



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 CONFERENCE, COURSE AND SEMINAR PROGRAMME 2002

SCHEDULED:

- ❑ **AIJA Sheriff's Conference**, 11-12 July 2002 (Brisbane)
- ❑ **'Access to Justice - The Way Forward'**, 20th AIJA Annual Conference, 12-14 July 2002 (Brisbane)
- ❑ **2nd AIJA Magistrates' Conference**, 13-14 September 2002 (Brisbane)
- ❑ **AIJA Biennial Court Librarians' Conference**, 18 September 2002 (Brisbane)
- ❑ **AIJA Technology for Justice 2002 Conference**, 20-22 October 2002, (Sydney)

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

AIJA AWARD FOR EXCELLENCE IN JUDICIAL ADMINISTRATION

Closing date for nominations - 31 July 2002!

The AIJA Award for Excellence in Judicial Administration 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 this year.

Interested persons (including courts and other institutions) are invited to submit nominations for the 2002 Award.

For details of the nomination process and the conditions of the award, see the AIJA website at www.aija.org.au or contact the Secretariat on (03) 9347 6600.

ACCESS TO JUSTICE - THE WAY FORWARD 20th AIJA ANNUAL CONFERENCE

Brisbane, 12-14 July 2002

The 20th AIJA Annual Conference will provide a timely opportunity to re-examine the nature of access to justice in Australia. It is set against a backdrop of concerns about rising numbers of unrepresented litigants, legal aid funding, increasing insurance premiums and the roles of the courts and the legal profession.

Speakers include:

- Mr Tony Abbott** President, Law Council of Australia
- Ms Diana Bryant** Chief Federal Magistrate
- Mr Kevin Cocks** Director, Queensland Advocacy Incorporated
- Mr Martin Daubney SC** Queensland
- Justice Geoff Davies** Court of Appeal, Queensland
- Chief Justice Paul de Jersey AC** Chief Justice of Queensland
- Ms Maria Dimopolous** Consultant, Victoria
- Ms Merran Lawler** Director, Caxton Legal Centre, Queensland
- Ms Ann Lyons** President, Guardianship and Administration Tribunal, Queensland
- Mr Geoff Mulherin** Director, Law and Justice Foundation, New South Wales
- Mr Gerry Murphy AM** Murphy Schmidt Solicitors, Queensland
- Mr Richard Naidu**, Law Society of Fiji
- Mr Colin Neave** Australian Banking Industry Ombudsman, Victoria
- Justice Robert Nicholson AO** Federal Court of Australia
- Dr Paul Nisselle** Chief Executive, The Medical Indemnity Protection Society, Victoria
- Mr Noel Pearson**, Cape York Partnerships, Queensland
- Justice Ronald Sackville** Federal Court of Australia
- Ms Patricia Staunton AM** Chief Magistrate, New South Wales
- The Honourable Rod Welford MP** Attorney-General and Minister for Justice, Queensland

Conference program and registration details are available on the AIJA website at: <http://www.aija.org.au/ac02regbro.pdf> or contact the Conference Organisers on:

AIJA 2002
PO Box 1280
(11/97 Castlemaine Street)
MILTON QLD 4064
Telephone: +61 (0)7 3858 5582

Second AIJA Magistrates' Conference

13-14 September 2002

Mercure Hotel Brisbane, 85-87 North Quay, Brisbane

The 2nd AIJA Magistrates' Conference is being organised in conjunction with the Council of Chief Magistrates of Australia and will be held in Brisbane on 13-14 September 2002.

The programme will focus on current topics of relevance to the work of the magistracy. Attendance at the conference is open to magistrates from all Australian jurisdictions and equivalent positions in overseas countries.

Registration details and an outline programme will be available in early July and will also be posted on the AIJA's website: www.aija.org.au

To register your interest or for general inquiries, contact:

AIJA Secretariat

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723 Swanston Street

Carlton Vic 3053

Tel: (61 3) 9347 6600

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Email: c.crawford@unimelb.edu.au

Looking for an AIJA publication? . . .

Check our on-line publications page - at <http://www.aija.org.au/onlinepub.htm> - for

- copies of conference papers
- summaries of AIJA research publications
- an electronic version of AIJA News
- our full publications list

Journal of Judicial Administration

Professor Greg Reinhardt (Editor)

With major developments in judicial administration in Australia and around the world, plus the interest in the role and operation of the judicial system and related institutions, there is a real need for one source to keep you current on the topical issues in this area.

