



The Australian Institute of  
Judicial Administration Incorporated

# **Annual Report**

for the year ended 30 June 2003

The Australian Institute of Judicial Administration  
Incorporated

**PATRON**

**The Hon Murray Gleeson AC**  
Chief Justice of Australia

**COUNCIL**

**President**

**The Hon Justice Peter Underwood AO**  
Supreme Court of Tasmania

**Deputy President**

**The Hon Justice John Byrne**  
Supreme Court of Queensland

**Deputy President**

**Mr Laurie Glanfield AM**  
Director General, Attorney-General's  
Department, New South Wales

**The Hon Justice Virginia Bell**

Supreme Court of New South Wales

**Dr Andrew Cannon**

Supervising Magistrate, South Australia

**Her Honour Judge Jennifer Coate**

President, Melbourne Children's Court

**Ms Anne Coghlan**

Deputy President - General  
Victorian Civil & Administrative Tribunal

**Mr Richard Coates**

Chief Executive Officer, Department of Justice,  
Northern Territory

**Mr Robert Cornall**

Secretary, Commonwealth Attorney-General's  
Department

**Mr Bill Cossey**

State Courts Administrator, Courts  
Administration Authority, SA

**The Hon Justice Linda Dessau**

Family Court of Australia

**Ms Annette Hennessy**

Magistrate, Queensland

**Ms Megan Greenwood**

Acting Chief Executive Officer, Supreme Court  
of New South Wales

**The Hon Michael Lavarch**

Secretary General  
Law Council of Australia

**Professor Marcia Neave AO**

Chairperson  
Victorian Law Reform Commission

**The Hon Justice Robert Nicholson AO**

Federal Court of Australia

**The Hon Justice Stephen O'Ryan**

Family Court of Australia

**Professor Stephen Parker**

Dean of Law and Deputy Vic-Chancellor,  
Monash University,

**Mr Andrew Phelan**

General Manager, Organisational  
Performance,  
Family Court of Australia

**Mr Richard Refshauge SC**

Director of Public Prosecutions - ACT

**Mr Stephen Skehill**

Special Counsel, Mallesons Stephen Jaques

**The Hon Justice Chris Steytler**

Supreme Court of Western Australia

**The Hon Justice Sally Thomas AM**

Supreme Court of the Northern Territory

**Ms Amanda Watt**

Partner, Minter Ellison

**His Honour Judge Terry Worthington**

Chief Judge, District Court of South Australia

**Her Honour Judge Mary Ann Yeats**

District Court of Western Australia

**New Zealand Representative**

**The Hon Justice Tony Randerson**

High Court of New Zealand

**Papua New Guinea Representative**

**The Hon Sir Arnold Amet CBE**

Chief Justice, Papua New Guinea

## **SECRETARIAT**

### **Executive Director**

Professor Greg J Reinhardt

### **Deputy Executive Director**

Ms Anne Wallace

### **Membership and Finance Officer (Part-time)**

Ms Heather Sevald

### **Administrative Secretary and Publications Officer (Part-time)**

Mrs Kathy Jarrett

### **Executive Secretary**

Mrs Christine Crawford

### **Librarian (Part-time)**

Ms Mary Young

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## **PRESIDENT'S MESSAGE**



### **The Hon Justice Peter Underwood**

The past year has been marked by a number of significant changes in the AIJA's operating environment.

The affiliation arrangement with the University of Melbourne that the AIJA had enjoyed for many years came to an end last January. However, we have been fortunate to have been able to enter into a new association with Monash University, which has provided the Secretariat with new accommodation in the Equity Chambers Building, 472 Bourke Street in the City, where Monash Law School has established a new postgraduate teaching centre. The Secretariat has settled into that accommodation and the new relationship with Monash promises to lead to an exciting future for the Institute.

At the national level, the new Judicial College of Australia has started up. It is charged with providing orientation and continuing education programs for the nation's judiciary. The AIJA has been a keen supporter of the establishment of such a college, it having been clear for some time that existing institutions were inadequately resourced to meet the demand for judicial education programs. In addition to the national body, a new state judicial college has been established in Victoria. The AIJA is working closely with both these bodies, and with the Judicial Commission of New South Wales, to provide our expertise and experience and to ensure that unnecessary duplication of activity is avoided.

