyond the call of duty" at all times during the year. To a great extent their work has been responsible for the outstanding success of the educational activities of the Institute throughout the year and for the sound financial position of the Institute at this time.

The Hon Justice Murray Kellam
President, AIJA

REPORT FROM THE EXECUTIVE DIRECTOR

Professor Greg Reinhardt

The initiatives taken by Council at its meeting last October have resulted in a revitalization of the Institute's activities in the area of research. This is timely in view of a possible shift in direction from traditional education activities with the establishment of a Victorian Judicial College and ongoing discussion regarding a National Judicial College.

As Justice Kellam has pointed out in his report, Council has endeavoured to address concerns about the development of research ideas to the stage of fully-fledged projects. It has identified areas of particular research interest, has decided to make funds available from the Research Fund for the development of proposals and for the encouragement of collaboration in larger research and has actively sought applications for research assistance in respect of judicial administration.

A wide range of proposals were received as the result of advertisement in the national press. Several of these have resulted in the commissioning of small research projects or grants of seed funding for the development of proposals for broader research. Details of these appear elsewhere in the Annual Report. The Committee (now the Project and Research Committee), will be seeking further applications particularly in the area of proportionality identified in the Institute's Business Plan and by Council as an area of priority in respect of research

The Institute has conducted a number of highly successful conferences and educational activities throughout the year and these are detailed elsewhere in the Annual report. The Education Committee has been quite active. I would like to mention specifically two initiatives identified by Justice Kellam in his report, namely Papua New Guinea and Indonesia.

Justice Kellam and I travelled to Port Moresby in late October/ early November to conduct seminars and workshops for the judiciary and for the legal profession on alternative dispute resolution. Papua New Guinea, like many Pacific and Asian countries, has a history of ADR particularly in local disputes. There is, however, a need to promote ADR more widely in litigation; to identify areas where it is currently practised or where there is the facility for it to be adopted and to promote a greater willingness, particularly amongst the legal profession to use ADR in the litigious process. It is proposed that the work commenced last year be followed up by more practical workshops in September 2001.

I travelled to Jakarta in April with Justice John Byrne, AIJA Council member, and Convener of the Institute's Education Committee on behalf of the Federal Court, to look at the future direction of assistance to the judicial sector and to assess the broader judicial training needs of Indonesia. We met with a wide range of persons concerned with judicial education and judicial administration. Our inquiries involved a close analysis of the work conducted by the Supreme Court Training Centre which is responsible for judicial education throughout the Archipelago. A range of recommendations has been made to the Federal Court. I have continued my activities in relation to the conduct of an education programme for Indonesian judges in Melbourne.

It is proposed that Justice Kellam and I conduct workshops for the Solomon Islands judiciary and legal profession later in the year. Council member Richard Coates continues to be active, on behalf of the Institute's East Timor Committee, in identifying areas in which the AIJA may assist the East Timorese judiciary.

The AIJA Practice Committee has been actively involved in considering various issues relating to practice and procedure in the administration of justice. Its Technology Protocols Project produced a draft practice direction on the use of information technology in courts which has been under active consideration by a number of courts. The committee is currently considering issues such as the nature and role of diversionary courts, alternative dispute resolution in courts and mechanisms for the exchange of information between courts.

The AIJA Courts and the Public Committee has undertaken a number of activities aimed at following up the recommendations of the 1998 report by Professor Stephen Parker for the AIJA on that topic. The publication of the Institute's "Litigants in Person Management Plans: Issues for Courts and Tribunals" this year was a direct outcome of their work, as was the publication of "Public Feedback Mechanisms in Australian Courts".

The AIJA Membership Committee has continued to meet regularly and to consider a number of initiatives designed to promote membership of the Institute and to strengthen the benefits and advantages to members. These have included cooperative initiatives with the legal profession including a joint AIJA, Law Council of Australia and Federal Court seminar held in Melbourne in November last on the topic of the new Federal Magistrates' Service.

