



AIJA NEWS

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The Australian Institute of

Judicial Administration Incorporated

Newsletter of the Australian Institute of Judicial Administration Inc

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AIJA AWARD FOR EXCELLENCE IN JUDICIAL ADMINISTRATION

Call for nominations

The Award marks the 25th Anniversary of the establishment of the AIJA and is designed to recognize outstanding achievement in the administration of justice within Australia. It will be awarded biennially, with the first award to be made in 2002.

Interested persons (including courts and other institutions) are invited to submit nominations for the 2002 Award. The closing date for nominations is 31 July 2001.

Conditions of the Award are:

1. All nominations for the award shall be made over the signature of at least two members of the AIJA;
2. All nominations must be received by the Executive Director, AIJA, Level 1, 723 Swanston Street, Carlton, Victoria 3053, no later than 31 July 2002;
3. Each nomination shall be accompanied by a concise description of the work and achievements of the nominee which, in the opinion of the nominators, qualifies the nominee for the award, together with such supporting evidence as the nominator may wish the judges to consider;
4. The Executive Director of the AIJA will submit all nominations to a special jury of seven persons;
5. No award shall be made if, in the opinion of the jury, no nomination worthy of an award is received;
6. A nomination may be resubmitted for consideration in a subsequent year of the award;
7. The jury shall decide on or before 14 August 2002 who shall receive the award;
8. No member of the jury is eligible for the award nor any present member of the AIJA Council who holds executive office is eligible for the award;
9. Activities in furtherance of objectives of the AIJA should not be considered as a main reason for the award. Nevertheless, this might be considered as a supporting or subsidiary factor where a person was nominated primarily for his or her other achievements in or contributions to the administration of justice in Australia.

AIJA CONFERENCE, COURSE AND SEMINAR PROGRAMME 2002-2003

SCHEDULED:

- 5th AIJA Tribunals' Conference, 6-7 June 2002 (Melbourne)
- 'Access to Justice - The Way Forward', 20th AIJA Annual Conference, 12-14 July 2002 (Brisbane)
- 2nd AIJA Magistrates' Conference, 13-14 September 2002 (Brisbane)
- Technology for Justice 3, 20-22 October 2002, (Sydney)
- 4th Asia-Pacific Courts Conference, 1-3 October 2003 (Melbourne)

If you are a member of the AIJA and your membership is financial, you will automatically receive information about AIJA conferences and seminars as it becomes available. Up-to-date information is also available on the AIJA web site at www.aija.org.au

JUDICIAL ORIENTATION COURSE 2001

For the past 7 years, the AIJA and the Judicial Commission of New South Wales have joined forces to present a program for newly-appointed judges.

The annual orientation course is open to judges from both Australia and neighbouring countries and is 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.

The course was designed and developed by a Steering Committee convened by Justice David Lloyd of the Land and Environment Court of New South Wales. As in past years, it was attended by a wide cross-section of judges from both Australian and overseas courts.



Topics covered in the four-day residential program included:

- | | |
|--|---|
| <input type="checkbox"/> <i>Courtroom Issues – Judicial Conduct</i> | <input type="checkbox"/> <i>Time Management</i> |
| <input type="checkbox"/> <i>Psychological and Physical Health</i> | <input type="checkbox"/> <i>Using Computers as a Research and a Management Tool</i> |
| <input type="checkbox"/> <i>Decision Making and Judgment Writing</i> | <input type="checkbox"/> <i>Assessing the Credibility of Witnesses</i> |
| <input type="checkbox"/> <i>Problems in Evidence</i> | <input type="checkbox"/> <i>Court craft</i> |
| <input type="checkbox"/> <i>Social Awareness Issues</i> | <input type="checkbox"/> <i>Sentencing</i> |
| <input type="checkbox"/> <i>Alternative Dispute Resolution</i> | <input type="checkbox"/> <i>Common Pitfalls in Decision Making</i> |

Planning for the 2002 Orientation Course has now commenced. The course will be held in Sydney on 20-24 October 2002. Inquiries from interested courts can be directed to Ruth Windeler, the Education Director of the Judicial Commission.

AIJA APPELLATE JUDGES' SEMINAR

The inaugural AIJA Appellate Appellate Judges' Seminar was held in Melbourne on 30 November-1 December 2001. The Conference originated with a suggestion by the Rt Hon Sir Kenneth Keith, Court of Appeal of New Zealand whose continued interest and assistance with the Seminar have been greatly appreciated.