Partly prompted by these changes, AIJA Council engaged in a new strategic planning exercise this year to re-assess the future directions and priorities of the Institute. A day-long planning session was held in Melbourne on 21 February, under the guidance of a professional facilitator and supplemented by an additional half-day session held as part of the April Council meeting. The new Strategic Plan resulting from this work is expected to be approved by Council at its next meeting in July 2003. Specific details will be advised to members following that meeting, however, the new plan will see greater emphasis on research, specific, as opposed to generic, education programmes and greater communication with the members and stakeholders of the AIJA.

This year also saw the inaugural award of the AIJA Award for Excellence in Judicial Administration, established to mark the 25<sup>th</sup> anniversary of the Institute. The first biennial award went to Ms Susan Dismohamed, Program Manager of South Australia's successful diversion courts program. Two equal commendations were awarded to the Family Court of Australia's Aboriginal and Torres Strait Islander Family Consultant Program and to the NSW Land and Environment Court On-line service.

Amid all these additional activities, the regular work of the Institute has continued. A number of highly successful conferences have been conducted throughout the year. The 20<sup>th</sup> Annual Conference held in Brisbane last July, focussed on access to justice issues. Its success was in no small measure due to the strenuous efforts of the organising committee, led by AIJA Council member and Deputy President, Justice John Byrne. Also held in Brisbane this year, were the 2<sup>nd</sup> AIJA Sheriffs' Conference and the 2<sup>nd</sup> AIJA Magistrates' Conference, the latter also coinciding with the delivery of the 12<sup>th</sup> AIJA Oration by the Chief Magistrate of Victoria, Mr Ian Gray. The

Third AIJA Technology for Justice Conference held in Sydney on 20 - 22 October 2002 and attracted a record attendance including a high level of international delegates.

The Institute has also been involved in a number of training and exchange programs with overseas judiciary – including the Judicial Forum held in Beijing last July and a Federal Court judicial training program for the Indonesian judiciary this year.

So you can see it has indeed, been a busy, but rewarding year for the Institute. None of the achievements would have been possible without the dedication and hard work of the Secretariat. I express my grateful thanks to the Director and Deputy Director, Greg Reinhardt and Anne Wallace who have worked beyond the call of duty and also to Christine, Kathy and Mary. I welcome Heather who has recently joined this fine team. Thanks also go to my fellow Council members who have not only given me great support and encouragement, but who have also willingly embraced the changes that have been made this year to improve the work of the AIJA.

*The Hon Justice Peter Underwood  
President, AIJA*

## REPORT FROM THE EXECUTIVE DIRECTOR



### **Professor Greg Reinhardt**

As the President has noted in his message, the new association with Monash University in City premises, together with the strategic planning exercise, provide new challenges and a new direction for the Institute.

Whilst I am personally saddened that the direct links with the University of Melbourne have come to an end, I am delighted to be involved in the LLM (LP) programme at Monash which has involved me teaching both Civil Procedure and Evidence in the first part of 2003. The opportunity to teach, particularly in small groups, and in subjects directly relevant to dispute resolution and the working of courts and tribunals, I find valuable to my work with the Institute, particularly in relation to the development and presentation of educational programmes. The association with Monash has also opened new opportunities for research. The closer geographic connection with the courts precinct in Melbourne presented by the move to Bourke Street will provide greater opportunity for direct interaction with courts and tribunals and with the practising profession.

Historically, since the establishment of the Institute, much of the focus of its work has been upon caseflow management as a means to improving judicial administration. The strategic planning exercise, in recognizing the need for further development and expansion of caseflow management, has involved a close analysis of other contemporary issues in judicial administration. Importantly, one matter which has received some initial attention from the Research and Project Committee, including discussion with Monash University, is proportionality, that is, the way in which courts and tribunals can and may ration scarce resources having regard to the nature of disputes before them and outcomes, including justice, efficiency and cost, which it is ought to obtain. I see this as a particularly important area of work for the Institute, although the strategic planning exercise has identified several other important themes which will be the subject of ongoing work.