Teaching

I have been teaching the undergraduate subjects, Dispute Resolution and Legal Ethics during the academic year and Civil Procedure in the Summer School, as well as Professional Indemnity Insurance and Current Issues in Insurance Law in the Postgraduate Programme at the University of Melbourne. I have also been involved in the University's Advocacy Programme.

Writing and Private Research

I have continued to write on a monthly basis for the Victorian Law Institute Journal on Victorian Supreme Court civil cases, as well as to act as editor for, and a contributor to, the Insurance Law Bulletin.

The Journal of Judicial Administration has appeared four times during the year. I am grateful to contributors and to the publisher of the Journal, the Law Book Company, for their support for the publication.

The Secretariat

Mrs Kathy Jarrett returned from maternity leave in November to work part-time three days a week. Ms Raffaella Stefanovski joined the Secretariat in September to work part-time as Administrative Assistant (Accounts). Mrs Rosemary Carlton left the Secretariat in October.

I wish to thank my deputy, Ms Anne Wallace, Mrs. Kathy Jarrett, Mrs. Christine Crawford and the Institute Librarian, Ms Mary Young, for their work and assistance throughout the year. They have performed their duties cheerfully and willingly.

Visitors

The Secretariat received a number of visitors during the past twelve months. They included Australian and overseas academics, judges and court administrators.

Professor Greg Reinhardt
Executive Director, AIJA

COUNCIL

The AIJA Council is the Institute's governing body. It oversees the Institute's work, develops policy and identifies goals. The 29 elected and appointed members of Council come from the judiciary, (including the magistracy), tribunals, court administrators, the legal profession, government service and academia. All Council members are encouraged to take an active role and to participate in at least one of the Institute's Committees. A list of Council members as at 30 June 2001 appears at the front of this report.

The following members retired from Council at the Annual General meeting held on 7 October 2000 - Justice Neil Buckley, Mr Tony Blunn, Mr Damian Bugg, Justice Carolyn Simpson, Mr Warwick Soden and Mr Bret Walker. Mr Alan Moss also tendered his resignation from Council due to pressure of work. The AIJA expresses its appreciation to all of them for their contribution to, and active involvement in, the Institute's work during their membership of Council

The Institute's President for the past two years, Justice Catherine Branson, also retired from Council at the Annual General Meeting. At that meeting, incoming President, Justice Murray Kellam expressed the Institute's appreciation to her for her considerable efforts on its behalf during her term as President and as one of the AIJA'S longest serving Council members. He noted that her term as President had been marked by a major initiative in planning and structuring the Institute and its Secretariat to better equip it for the work ahead, which would be certain to be of benefit in coming years.

Those members joining Council this year have been - Justice Virginia Bell, Supreme Court of New South Wales, Mr Andrew Cannon, Supervising Magistrate, South Australia, Mr Robert Cornall, Secretary, Commonwealth Attorney-General's Department, Mr William Cossey, State Courts Administrator, Ms Annette Hennessy, Magistrate, Queensland, Ms Belinda Powell QC, South Australia, and Mr Richard Refshauge SC, Director of Public Prosecutions - ACT.

NEW ZEALAND REPRESENTATION ON COUNCIL

Justice Bruce Robertson retired as the New Zealand representative on Council at the Annual General Meeting held in Melbourne on 7 October. Justice Lowell Goddard, High Court of New Zealand, has replaced Justice Robertson.

BOARD OF MANAGEMENT

The AIJA Board of Management consists of the President and Deputy Presidents together with three other Council members who are elected to the Board by Council. Other members of Council can also be co-opted to the Board. The members of the Board of Management, as at 30 June 2001, were Justice Murray Kellam, AIJA President, Justice Peter Underwood and Mr Stephen Skehill, Deputy Presidents, Judge Jennifer Coate, Mr Laurie Glanfield and Professor Marcia Neave.

The task of the Board of Management is to supervise the work of the AIJA Secretariat and to exercise such delegated powers as Council sees fit. The Board takes a direct role in receiving reports from the Secretariat in relation to the Institute's day to day operations and in dealing with those aspects in between Council meetings.