LBC's Journal of Judicial Administration keeps you up to date and includes:

- o Issues central to the operation of courts, tribunals and quasi-judicial forums
- o The impact of new technology
- o The structure, organisation, financing and management of the courts
- o Case management
- o The appointment, tenure, independence and accountability of judicial officers
- o Judicial education.

4200A

12 month subscription includes 4 parts per year

Backset available.

For further information about the Journal see <http://www.lbc.com.au/> or email

salesupport@thomson.com.au

WHAT'S NEW - RECENT ADDITIONS TO THE AIJA LIBRARY

- AKKAS, SARKAR ALI Appointment of Supreme Court Judges in Bangladesh: A study of law and practice. 2001 14p.
- AULD J Review of the Criminal Courts of England and Wales: Report London: HMSO. October 2001
- ADMINISTRATIVE REVIEW COUNCIL A Guide to Standards of Conduct for Tribunal Members. Canberra: ARC. September 2001
- STEERING COMMITTEE FOR THE REVIEW OF COMMONWEALTH / STATE SERVICE PROVISION; AUSTRALIA. PRODUCTIVITY COMMISSION Report on Government Services: 2002
- AUSTRALIAN LAW REFORM COMMISSION The Judicial Power of the Commonwealth Report: A review of the Judiciary Act 1903 and related legislation. October 2001 Report 92
- CAMPBELL, ENID; LEE, HOONG PHUN The Australian Judiciary. Cambridge: Cambridge University Press. 2001
- CHIEF JUSTICE'S WORKING PARTY ON CIVIL JUSTICE REFORM. HONG KONG SPECIAL ADMINISTRATIVE REGION. PEOPLE'S REPUBLIC OF CHINA. Civil Justice Reform: Interim Report and Consultative Paper. 2001
- FABRI, MARCO (EDITOR); CONTINI, FRANCESCO (EDITOR) Justice and Technology in Europe : How ICT is changing the judicial business. The Hague: Kluwer Law International. 2001
- FEDERAL COURT OF AUSTRALIA The Art of Delivering Justice: Resources on Law and Justice in Australia. Carlton South Vic: Curriculum Corporation. 2001 Book (2 copies) vi,90p. Video 20 minutes
- FEDERAL JUDICIAL CENTER 1999 Catalog of Audiovisual Media Productions Washington DC: FJC. 1999 vii,165p.
- FEDERAL JUDICIAL CENTER Reference Manual on Scientific Evidence Washington DC: FJC. 2nd edn. 2000
- FINGLETON, D.M. Litigants in Person: Guidelines for Magistrates. 2001
- GRAY, CYNTHIA An Ethics Guide for Judges and Their Families : Discussion Guide Chicago IL: American Judicature Society. 2001
- New Zealand INSTITUTE OF JUDICIAL STUDIES Annual Report 2000/2001,
- LAW REFORM COMMISSION OF WESTERN AUSTRALIA Discussion Paper on Contempt in the Face of the Court : Project no. 93(1) Perth: LRCWA. August 2001
- NATIONAL CENTER FOR STATE COURTS Seventh National Court Technology Conference. Papers presented at Conference held at Baltimore, Maryland 14-16 August 2001. 1 CD.
- NEW SOUTH WALES. ATTORNEY GENERAL'S DEPARTMENT Review of the Sheriff Act 1900 and the Sheriff's Role in the Security of Courts : Discussion paper NSW Attorney-General's Department. July 2001
- NEW SOUTH WALES LAW REFORM COMMISSION Sentencing: Young offenders. July 2001 Issues paper 19
- NEW ZEALAND. DEPARTMENT FOR COURTS A Guide to the Disputes Tribunal : Settling disputes simply. August 2000 revision Video 17 minutes.
- NEW ZEALAND LAW COMMISSION Reforming the Rules of General Discovery: A discussion paper September 2001
- NEW ZEALAND LAW COMMISSION Proof of Disputed Facts on Sentence : Report 76 November 2001
- NEW ZEALAND LAW COMMISSION Family Court Dispute Resolution : A discussion paper. January 2002.
- NIEMIC, ROBERT J.; STIENSTRA, DONNA; RAVITZ, RANDALL, E. Guide to Judicial Management of Cases in ADR. Washington DC: FJC. 2001
- PAPUA NEW GUINEA. DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL Village Courts Manual 2001, Village Courts Policy 2001
- PLOTNIKOFF, JOYCE; WOOLFSON, RICHARD; HM PRISON SERVICE; COURT SERVICE Evaluation of Video Link Pilot Project at Manchester Crown Court 2000 and Video Link Pilot Evaluation : A publication arising from section 57 of the Crime and Disorder Act 1998. 1999
- POTAS, IVAN Sentencing Manual : Law, principles and practice in New South Wales Sydney: Judicial Commission of NSW; June 2001
- QUEENSLAND. DEPARTMENT OF ABORIGINAL AND TORRES STRAIT ISLANDER POLICY Aboriginal and Torres Strait Islander Justice Workshop. Papers from workshop held 11-12 October 2001
- STRANG, HEATHER (EDITOR); BRAITHWAITE, JOHN (EDITOR) Restorative Justice and Civil Society. Cambridge: Cambridge University Press. 2001
- VICTORIAN LAW REFORM COMMISSION Sexual Offences : Law and Procedure. Discussion paper. Melbourne: VLRC. September 2001