Importantly, it is expected that the work of the Institute will be facilitated by the revamping of the existing committee structure gives its final consideration to and approval of the strategic plan at its meeting in July 2003. I believe that it is important that the Education Committee and the Project and Research Committee work more closely in relation to identified themes in judicial administration and I am confident that the work of Council will provide the necessary structure and direction for this.

I receive regular requests for AIJA involvement in projects overseas. These are normally funded by government or quasi-government bodies and involve the building or enhancement of judicial infrastructure and the promotion of judicial administration in developing countries in the Asia-Pacific region. Importantly, the Institute is often able to assist with contacts in particular areas of judicial administration. I am confident that the strategic planning exercise will facilitate a positive response by the Institute to this important work and enable it to have a greater profile in the region.

Regular dialogue has been established with those now involved in the delivery of judicial education programmes both in Australia and New Zealand, namely, the National Judicial College, the Victorian Judicial College, the Judicial Commission of New South Wales and the

Institute of Judicial Studies of New Zealand. This will ensure co-operation amongst the relevant bodies and avoid duplication of judicial programmes. By way of example, it is proposed that I be involved in the initial programme for the magistracy to be offered by the National Judicial College in Canberra between 4-8 August 2003. The National Judicial College, the Judicial Commission of New South Wales and the AIJA will all be involved in the presentation of the 2003 National Judicial Orientation Programme in October. A website is to be established listing all programmes of interest to judicial officers and tribunal members in Australia and New Zealand.

I am particularly pleased with the ongoing development of the Institute's work with tribunals. The close co-operation between the Institute and the newly established Council of Australasian Tribunals is important and will assist significantly in relation to the presentation of the 2004 AIJA Tribunals Conference.

Anne Wallace was invited to participate in a 16-country comparative networked study on IT use by courts and its relation to the quality of adjudication, commissioned and funded by the Netherlands Science Foundation. The project included a seminar held in the Netherlands on June 9, 2003. She was invited by the Institute for Comparative Judicial Studies in Bologna, Italy, to visit that Institute for a few days following the Amsterdam meeting. The visit included discussions on an another IT topic for which she wrote a paper last year. It is pleasing that the Institute is receiving this profile internationally. Anne was also involved in December in a training course for Chinese procurators in Sydney. I was involved in the presentation of what has become an annual programme for the Indonesian judiciary conducted under the auspices of the Federal Court.

#### **The Secretariat**

I wish to thank my deputy, Ms Anne Wallace, Mrs Christine Crawford, Mrs Kathy Jarrett, Mrs Heather Sevald and Ms Mary Young, for their work and assistance throughout the year. They have performed their duties cheerfully and willingly, with the added complication of a move of premises.

*Professor Greg Reinhardt  
Executive Director, AIJA*

## **COUNCIL**

The AIJA Council is the Institute's governing body. It consists of 29 elected and appointed members from a broad spectrum across the field of judicial administration. Members include representatives of the judiciary, (including the magistracy), tribunals, court administrators, the legal profession, academia and government service. In addition to attending 4 regular Council meetings each year, all Council members are expected to serve on at least one Committee. A list of Council members as at 30 June 2003 appears at the front of this report.

This year saw the retirement of Mr Maurie Stack OAM, whose contributions to the Institute's work, particularly as Convenor of the Membership Committee, have played a considerable role in increasing participation from the legal profession in the Institute's activities.

Also retired from Council this year, was Professor Michael Crommelin, a member for many years in the Academic category. Thanks were expressed to Professor Crommelin at the Annual General Meeting, for his long-standing support to the AIJA during its affiliation with the University of Melbourne.

Other retirements included Ms Browyn Jerrard, Administrator of the Queensland Supreme and District Courts and Justice Lowell Goddard, as the New Zealand representative on Council. Thanks were also expressed to both of them for their respective contributions to the Institute's work.