LIFE MEMBERS

The AIJA award of Life Membership is given to members, or others in the judicial administration community, who are judged to have made a significant contribution to the

administration of justice or its work. Council recognised the efforts this year of two retiring Council members - Justice Neil Buckley and Mr Warwick Soden, for their outstanding achievements during their terms on Council and, in Justice Buckley's case as a past President of the AIJA. This year Council also took the opportunity to recognise the efforts of another two former Council members, Judge David Jones of the County Court of Victoria and Justice Sally Brown of the Family Court of Australia, both formerly long serving and very active Council members and AIJA supporters.

COURSE, CONFERENCE AND SEMINAR PROGRAMMES

The AIJA's Education programme consists of a range of courses, conferences and seminars designed for judges, magistrates, tribunal members, court administrators, lawyers and others with an interest in judicial administration. It consists of regularly scheduled events together with additional seminars and conferences in specialised areas designed to be of interest to those involved in particular areas of the justice system. The programme is overseen by the AIJA's Education Committee, convened by Justice John Byrne of the Supreme Court of Queensland. The education programme was well supported during the year under review.

Details of the particular programmes run during 2000-2001 are:

- **18th AIJA Annual Conference, 14-16 July 2000 (Darwin)**

  The 18th AIJA Annual Conference was the first to be held in the Northern Territory. It took place in Darwin between 14-16 July 2000 and was attended by over 120 delegates. The Conference was strongly supported by the Northern Territory Law Society who funded the attendance of the Conference's guest speaker, Justice Susan Denham of the Supreme Court of Ireland. Justice Denham's keynote address on the topic of Judicial Accountability set the tone for many of the issues discussed at the Conference. The AIJA was pleased to have in attendance at the Conference the President of the District Court of East Timor, Chief Judge Domingos Maria Sarmento, together with two judges from that Court. Their visit to Australia provided a welcome opportunity to meet Australian colleagues and discuss Australian efforts to provide assistance to the judiciary in that country.

  Other topics discussed at the Conference included:

  - Judicial education;
  - benchmarking and productivity;
  - unrepresented litigants;
  - communication and culture; and
  - court governance.

- **6th Biennial Court Librarians' Conference, 18 July 2000 (Sydney)**

  The AIJA hosts a biennial Conference for court librarians and this year's was attended by 25 librarians from courts and tribunals in Australia and New Zealand. It is a specialised meeting designed to provide an opportunity for librarians from courts and tribunals to discuss issues of current interest in their work. The keynote presentation, by management consultant Brenda McConchie was on the topic of Strategic Planning. The Conference also had a strong emphasis on technology with sessions on documentary mark up, and Legal XML and the virtual court library. A fascinating insight was also provided into the work of the New South Wales Parliamentary Library. The Conference also discussed the topic of judicial training, particularly in relation to technology and information needs and the librarians' role in relation to that.

- **National Judicial Orientation Programme, 6-10 August 2000 (Sydney)**

  A continuing joint venture between the AIJA and the Judicial Commission of New South Wales, this year's programme was attended by 22 judges from a wide variety of jurisdictions, including Tonga.

  Designed to introduce participants to a number of aspects of the task of judging, an important part of the programme is the opportunity to hear from senior judicial officers in relation to facets of the judicial role. This year's course was designed and developed by a Steering Committee convened by Justice David Lloyd of the Land and Environment Court of New South Wales.

- **Technology for Justice 2000, 8-10 October 2000 (Melbourne)**

  Australia's second national conference on the use of technology in courts highlighted an increasing trend towards the use of internet technologies to enhance the way that courts and tribunals carry out their functions. The introduction of internet-based electronic filing and the use of court websites to enable courts users and the public to obtain information were strongly featured at the conference. The conference was the product of the second stage of the Technology for Justice project, which reviewed the use of technology in courts and tribunals in Australia. It has focussed on the use of technology in ordinary cases, with particular emphasis on

  - the use of technology to improve public access to courts, as suggested in the AIJA *Courts and the Public* report; and
  - the potential for technology to assist in taking justice out into country and regional Australia.