Drawing on suggestions for topics from judges in Australia and New Zealand, the conference program also looked to the United States and Canada, where such programs have become quite common. They generally cover a range of practical matters concerning appellate judges in their work, together with topics of substantive law as well as interdisciplinary perspectives.

Professor Cheryl Saunders AO, Faculty of Law, The University of Melbourne and Director, Centre for Comparative Constitutional Studies provided an opening context for the conference in her address on 'Reflections on Judicial Method and Appellate Courts'.

In relation to substantive law, a current perspective on The Regulation of Birth Technologies was provided by Emeritus Professor Louis Waller AO, Faculty of Law, Monash University.

The Management of Appeals in Australia received detailed attention in a presentation by Brian Opeskin, current Australian Law Reform Commissioner and author of the AIJA report "Appellate Courts and the Management of Appeals in Australia".

In recent years a number of Australian courts have begun to use technology to assist with the process of managing appeal books. A session on Electronic Appeal Books included a demonstration of the type of software available by Ms Allison Stanfield, Director, <e.Law> Australia Pty Ltd. The session also included a judicial perspective on its use provided by Justice Ron Sackville of the Federal Court.

The Role of Appellate Courts in Sentencing also received detailed attention and the Institute is grateful to Professor Arie Frieburg, Department of Criminology, The University of Melbourne for his detailed contribution to that session.



Amanda Watt

NEW AIJA COUNCIL MEMBER

Ms Amanda Watt, a partner at Melbourne Law Firm, Minter Ellison has recently joined the AIJA Council in the Professional Members Category. She was appointed to fill a casual vacancy resulting from the resignation of Ms Lindy Powell QC.

Amanda graduated in Commerce and Law from Melbourne University in 1992 and subsequently obtained her Masters in Law at Monash University in 1998. She was admitted to practice in April 1993 and since that time has worked in the Human Resources and Industrial Relations Practice Group at Minter Ellison, becoming a partner in 2000.

She has practised principally in administrative law, industrial law, and employment and anti-discrimination law and is currently Chair of the Victorian Chapter of the Australian Institute of Administrative Law.



The Australian Institute of
Judicial Administration Incorporated

INVITATION TO PARTICIPATE

AIJA 2002 ACCESS TO JUSTICE - THE WAY FORWARD

20th Australian Institute of Judicial
Administration Annual Conference

Stamford Plaza Brisbane,
Queensland, Australia

12-14 July 2002

In 1994, the report of the Access to Justice Advisory Committee was published. The report was commissioned "to consider ways in which the legal system could be reformed in order to enhance access to justice and make the legal system fairer, more effective and more efficient".

Many of the important recommendations made by the Committee have been implemented. Several have been the subject of work by the AIJA Courts and the Public Committee.

There is still much work required to ensure greater and more affordable access to justice. The programme for the 20th Annual Conference of the AIJA has been designed to identify areas of future direction and change towards improving access to justice. The Institute is pleased that Justice Ronald Sackville, the Chairman of the Access to Justice Advisory Committee, has agreed to assume the role of keynote speaker at the AIJA Conference.

The Conference will feature presentations and workshops in a wide range of areas relevant to the improvement of access to justice. It will have as its objective the development of a plan for further action in this important area of administration of justice.

We look forward to welcoming you to Brisbane in July 2002.

Justice Kellam
President – Australian Institute of Judicial Administration

CONFERENCE SECRETARIAT
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Website: www.aija.org.au

AIJA 2002 | BRISBANE, 12-14 JULY 2002
PLEASE DIARISE THESE DATES NOW!

AUSTRALIAN MAGISTRATES' PERSPECTIVES ON EXPERT EVIDENCE: A COMPARATIVE STUDY



*Dr Ian Freckelton
Co-author of the report*

New AIJA Research Publication

The use of expert evidence in courts and tribunals and the role of expert witnesses has received much attention in recent years. In 1999 the AIJA published the first of a series of studies designed to assist consideration of the relevant issues. That report, *Australian Judicial Perspectives on Expert Evidence: An Empirical Study* analysed the results of a survey of trial judges in relation to issues of the presentation of expert evidence in their courts. The research was conducted by Dr Ian Freckelton, Dr Prasuna Reddy and Mr Hugh Selby on behalf of the AIJA.