The Institute's President for the past two years, Justice Murray Kellam, also retired from Council at the Annual General Meeting. At that meeting, incoming President, Justice Peter Underwood expressed the Institute's appreciation to Murray for his extensive contributions as President, Council and Board member, since 1997.

Those members joining Council this year have been – Professor Stephen Parker, Dean of Law and Deputy Vice-Chancellor at Monash University, Ms Anne Coghlan, the Deputy President, General, of the Victorian Civil & Administrative Tribunal and Ms Megan Greenwood, Acting Chief Executive Officer of the Supreme Court of New South Wales.

Council has also been pleased to welcome Justice Tony Randerson of the New Zealand High Court as the new New Zealand representative on Council.

Following this year's Annual General Meeting, Justice Peter Underwood of the Supreme Court of Tasmania was elected as President of the Institute. The two Deputy Presidents are Justice John Byrne of the Supreme Court of Queensland and Mr Laurie Glanfield, Director-General of the New South Wales Attorney-General's Department.

## **OVERSEAS REPRESENTATION ON COUNCIL**

Both New Zealand and Papua New Guinea have standing representatives on the AIJA Council. During the past year, those representatives have been Justice Lowell Goddard of the High Court of New Zealand and, following her retirement from the role, Justice Tony Randerson of that court. The Papua New Guinea representative is Sir Arnold Amet, the Chief Justice of Papua New Guinea.

## **BOARD OF MANAGEMENT**

Supervision of the day-to-day management of the Institute is the responsibility of the AIJA Board of Management. The Board consists of President, Deputy Presidents together with three elected Council members. The Board can also co-opt other members of Council to serve on the Board. As at 30 June 2003, the members of the Board of Management were Justice Peter Underwood, AIJA President, Justice John Byrne and Mr Laurie Glanfield, Deputy Presidents, Justice Virginia Bell, Justice Linda Dessau, Justice RD Nicholson, Judge Jennifer Coate, and Professor Marcia Neave.

## **COURSE, CONFERENCE AND SEMINAR PROGRAMMES**

Each year, the AIJA runs a number of courses, conferences and seminars designed for judges, magistrates, tribunal members, court administrators, lawyers and others with an interest in judicial administration. The Education Program includes regularly scheduled events and additional seminars and conferences on particular topics. The AIJA's Education Committee, convened by Justice John Byrne of the Supreme Court of Queensland, oversees the development of the Institute's Education program.

All AIJA education programmes are conducted on a fee-paying basis, which requires registration fees to be set at a level that covers the Institute's costs of presenting the programme (other than our staff time, which is covered by the Institute's recurrent funding). The Institute also attempts to achieve a 20% profit on each education activity which is channeled to our Research Fund and used to fund research into judicial administration.

- **2<sup>nd</sup> AIJA Sheriffs' Seminar , Brisbane, 11-12 July**

A second annual Seminar for Sheriffs took place in Brisbane, immediately prior to the AIJA's Annual Conference. The seminar followed the first such event held in Hobart last year, which was designed to provide a regular forum for Sheriffs' officers to discuss topics of current interest in their work.

In addition to reports from each jurisdiction, topics discussed at the meeting, included national competencies, jury management, interpleaders, a presentation on the Queensland State Penalty Enforcement Register (SPER), Civil and Administrative Penalties in Australian Federal Regulation and priorities in warrant execution.

- **20th AIJA Annual Conference , Brisbane, 12-14 July**

The theme of this year's Annual Conference – 'Access to Justice - The Way Forward' – was designed to refocus attention on a topic which is a continually recurring theme in the AIJA'S work. Concerns about rising numbers of unrepresented litigants, legal aid funding, increasing insurance premiums and the roles of the courts and the legal profession prompted the organizing committee to invite Justice Ronald Sackville, convenor of the 1994 Commonwealth report, Access to Justice: An Action Plan, to provide an update on access to justice issues in Australia and, in particular, the role of courts within that.