  The conference highlighted developments in Australian jurisdictions on topics including electronic courts, case management, electronic appeals, legal information, the use of the internet to enhance public access, improving court processes, making judges' and magistrates' lives easier, security and confidentiality, investigation and litigation support, judicial support and public access from remote locations. It also featured presentations by a number of visiting overseas experts.

  The Conference was attended by over 370 delegates from Australia, Brunei, New Zealand, Papua New Guinea, Japan, Hong Kong, Italy, Germany, Norway, Canada, Israel, USA, Singapore and South Korea.

- **Alternative Dispute Resolution Workshop, 30 October-1 November 2000 (Port Moresby)**

  The AIJA, in conjunction with the Judicial Education Council of Papua New Guinea, conducted an Alternative Dispute Resolution Workshop between 30 October and 1 November 2000. The principal presenters in the Workshop were Justice Murray Kellam, AIJA President and Executive Director Professor Greg Reinhardt. The Workshop was attended by 94 judges, magistrates and members of the Papua New Guinea legal profession. The programme was followed by a visit to Australia of a number of Papua New Guinea judicial officers later this year to observe mediation programmes in the Victorian Civil and Administrative Tribunal and the Family Court. Plans are well underway to run a second seminar in Papua New Guinea later this year.

- **Programme for Indonesian Judges, 25-27 April 2001 (Melbourne)**

  Fourteen judges from throughout the Indonesian archipelago participated in this programme designed to provide them with a working knowledge of the Australian Court system and civil and criminal procedure in Australia. Part of a Federal Court judicial training project assisted by AusAID, the programme was devised by Professor Greg Reinhardt and was presented with the assistance of several AIJA Council members and supporters.

- **4th AIJA Tribunals Conference, 8 June 2001 (Sydney)**

  The theme of the 4th AIJA Tribunals Conference was "Tribunals - They Need to be Different". The conference was attended by 191 delegates, including delegates from New Zealand and Singapore.

  Sessions included:

  - Principles of Conduct for Members of Merit Review Tribunals;
  - Communication Challenges for Tribunals: a Performance Checklist;
  - Litigants in Person Plans;
  - Disqualification on the Grounds of Bias: Some Current Developments;
  - Examination of the Application of the Rules of Evidence in Proceedings in Quasi-Judicial Tribunals; and
  - Rethinking Tribunals Justice: Working with the Community.

  The conference was developed by the AIJA Tribunals Committee, as part of measures to address the continuing education needs of tribunal members.

- **11th AIJA Oration, 22 June 2001 (Sydney)**

  The AIJA Oration in Judicial Administration is designed to contribute to public knowledge and discussion of the judicial system. Since 1989 a series of distinguished speakers have addressed a broad range of topics concerning the administration of justice. This year, the AIJA was pleased to invite the Hon Justice Michael Kirby AC CMG, of the High Court of Australia, to deliver the address. His topic, "The Judiciary in Federation Centenary Year - Good News, Bad News, No News", provided the occasion for a timely reflection on the nature of the interaction between the judiciary and the media.

  The Oration has been published on the AIJA Website and will be published in hard copy format later this year.

SPECIAL PROJECTS

- **Aboriginal Cultural Awareness**

  This project was set up to implement recommendation 96 of the report of the Royal Commission into Aboriginal Deaths in Custody by providing indigenous cultural awareness training for judicial officers. The Committee, convened by Judge Mary Ann Yeats from the District Court of Western Australia, has been working on further programmes in a number of States and Territories, together with an overview publication on the programme. The Committee has also inaugurated a programme for a model bench book which is being undertaken in relation to Western Australia. It is hoped that this publication will be of use as a model to all jurisdictions. The Committee is continuing to consider how it can assist in relation to the issue of interpreters in courts and a proposal in

this area was referred to the AIJA Research Committee earlier this year. A session at this year's Annual Conference will be devoted to the topic. The Committee will be convening a national meeting in 2002 to discuss cultural awareness programmes that have been run to date and to chart some future directions.