The AIJA has now released a companion volume to that report, based on an analysis of a survey conducted of the Australian magistracy. The survey sought magistrates' views on expert evidence and its presentation in the courtroom.

Undertaken in October 1998, this was described at the time as being the most comprehensive survey of the magistracy ever undertaken.

In addition to building upon the the results of the first report, the survey also provided an opportunity to examine some aspects of trial practice unique to magistrates courts and to compare the views of judges and magistrates.

As was the case with the judges' survey, significant numbers of magistrates expressed concerns about possible bias or partisanship on the part of expert witnesses. Concerns about the quality of advocacy and communication skills also emerged.

The report suggests a number of measures to address these concerns and it examines the place of expert evidence in the adversary process generally. Its release will make a further contribution to debate and discussion in this area and the Institute is appreciative of the support of both The National Institute of Forensic Science (NIFS) for its assistance in collating the results of the survey and to the members of the Project Advisory Committee who supervised the preparation of the report.

Financial members of the AIJA will automatically received a copy of this publication. Additional copies can be ordered from the AIJA Secretariat: 1st Floor, 723 Swanston Street, CARLTON VIC 3053. Tel: (03) 9347 6600 Fax: (03) 9347 2980, or email: k.jarrett@unimelb.edu.au

Representing Justice Conference

13 December (High Court) and 14 December (University of Canberra), Canberra

A second conference examining the architectural and social environments of the courts is to be held in the High Court and the University of Canberra on 13-14 December 2002. This is a preliminary notice to ask you to put the dates in your diaries. The content of the conference is being worked out, and any ideas you have would be gratefully received. It is expected that a display space will be available for courts to showcase their buildings, plans or processes. Judges and magistrates, architects, court planners and administrators, and others with an interest in court architecture and processes will be welcome to attend.

For further information please contact:

Dr David Tait, Management and Technology, University of Canberra, ACT 2601

Phone: 61 2 6201 2729, Fax: 61 2 6201 5239

Email: dbt@management.canberra.edu.au

Overseas Conferences

A list of overseas conferences likely to be of interest to AIJA members is now published on the AIJA Website at <http://www.aija.org.au/OSHYPE.htm> or contact the AIJA Secretariat on Tel: (03) 9347 6600 of Fax (03) 9347 2980.

SECURITY AND AUTHENTICATION IN ELECTRONIC COURT SERVICES

Courts in a number of jurisdictions round Australia, including New South Wales and the Federal Courts, are moving towards online lodgment and other electronic court services.

The Information Technology Adviser to the Law Society of New South Wales, has recently developed an Issues Paper, to address some of the issues courts are facing in this process. This paper contains a useful overview of current developments, looking particularly at the issue of secure transmission of data in the court process.

The paper examines the security requirements on online transactions and surveys online initiatives in courts around Australia and in the US and their security protocols. It looks at the various technical solutions and the options used on other online initiatives, such as those in the banking industry.

The papers suggests that the present standard for authentication is username and password, which although it has drawbacks, it is easily understood by users and fairly cheap to administer. However, it suggests that there is an urgent need for a national approach to the co-ordination security and authentication requirements.

The paper is available from <http://www.lawsocnsw.asn.au/technology/> or by contacting Sally Kay at the Law Society on (02) 9926 0279 or at sxk@lawsocnsw.asn.au. The paper will be open for comment until the end of February.

Legal XML and E-filing - The Australian Focus VSCL and AIJA Joint Conference 25-26 October 2001

The development of common standards for electronic information is becoming increasingly important as the legal profession and courts move towards technologies such as electronic filing.

Both the VSCL (Victorian Society of Computers and the Law) and the AIJA have been active in the education and the dissemination of information with respect to standards and the use of XML in the legal industry as a way to achieve this and joined forces to present this seminar last October.

The development of common standards allows electronic information to be shared between computers. If legal documents such as judgments, transcripts and court filed documents are produced in a manner that is electronically consistent, these documents, and related indices, can be used at all stages of the process, from discovery through to the ultimate appeal.

In opening the conference, Chief Justice Phillips of the Supreme Court of Victoria, pointed to the need for a co-operative, informed approach as to the use of tools such as XML. He noted that the successful development of standards and protocols is not something that one sector of the legal system can undertake in isolation.

The topics for the conference included both technical and non-technical issues around XML and e-filing and examples of work being done in both the private and public legal sectors. All papers from the conference are available on both the VSCL and AIJA websites (www.vscl.org.au and www.aija.org.au respectively).