Over 160 delegates, from Australia, Papua New Guinea, New Zealand, Singapore and Germany, also participated in sessions dealing with improving access to justice for the disadvantaged, public and private funding issues in meeting the cost of litigation, and an examination of the extent to which Australia's civil justice system is moving closer to

the European model. The conference also included presentations from the medical profession, legal profession, and the banking industry ombudsman.

The conference concluded with a discussion of the way forward, which included information about current research work being carried out in this area.

- **2nd AIJA Magistrates' Conference , Brisbane, 13-14 September**

Organised in conjunction with the Council of Chief Magistrates of Australia, this conference was the second of its kind, designed to focused on current topics of relevance to the work of the magistracy. The conference was hosted by the Chief Magistrate of Queensland.

The programme included discussion of the role of diversionary and specialist courts, mental health issues in Magistrates' Courts and the changing role of the courts. It incorporated sessions on judgment writing, family law matters, enforcement and ADR in civil jurisdictions, current issues in Coroner's Courts and judicial development.

- **12th AIJA Oration, 'The People's Court - Into the Future', 13 September**

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 has addressed a broad range of topics concerning the administration of justice. This year, the AIJA was pleased to invite the Chief Magistrate of Victoria, Mr Ian Gray, to deliver the address. His topic, "The People's Court – Into the Future", provided the occasion for a reflection on the changing nature of the jurisdiction of the Magistrates' Court and the role of magistrates in Australia.

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

- **AIJA Technology for Justice 2002 Conference, Sydney, 20-22 October**

Attended by 394 delegates, from Australia and overseas, the 3<sup>rd</sup> AIJA Technology for Justice Conference, took place in Sydney last October. Under the theme of 'Technology: What Can It Do for You?' the conference was conducted as part of an ongoing AIJA project to examine the use of information technology in the Australian justice system and encourage its most efficient and effective use.

Topics included:

- Electronic courts and 'cyber trials'
- Working with the courts online - e-filing, e-callovers
- Standards and XML
- Online resources and uses of the Internet
- Working technology - mature systems
- Information policy and planning
- Case management systems - new developments and projects underway
- Integrated justice systems - lessons learned
- Case studies from particular courts, jurisdictions and countries
- Using technology to assist unrepresented litigants and legal aid

A particular feature of this, the third conference, was the extent of overseas participation, with speakers and delegates from over 13 countries.

A report on the conference, and the results of a review of the use of information technology in the Australian justice system, has now been published by the AIJA.

- **National Judicial Orientation Programme, Sydney, 21-25 October**

A joint initiative of the AIJA and the Judicial Commission of New South Wales, this course for newly-appointed judges is open to judges from both Australia and neighbouring countries.

Designed to introduce participants to a number of aspects of the task of judging, an important part of the programme is the opportunity for participants to learn from the experience of senior judicial officers. This year's programme was designed and developed by a Steering Committee convened by Justice David Lloyd of the Land and Environment Court of New South Wales and was attended by 24 judicial officers including representatives from 11 Australian jurisdictions, Fiji and Kiribati.

Topics covered in the four-day residential programme included:

- Courtroom Issues
- Judicial Conduct
- Time Management
- Psychological and Physical Health
- Using Computers as a Research and a Management Tool
- Judgment Writing
- Assessing the Credibility of Witnesses
- Problems in Evidence
- Court Craft
- Social Awareness Issues
- Sentencing
- Alternative Dispute Resolution
- Common Pitfalls in Decision Making

Planning for the 2003 Orientation Course is well underway. This year, the course will be run jointly by the recently established Judicial College of Australia, the Judicial Commission and the AIJA.

- **Lecture by The Hon Claire L'Heureux-Dubé, 'The Supreme Court of Canada in the Era of Globalisation', Melbourne, 21 February**

To mark the AIJA's new association with Monash University, the Institute invited visiting retired Supreme Court of Canada Justice the Hon Claire L'Heureux-Dubé to deliver a lecture in the Monash University Law Chambers, Ground Floor, 472 Bourke Street, Melbourne on 21 February. Her topic, the impact of globalization on the work of the judiciary, is one which has been receiving increasing attention in the last few years, and those who attended found it interesting to obtain a Canadian perspective on the issue.