- **Technology for Justice 2000**

The need for courts and tribunals to keep abreast of developments in the area of technology and to consider its most appropriate and effective use has been the impetus behind the AIJA's Technology for Justice programme. The first Technology for Justice Conference, held in March 1998, was preceded by a review of technology in the Australian justice system and a programme designed to look at the use of technology in all aspects - from investigations and case preparation through to the appellate process. Following the success of that Conference, the AIJA determined to hold another, which was Technology for Justice 2000, held in Melbourne on 8-10 October this year. The Conference was designed to focus particularly on the capacity of the Internet to give broad based and better access to justice and ways in which technology can assist the delivery of justice in the ordinary case. A report on the Conference is outlined above in relation to education programmes.

Anne Wallace

Following its success, the AIJA has now resolved to run a third Conference to be held in Sydney in 2002.

- **Gender Awareness**

The Institute continues to incorporate segments on awareness issues into its regular education programmes, including the ongoing project with the Judicial Commission of New South Wales for orientation programmes for new judges.

- **Courts and the Public**

The Committee, convened by Justice Robert Nicholson of the Federal Court, continued to consider the recommendations made in Professor Stephen Parker's report on *Courts and the Public* (1998), to monitor developments from the area and review implementation of the report's recommendations. Two publications this year have resulted from its work - *Public Feedback Mechanisms in Australian Courts* and *Litigants in Person Management Plans: Issues for Courts and Tribunals.*

- **East Timor Support Committee**

In March the AIJA Council resolved to establish a committee to provide support and training for the East Timorese judiciary. The Convener of the committee is Richard Coates, Director of the Northern Territory Legal Aid Commission, and other members include Neil Buckley, Peter Levy, Chris Steytler, Nick Cowdery and Greg Reinhardt.

The Committee arranged to bring the President of the Dili District Court, Dr Domingos Sarmento and two other East Timorese judges to the AIJA's Annual Conference in Darwin in July. Dr Sarmento gave a moving address to the conference outlining the belief that the major challenge for the judiciary is to promote respect for a system of law which is seen as fair and independent and serves the community's needs. The East Timorese judges are keen to establish a collegiate relationship with their Australian counterparts and see this as

a means by which they can promote the importance of judicial independence.

The Committee will also continue to work directly with the judges to identify what further practical assistance we can provide and support them in their determination to establish a strong and independent judiciary in East Timor.

RESEARCH

The AIJA Project and Research Committee (formerly the Research Committee) has continued to meet regularly during the past year to consider proposals for research projects. The Committee is convened by Justice Robert Nicholson.

A difficulty which has confronted the Research Committee in the past has been the development of research ideas to a stage where they might advance to a fully-fledged research project. The Committee requires assistance to develop research proposals. It needs to identify a suitable researcher to develop an idea into a proposal and who might ultimately conduct the broader research. Notwithstanding the establishment of a Research Fund, the Institute requires assistance in relation to larger research. Government, in relation to SPIRT (now Linkage) grants, requires a high degree of sophistication in the development of research proposals.

At the suggestion of the Research Committee, and in particular, its previous Convener, Professor Marcia Neave, Council has endeavoured to address these concerns. Council has identified areas of particular research interest, has decided to make funds available from the Research Fund for the development of proposals and for the encouragement of collaboration in larger research and has actively sought applications for research assistance in respect of judicial administration. Earlier this year the AIJA advertised for applications for such assistance in respect of a number of topics identified by Council as priorities. They included:

- the proportional use of judicial resources for optimum practical effectiveness and efficiency; and
- public perceptions and understanding of the justice system.