The AIJA is grateful for the support of both the Victorian Supreme Court and the Victorian Civil and Administrative Tribunal for hosting and providing technical support for the conference.

Technology for Justice 2002

20-22 October 2002

Sydney Convention Centre, Darling Harbour

Exhibition and preliminary program information - see the AIJA website at www.aija.org.au

AIJA MEMBERSHIP

AIJA Membership is open to judges, magistrates, members of tribunals, practitioners, graduates in law or jurisprudence, researchers in law reform and related agencies, court administrators, law librarians, and others with an interest in judicial administration. In each edition of *AIJA News* we publish a list of our most recent members. This appears below.

Members receive free copies of the AIJA research publications, *AIJA News*, our *Annual Report* and advance notice of AIJA courses, conferences and seminars and discount registration rates.

If you are interested in becoming a member of the Institute, or would like further information, please contact the AIJA Secretariat (Tel: (03) 9347 6600 Fax: (03) 9347 2980 or email the Membership Officer, Raffaella Stefanovski on rstef@unimelb.edu.au).

NEW MEMBERS

The Hon Justice Joseph C Campbell, Supreme Court of NSW
Mr Robert Davis, Practitioner, Minter Ellison, Victoria
Mr Rodney Hackett, New South Wales
Her Hon Judge Carolyn Jenkins, District Court of WA
Commissioner Stephen Kenner, WA Industrial Relations Commission
Ms Patricia L Leary, President, Tasmanian Industrial Commission
Her Hon Judge Rachelle A Lewitan, County Court of Victoria
Dr David List, Psychologist Registration Board, Victoria
Mr John Walters, Federal Magistrate, Victoria
Ms Amanda Watt, Practitioner, Minter Ellison, Victoria

IS YOUR MEMBERSHIP UP-TO-DATE?

Reminder invoices for membership fees have recently been issued. Please note that we cannot supply copies of research publications to members who are unfinancial.

If you have any queries about your membership fees, call Raffaella Stefanovski at the AIJA Secretariat on (03) 9347 6600

Australian Law Reform Agencies Conference

Law Reform Agencies in the 21st Century

DARWIN
June 19 - 21 2002

Contact the Conference Secretariat for further details:

Convention Catalysts International Pty Ltd
GPO Box 2541
Darwin, Northern Territory, Australia 0801
PH: +61 8 8981 1875
FAX: +61 8 8941 1639
Email: convention.catalysts@norgate.com.au

Conference on Drugs, Rehabilitation and the Criminal Justice System

28 Feb - 1 Mar 2002, Wentworth Hotel, Sydney

This conference is designed to promote awareness and discussion about the way in which the criminal justice, health and corrections systems should deal with sentencing, imprisonment, drug dependency and mental health issues affecting offenders.

It will be of special interest to judicial officers, policy makers, health, criminal justice and corrections professionals, treatment providers and court administrators from Australia and overseas.

*For further information contact:
The Conference Co-ordinator,
Drug Court of NSW*

*PO Box 92, SYDNEY NSW 2124
Ph: (02) 9895 4155 Fax: (02) 9895 4545
Email: John_Castelan@agd.nsw.gov.au*

Inaugural Conference of the Australasian Coroners' Society Inc.

Melbourne, 18-21 September 2002

Held in conjunction with the 7th Indo-Pacific Congress on Legal Medicine and Forensic Sciences, this conference will provide a unique opportunity for coroners and others to exchange ideas with forensic pathologists and scientists from the region.

It will be of interest to coroners, practitioners, those involved in the investigative, management or administrative aspects of coronial work, grief counsellors and those involved in injury prevention research.

For inquiries and registration details, contact Congress Secretariat, C/- National Institute of Forensic Science, Suite 1, R&D Park Centre, 2 Research Avenue, Bundoora, Victoria 3083, Australia, Fax: 61 3 9457 3622.

INTERNATIONAL SOCIETY FOR THE REFORM OF CRIMINAL LAW

The AIJA has been asked to advise its members that limited copies of the CIJL Yearbook are available in Australia, at a cost of \$20 per copy.

Contact: *Mr Damian Bugg, Commonwealth DPP, GPO Box 366D, HOBART TAS 7001, Tel: (03) 6220 5462, Fax: (03) 6220 5425*