Indigenous Interpreting issues for Courts



The AIJA is pleased to announce the release of its latest publication, *Indigenous Interpreting issues for Courts*, by Dr Michael Cooke. Dr Cooke is the principal of Intercultural Communications, based in Canberra.

The issue of interpreting services for indigenous people in Australian courts is one that has been considered by both the AIJA's Indigenous Cultural Awareness Committee and its Research and Project Advisory Committee in recent years. Questions relating to the need for such services, their availability and their use have been discussed in these forums and at AIJA Council.

To assist an informed debate about these issues, the 2001 AIJA Annual Conference included a session on the topic, which featured a presentation by Dr Michael Cooke. Dr Cooke has published his doctoral thesis on this topic and is recognized nationally as a leading expert in the field.

The quality of Dr. Cooke's paper presented at the Annual Conference was such that the AIJA believed there would be value in publishing it in its own right. It is hoped that in addition to its value as an information resource, this paper may provide useful background material for courts and tribunals who are considering running education programs for judicial officers or court staff on the issue of interpreters for indigenous languages.

Indigenous Interpreting Issues for Courts has been distributed free of charge to all financial members of the AIJA. Additional copies can be purchased from the Secretariat. Contact: Kathy Jarrett on (03) 9347 6600 or email: k.jarrett@unimelb.edu.au

THE COMMONWEALTH CRIMINAL CODE - A GUIDE FOR PRACTITIONERS

The Commonwealth Attorney-General's Department, in association with the AIJA, has recently published a guide for practitioners on the provisions of the Commonwealth Criminal Code.

The Criminal Code has been progressively applied to Commonwealth offences since 1997 and, subject to a short delay with a handful of offences, applied to all Commonwealth offences from 15 December 2001.

The Guide was prepared by Mr Ian Leader-Elliott, senior lecturer at Adelaide Law School. Mr Leader-Elliott gave a presentation on the Criminal Code to last year's inaugural AIJA Magistrates' Conference.

Copies of the publication are available from the AIJA or can be downloaded from the Commonwealth Attorney-General's Department website at <http://www.ag.gov.au/publications/GuideforPractitioners.pdf>

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 or Fax (03) 9347 2980.

AIJA Technology for Justice Conference 2002

20-22 October 2002

Sydney Convention Centre, Darling Harbour

For the latest developments in the use of technology in the justice system in Australia and overseas
- Speakers from Canada, the Netherlands, New Zealand, Norway, Singapore and the United States.

Topics include:

- * The use of technology in the work of the International War Crimes Tribunal
- * Integrated Justice Systems
- * Court services on the Web
- * Electronic filing - its significance for the legal profession
- * Use of technology in delivering legal aid services

FOR program details, registration, trade show inquiries and much more - see the AIJA website at www.aija.org.au

Proposed XML standard for Judgments

The Supreme Court of Western Australia and Ministry of Justice Western Australia have recently released a proposed XML Schema Definition of Supreme Court Judgements.

The proposal follows from a report to the Council of Chief Justices in 1998, that identified a need to develop standards for the creation, maintenance and distribution of judgments in electronic form, to assist in searching and retrieval of judgments and the development of enabling software. The report recommended that there should be consistency in the preparation and production of the electronic version of judgments. The use of non-proprietary standards, such as XML, can play a useful role in this.

The WA proposal is based on existing judgment formats in that State and uses the *AIJA Guide to Uniform Production of Judgments (1999)*. It has been released for comment to other courts and it is hoped that it will form the basis for an Australia wide standard in the future.

The document is available on the AIJA website at: <<http://www.aija.org.au/info/techn/LEGALXML.HTM>>. Comments and inquiries can be directed to Jennifer Lazberger, email: Jennifer.Lazberger@justice.wa.gov.au or Greg Kirk, email: gkirk@csc.com.au

Use of technology in trials Victorian Supreme Court issues new Practice Note

The Victorian Supreme Court has recently launched a new Practice Note, No. 1 of 2002, on Guidelines for the Use of Technology in Civil Matters. It replaces the earlier Practice Note 3 of 1999.