Included in these broad areas are:

- the examination of the relationship between the principles of adjudicatory independence and administrative accountability;
- a comparative analysis of reforms in the justice system in other jurisdictions;
- performance measurement, including the creation of best practice models for the introduction of bench-marking and yardstick competition models in the courts;
- proportionality, namely, the proportion of the value of claims expended on legal costs and the expenditure of court resources to "meet the instances and areas of greatest need"; and
- access to justice.

The Projects and Research Committee has received a wide range of proposals as the result of this exercise. Several of these have resulted in the commissioning of small research projects or grants of seed funding for the development of proposals for broader research. They include:

- "An Evaluative Study of the Role of the Judiciary in Alternative Dispute Resolution Processes Within the Civil Justice System" - Margaret Castles, Senior Lecturer, Law School, University of Adelaide;
- "The Changing Role of the Magistrates' Court" - Associate Professor Kathy Mack and Associate Professor Sharyn Roach Anleu, Flinders University, SA;

- "The Children's Court, Psychological Expertise and the Disposition of Problem Children in Victoria, 1940-present" - David McCallum, Victoria University, Vic; and
- "South Australian Judicial Development Project" - Stephen Colbran, Queensland University of Technology, the Hon John Doyle, Chief Justice of South Australia.

Current research projects on hand include:

Guidelines for Judicial Conduct

Work has continued this year on an important project which is being undertaken by the AIJA at the request of the Council of Chief Justices. The objective of the project is to develop suggested guidelines for judicial conduct and the work is being undertaken by the Hon Sam Jacobs AO QC, a former judge of the Supreme Court of South Australia, and the Hon Brian Cohen QC, a former judge of the Supreme Court of New South Wales.

The project has involved extensive consultation with judicial officers in all jurisdictions and is financed in part from the AIJA Research Fund, assisted by a contribution from the New South Wales Attorney-General's Department.

The Council of Chief Justices considered a draft of the Guidelines at its meeting in April. A final version is expected to be formally approved at its next meeting.

Harmonisation of Court Rules Project

This year, the Council of Chief Justices requested the Committee, chaired by Justice Kevin Lindgren, to make three areas the subject of an initial study, namely, subpoenas, discovery and service out of the jurisdiction.

The AIJA has continued to provide support to that Committee. Research in relation to current rules regarding subpoenas has been carried out by Greg Reinhardt's researcher as a first step towards production of draft subpoena rules.

Survey of Magistrates on Expert Evidence

This project is a follow-up to the earlier report on judges and expert evidence. It was extended to magistrates in all jurisdictions, with the assistance of the Chief Magistrates. The results of that survey have been collated and the report is expected to be available in the latter part of 2001.

Quality in Court-Connected Mediation Programs

A paper on this topic by Professor Hilary Astor has been approved for publication and is expected to be available in the latter part of 2001.

Court Governance

Council has approved a proposal put forward by Professor Philip Williams, of the Melbourne Business School, for a project on this topic. Work is expected to get underway shortly.

Legal Thesaurus Project

In October 2000 Council approved a proposal from the Research Committee for a project to construct a legal thesaurus and authorized the use of $30,000.00 from the AIJA Research Fund for this project. The project is intended to provide significant assistance in the task of retrieval of computerised information and will complement the AIJA publication *Guide to Uniform Production of Judgments.*

The project is being undertaken by a team from the South Australian court libraries, under the supervision of the project Advisory Committee headed by Justice Trevor Olsson.

Expert Evidence and Jury Comprehension in Australian Courts

Council has approved the AIJA's participation in a pilot study of juries on this topic. It is being conducted in conjunction with the National Institute of Forensic Science (NIFS).

PUBLICATIONS

Each year the AIJA issues a variety of publications. In addition to published reports from research projects, the Institute publishes collections of papers from important conferences and seminars, the AIJA Oration and our newsletter, *AIJA News.* The Executive Director edits the Law Book Company publication, the *Journal of Judicial Administration,* which provides an opportunity to publish lengthier articles in the field. Copies of a number of recent publications and general information about the Institute's work, are now available on its web site (http://www.aija.org.au).