Madame L'Heureux-Dubé suggested that judges should take steps to make themselves aware of the content of relevant international laws, including the decisions of other courts, to a greater extent than is currently the case.

- **6th AIJA Tribunals' Conference, Sydney, 5-6 June**

The theme of "Ensuring Effective Justice Before Tribunals" served as the focus for this year's AIJA Tribunals' Conference, attended by over 160 delegates. The Conference began with an update on the Council of Australasian Tribunals (COAT), launched at the 2002 Tribunals Conference, including reports on the establishment of regional chapters.

In a one and half day program the conference also featured presentations and discussions on:

- Tribunal independence
- Preparing statements of reasons
- Tribunals' power to controls their own proceedings and procedural fairness
- Developing benchbooks for tribunals
- Recent decisions of interest

Delegates from Singapore and Malaysia also reported on recent developments in relation to tribunals in their countries.

## **SPECIAL PROJECTS**

- **Indigenous Cultural Awareness**

This project was established to assist with the implementation of recommendation 96 of the report of the Royal Commission into Aboriginal Deaths in Custody by providing indigenous cultural awareness training for judicial officers. It is overseen by the AIJA's Indigenous Cultural Awareness Committee, currently convened by Judge Mary Ann Yeats of the District Court of Western Australia.

Following the 10<sup>th</sup> anniversary of the program last year, the committee has been concerned to refocus its activities following a Future Directions Conference held in Alice Springs, to discuss cultural awareness programmes that have been run to date and to chart some future directions. That activity is continuing.

A seminar for the Western Australian Supreme Court was approved for funding from project funds this year.

The *AIJA Aboriginal Cultural Awareness Benchbook for Western Australian Courts*, a joint project of the Committee and the Western Australian Ministry of Justice, launched last year, is continuing to serve as a valuable resource for other jurisdictions. The publication was intended as a model benchbook for indigenous issues and it is in the process of being adapted, wholly or in part, in several other Australian jurisdictions.

- **Technology for Justice**

The AIJA's Technology for Justice project has, as its impetus, 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. Originally funded by the Commonwealth Attorney-General's Department, the project has had two components:

- A regular view of the use of technology in the Australian justice sector;
- The conduct of a national conference to showcase new developments and discuss issues in relation to it.

The Technology for Justice Steering Committee, convened by Justice Peter Underwood, focussed this year on plans for a third Technology for Justice Conference, 'Technology: What can it do for you?' which took place in Sydney on 20-22 October 2002 (see above). The focus of the project for this conference was on the development of online systems in courts and at what lawyers need to do to keep pace with them. A report on the review of technology use conducted for this third stage of the project has now been published.

- **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 monitor developments in this area and review implementation of the recommendations made in Professor Stephen Parker's report for the AIJA on *Courts and the Public* (1998).

- **East Timor Support Committee**

In March 2000 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, Chief Executive Director, Department of Justice, Northern Territory. The Committee has continued to work on maintaining relationships with the Timorese judiciary and expand its contacts with government and non-governmental agencies working in the Timorese legal sector.

## **RESEARCH**

The AIJA Project and Research Committee considers proposals for funding research projects from the AIJA Research Fund and makes recommendations to Council for approval of new projects. The Committee, convened by Justice Robert Nicholson, has met regularly throughout the year. The Research Fund consists of profit earned on AIJA conferences and seminars.

The AIJA Council has previously identified two broad areas as priorities for research:

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

Specific issues of interest within 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.

New projects approved by the AIJA Council during the past year include:

- The preparation of an issues paper on court referral of cases to ADR to be undertaken by Associate Professor Kathy Mack of Flinders University; and
- the investigation of approaches to the content and length of jury charges in criminal cases, suggested by Justice Geoff Eames of the Victorian Supreme Court.

Current research projects on hand include:

### **Court Governance**

This project, approved by Council in 2000, is examining the potential conflict between the principles of judicial independence and accountability for resource management, the advantages and disadvantages of different models of external and internal governance and supporting mechanisms to enhance the capacity of court governance models to strike a balance between the different principles. Conducted by Dr Philip Williams, of Frontier Economics Victoria, the project is due to be finalised in the current calendar year.