Like its predecessor, it begins from a standpoint of encouraging parties to attempt to agree on matters such as the format and means of exchange of digital documents, and how technology might aid the processes or preparation and trial. These issues may also form the subject of orders at directions hearings. However, the new Practice Note goes a step further and provides for certain default standards to apply in the absence of agreement or court direction. These defaults are based on inexpensive, universal formats and techniques that should not impose an unreasonable burden on parties or their practitioners - either in terms of cost or the technological skills required to comply.

Clause 14 of the Practice Note makes it clear that parties will often be expected to have explored the appropriateness of electronic discovery, and considered the best means of facilitating it. Unless the court orders otherwise, a party must comply with a request for exchange of court documents electronically, in addition to hard copy. Discovery lists must be provided in electronic format when requested, and the parties should consult on a numbering protocol before doing so.

The new Practice Note also incorporates other changes with a view to streamlining and simplifying its operation. The threshold for parties to consider electronic exchange of document data has been lowered from 1,000 discoverable documents to 500. The status of electronic files is enhanced, with as-of-right access to digital copies of documents being more common.

The issue of costs in relation to the use of technology in civil litigation is an emerging one. Much of the benefit of IT in litigation rests in increased efficiency and reduced costs. The new Practice Note attempts leaves no doubt that funds properly expended in achieving that will be regarded as "necessary and proper for the attainment of justice or for enforcing or defending the rights of a party" within the meaning of Rule 63.69 of the rules of court.

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

Professor Christopher Arup, Law School, Victoria University, Melbourne, Victoria

Magistrate Thomas Barrett, Magistrates Court of Victoria
His Hon Judge John Richard Bowman, County Court of Victoria

Mr Frank Clair, President, Mental Health Review Board, Queensland

Mr Christopher Craigie, SC, Barrister, New South Wales
The Hon Justice Garry Downes, President, Commonwealth Administrative Appeals Tribunal

Ms Susan Gavaghan, Media Manager, Family Court of Australia

The Hon Justice Ian Gzell, Supreme Court of New South Wales

Mr Aaron Kernaghan, Office of the Director of Public Prosecutions, New South Wales

Ms Helen King, Student, Victoria

His Hon Judge Peter Martino, District Court of Western Australia

Mr John North, Partner, North & Badgery, Sydney, New South Wales

Magistrate Leanne O'Shea, Magistrates' Court, Queensland

The Hon Justice Nicola Pain, Land and Environment Court of New South Wales

Ms Isabel Parsons, Abbott Stilman & Wilson, Melbourne, Victoria

Ms Jane Peacock, Senior Deputy Registrar, Family Court of Australia, New South Wales

Mr Kenneth Pettit, SC, Barrister, Western Australia

The Hon Justice Christopher Pullin, Supreme Court of Western Australia

His Hon Judge Nigel Geoffrey Rein, SC, District Court of New South Wales

His Hon Judge Alan Wilson, SC, District Court of Queensland

Magistrate George Zdenkowski, Local Court of New South Wales

MEMBERSHIP INVOICES

AIJA membership is based on the financial year.

Members will receive invoices for 2002-2003 membership in July 2002. Prompt payment will ensure that you continue to receive copies of all out mail-outs.

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

"Detention, Decisions and Dilemmas"

- Reviewing Involuntary Detention and Treatment into the 21st Century

A National Conference Hosted by the Mental Health Review Board of Victoria to mark its 15th Anniversary 17-18 October 2002, Melbourne

This conference is designed to bring together participants and presenters from all over Australia to critically assess and compare the review processes, legislative frameworks, policy underpinnings and practical issues concerning involuntary (or compulsory) detention and treatment of people with serious mental illness.

Speakers include:

- Professor Terry Carney, Professor of Law, Sydney University
- Professor Neil Rees, Professor of Law, University of Newcastle
- Ms Bethia Wilson, Victorian Health Services Commissioner,
- Professor Graham Mellisop, Head, Clinical School, Middlemore Hospital, New Zealand,
- Associate Professor Bill Healy, Associate Professor of Social Work at La Trobe University.

For further information contact:

The Conference Organiser

PO Box 385, MALVERN, VIC, 3044

Ph: (03) 9509 7121 Fax: (02) 9509 7151

Email: conorg1@optushome.com.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.