The following are the main publications produced in the year under report:

- **Appellate Courts and the Management of Appeals in Australia**

  This project was intended as a study of appellate practice and procedure in Australia with a view to the making of recommendations for reform in the interests of the effective and efficient functioning of the appellate process.

  The research was conducted by Mr Brian Opeskin, then Associate Dean in the Faculty of Law, The University of Sydney and now a Commissioner at the Australian Law Reform Commission, with the assistance of the Hon Dennis Mahoney AO QC, a former President of the AIJA and Justice of Appeal at the Supreme Court of New South Wales

  The report addresses many of the problems encountered in Australian courts exercising appellate jurisdiction and posits solutions which will no doubt be carefully considered by judges and court administrators involved in the appellate process.

  The researchers were assisted by the helpful comments of an Advisory Committee constituted by the Hon Justice Sally Thomas, Supreme Court of the Northern Territory (Convener), the Hon Justice Bryan Beaumont, Federal Court of Australia, the Hon Justice Geoff Davies, Court of Appeal, Supreme Court of Queensland, the Hon Justice David Ipp, Supreme Court of Western Australia and Master Kathryn Kings, Supreme Court of Victoria.

- **Disqualification of Judges: Practice and Procedures**

  To date there has been little research into the practice and procedure relating to the disqualification of judges in Australian courts for apparent bias. Dr Melissa Perry of the South Australian Bar was commissioned by the AIJA to prepare a discussion paper on this area with a view to providing practical assistance for judicial officers in relation to these issues. Her work was supervised by a Project Advisory Committee convened by Justice Catherine Branson, Federal Court of Australia and including Justice Bryan Beaumont, Federal Court of Australia, Justice Marilyn Warren, Supreme Court of Victoria and Mr Arnold Shott, Chief Magistrate of Tasmania.

Dr Perry's paper provides an informative and practical guide for judicial officers in relation to the procedural and evidential aspects which arise where a judicial officer is asked to disqualify himself or herself on the ground of apprehended bias. The Institute is grateful to Dr Perry for her careful research and lucid analysis of the practices and procedures and is confident that its publication will be of great practical benefit for judicial officers and those who appear before them.

- **Technology for Justice 2000 Report**

  The results of the review conducted for the AIJA's Technology for Justice Conference (see report above) and the results of the Conference itself were collated into a report, which was written for the AIJA by Information Technology Consultant, Mr Jeff Leeuwenburg and AIJA Deputy Director, Anne Wallace.

  The report is the second in a series designed to provide a regular update on the use of information technology in Australia's courts.

- **Public Feedback Mechanisms in Australian Courts**

  In 1998 Professor Stephen Parker's report for the AIJA on "Courts and the Public" recommended that:

  "All courts should state clearly the mechanisms by which complaints about the service of the court can be made by court users and how these complaints will be dealt with. “Service” for these purposes does not include the content of decisions made by the court in interlocutory matters or at a trial.”

  As part of the follow-up to that report, the AIJA's Courts and the Public Committee, convened by Justice RD Nicholson of the Federal Court of Australia, undertook an exercise to compile information about those mechanisms as they exist in Australian courts.

  The resulting report can be downloaded from the AIJA web site (at www.aija.org.au/feedback.rtf). It focuses primarily upon complaints other than complaints against judicial officers and contains a recommended best practice model for handling feedback and complaints.

- **Litigants in Person Management Plans: Issues for Courts and Tribunals**

  This publication was prepared under the supervision of the AIJA Courts and Public Committee with Paul Sheiner (BA, LLB) as the consultant research assistant.

  It is intended to assist courts and tribunals in planning for and management of persons appearing or conducting matters in courts and tribunals without representation. It is not intended to be a guide for self-represented litigants to courts and tribunals.

- **Judicial Accountability**

  An issues paper by Ms Elizabeth Handsley was published in the May issue of the *Journal of Judicial Administration*.

- **AIJA News**

  The Institute's newsletter, *AIJA News*, is designed to keep members informed of the Institute's activities and also to bring its work to the attention of a wider national and international audience. It is published three times a year - in the months of February, June and October.