### **Legal Thesaurus Project**

In October 2000 Council approved a proposal from the Research Committee for a project to construct a legal thesaurus. 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 The Hon Trevor Olsson. Due to the illness last year of the principal researcher, there has been some delay in the completion of the project and it is now expected to be completed later this year.

### **Harmonisation of Court Rules Project**

The AIJA continued to support the work of the Council of Chief Justices Committee, chaired by Justice Kevin Lindgren. The Committee has finalised its work in relation to the harmonisation of subpoena rules this year and it is expected that a further area of court rules will be tackled during the coming year.

### **AIJA AWARD FOR EXECLLENCE IN JUDICIAL ADMINISTRATIONS**

To mark the 25th anniversary of the Institute in 2002, the AIJA established a biennial award to recognize outstanding achievement in the administration of the justice within Australia. The winner of the inaugural award was Ms Susan Dasmohamed, Program Manager of South Australia’s diversion courts program.

The award recognised Ms Dusmohamed's leadership and achievements in setting up and running a specialist court and program for offenders with mental health issues.

In recognition of the number of quality nominations received in the first year of the awards, the AIJA also decided to award two equal commendations. The first was awarded to the Family Court of Australia's Aboriginal and Torres Strait Islander Family Consultant Program, a service that aims to improve access to justice for indigenous Australians by providing cultural appropriate assistance in resolving family law matters and expert assistance in understanding the needs of indigenous clients. The other commendation was awarded to the NSW Land and Environment Court On-line service, for innovative use of contemporary technology in the administration of justice.

The awards were presented at a dinner held to coincide with the AIJA Council meeting in November and attended by the recipients.

## **PUBLICATIONS**

In addition to its published reports from research projects, the AIJA issues a number of regular publications each year. This includes collections of papers from important conferences and seminars, the AIJA Oration and our newsletter, *AIJA News*. The Law Book Company publication, the *Journal of Judicial Administration*, edited by the Executive Director, also provides an opportunity to publish lengthier articles in the field. Information about recent publications, and general information about the Institute's work, is available on its web site (<http://www.ija.org.au>).

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

- **'The Judiciary in Federation Centenary Year – Good News, Bad News, No News' 11th AIJA Oration**

This address, delivered for the Institute by the Hon Justice Michael Kirby AC CMG, of the High Court of Australia, in 2001, was published in hard copy format this year. A reflection on the nature of the interaction between the judiciary and the media, it has been one of the most regularly accessed speeches published on the AIJA website.

- **Technology for Justice 2002 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 third in a series designed to provide a regular update on the use of information technology in Australia's courts.

- **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. The news is also published electronically – on the AIJA website and, since June this year, emailed to members who prefer that form of delivery.

- **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 Research Fund is constituted by means of a 20% contribution levied on its education programmes.

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 for the Annual General Meeting, to be held in September.

#### **AIJA PREMISES**

The AIJA was affiliated with the University of Melbourne during the period 1986-2003, under an arrangement that included the provisions of office accommodation for the AIJA Secretariat. As members were advised in last year's report, the University of Melbourne was unable to make any office space available to the AIJA after January 2003 and Council then authorised the Board to enter into negotiations with a view to obtaining alternative accommodation for the Secretariat.

As a result of those negotiations, from 1 February this year, the AIJA moved to 1<sup>st</sup> Floor, Equity Chambers, 472 Bourke Street Melbourne, under a new arrangement with Monash University. The arrangement has provided the Institute with an excellent range of services, and the AIJA is, in particular, grateful for the assistance provided to it by the Law School. The Dean of the Law School, Professor Stephen Parker is a member of the AIJA Council.

#### **MEMBERSHIP**

The Institute's membership as at 30 June 2003 was 1069 (1072). That figure 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).