- **Journal of Judicial Administration**

  Published by the LBC Information Services (Thomson Legal & Regulatory Group Pty Ltd), the *Journal of Judicial Administration* (JJA) acts as a focus for the description, discussion and analysis of developments in the field of judicial administration. As editor of the journal, the Executive Director endeavours to include material which focuses on current issues in relation to the role and operation of the judicial system and related institutions.

AIJA INFORMATION COLLECTION

The AIJA library contains a collection of materials relating to judicial administration from Australian sources, but supplemented by other jurisdictions; mainly the United States, the United Kingdom, New Zealand and Canada. Our Librarian, Mary Young, is happy to take reference inquiries from members and researchers.

AIJA FUNDING AND ACCOUNTS

The AIJA receives the major part of its funding from contributions by all Australian Governments through the Standing Committee of Attorneys-General (SCAG). This is supplemented significantly by the Institute's income from membership fees. The AIJA continues to build its Research Fund by means of a 20% contribution levied on its education programmes. A number of projects have already been financed from the Fund and a number of proposals developed with assistance from the Fund, in situations where funding from Government or other agencies had been difficult to obtain.

The Institute's accounts are annually audited by Mr Jeff Knott, of the firm BDO, Chartered Accountants and Advisers. Copies of the Annual Financial Statements will be available from the Secretariat upon completion of the audit.

AIJA AND THE UNIVERSITY OF MELBOURNE

The AIJA has been affiliated with The University of Melbourne since 1986. Last year's Annual Report reported that the AIJA was considering its affiliation with The University of Melbourne, the current term of which was due to expire in January 2001. As a result of further discussions with the University, Council sought an extension of the current affiliation agreement for a further period of two years which has been agreed to by the University. It is intended that at the conclusion of that period a decision will be made for a more permanent arrangement, either on an independent basis or an affiliation arrangement.

MEMBERSHIP

The Institute's membership as at 30 June 2001 was 1160. It included 'trial' memberships, extended to non-members who attended AIJA conferences during the past 12 months.

The membership was made up as follows (figures for the previous year are shown in italics).

MEMBERSHIP	**By State/Territory**	**MEMBERSHIP**	**By Category**
New South Wales	340 *(308)*	Judges	376 *(379)*
Victoria	*281 (260)*	Magistrates	100 *(105)*
Queensland	116 *(106)*	Tribunal Members	89 *(109)*
South Australia	121 *(111)*	Court Administrators	96 *(113)*
Western Australia	94 *(97)*	Legal Practitioners	153 *(179)*
Tasmania	34 *(32)*	Academics	51 *(43)*
Northern Territory	18 *(15)*	Librarians	16 *(15)*
Australian Capital Territory	45 *(51)*	Corporate	60 *(69)*
Trial Members	121	Overseas	111 *(116)*
Others	98 *(84)*	**TOTAL 1160** ***(1096)***	**TOTAL 1160** ***(1096)***

LOCAL CHAPTERS

The South Australian local chapter is chaired by Dr. Andrew Cannon. Notable events this year were a seminar jointly hosted with the Aboriginal Cultural Awareness Committee on Kinship in Aboriginal Society, and a very well attended seminar presented by Professor Arie Freiberg on diversionary courts. The local chapter continues to investigate a proposal for an aboriginal community sentencing proposal at the District Court level. Seminars on Courts and ADR and 'The Court File: an Electronic File' are planned for the latter half of this year.

COMMUNICATION WITH THE AIJA

The Institute welcomes and encourages inquiries about its work, about membership and judicial administration generally. Inquiries can be directed to:

The Executive Director
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1st Floor, 723 Swanston Street
CARLTON VIC 3053
Telephone: (03) 9347 6600.
Facsimile: (03) 9347 2980
Email: g.reinhardt@unimelb.edu.au

WEB SITE

The AIJA web site is located at http://www.aija.org.au and provides information about the Institute and its research and education programmes.