<b>MEMBERSHIP</b>	<b>By State/Territory</b>	<b>MEMBERSHIP</b>	<b>By Category</b>
New South Wales	<b>286</b> ( <i>286</i> )	Judges	<b>373</b> ( <i>382</i> )
Victoria	<b>278</b> ( <i>278</i> )	Magistrates	<b>88</b> ( <i>92</i> )
Queensland	<b>117</b> ( <i>104</i> )	Tribunal Members	<b>78</b> ( <i>79</i> )
South Australia	<b>100</b> ( <i>105</i> )	Court Administrators	<b>89</b> ( <i>91</i> )
Western Australia	<b>87</b> ( <i>86</i> )	Legal Practitioners	<b>159</b> ( <i>168</i> )
Tasmania	<b>39</b> ( <i>40</i> )	Academics	<b>53</b> ( <i>51</i> )
Northern Territory	<b>21</b> ( <i>19</i> )	Librarians	<b>16</b> ( <i>16</i> )
Australian Capital Territory	<b>50</b> ( <i>45</i> )	Corporate	<b>81</b> ( <i>80</i> )
Overseas	<b>91</b> ( <i>108</i> )	Trial Members	<b>53</b> ( <i>36</i> )
<b>TOTAL</b>	<b>1069</b> ( <i>1072</i> )	Others	<b>79</b> ( <i>76</i> )
		<b>TOTAL</b>	<b>1069</b> ( <i>1072</i> )

### **LOCAL CHAPTERS**

Report of Dr Andrew Cannon, Deputy Chief Magistrate and chair of the South Australian Chapter.

#### **Membership**

The membership of the Local Chapter is stable at 101.

#### **ADR Seminar**

I edited the papers from the “Courts and ADR seminar” and they were published in the AIJA national publication the Journal of Judicial Administration (August 2002) Vol. 11 no. 4 under the title “SA Courts and ADR”.

#### **Aboriginal issues**

The seminar by the Honourable Judge L.S. Tony Mandamin who presides over the Tsuu T’ina First Nation Peacemaker Court in June was a great success. The local chapter continues to work with the Aboriginal Cultural Awareness Committee chaired by Justice Mullighan. A seminar on petrol sniffing issues is planned by Wayne Chivell at an appropriate time.

#### **Restorative Justice**

Sylvia Kriven organised an excellent seminar on “Restorative Justice: theory meets reality and the way forward”. Associate Professor Kathleen Daly from Griffith University has had a long term interest in restorative justice methods and takes a robustly cautious view of its effectiveness. She has supervised research on the Youth Court family conferencing scheme. Her paper was a wide ranging discussion of various initiatives in this area and of their effectiveness. This was a fascinating discussion and continues an ongoing theme of considering alternatives to traditional court sentencing processes.

### **“Interpreters in court, a help or a hindrance”**

Thanks to Michael Moore and Louise Ciccozzi for organising this excellent hypothetical for Law Week. Moderated by Paul Heywood-Smith QC the panel of His Honour Judge Anderson, Bill Edwards, John Kiosoglous, MBE, KSA, AE, SM, Greg Mead, Magdalena Rowan and Hau Pehn Yapp, had a wide ranging discussion of the topic leading to the overwhelming view of the value of interpreters for courts to perform their work and identifying the need for better means of ensuring sufficient recognition is given to their work to maintain professional standards. This attracted quite different audience and was a well attended discussion of this important topic. We hope to continue a focus on multicultural issues.

### **Future seminars**

We anticipate seminars on enforcement of civil processes, technology issues and a continuing interest in alternatives to traditional court processes.

The Council of the national body of AIJA has completed a strategic planning process and I shall report the results to the local chapter shortly. The role of the National Judicial College is still developing. I am a member of the steering committee for its first seminar for magistrates and my membership of the IAMA, the John Bray Chapter and the Aboriginal Cultural Awareness Committee ensure that our work is co-ordinated with these bodies which have similar interests to ours. One strength identified by the AIJA is that its membership includes court administrators, academics, the legal profession as well as tribunal members and the judiciary.

I thank all members of the Executive, and particularly Angela Curtis, for the support that they have given me during the year, and the presenters who have freely given so much effort.

### **COMMUNICATION WITH THE AIJA**

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

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### **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.