

7th ANNUAL AIJA TRIBUNALS CONFERENCE

Brisbane, 10-11 June 2004

Tribunals: Improving Access to Justice?

PROGRAMME

THURSDAY 10 JUNE

12.30 pm Registration.

1.30 pm **WELCOME AND OPENING (Albert & Queen Rooms)**

Justice Peter Underwood, Supreme Court of Tasmania, President, AIJA

1.40 pm **SESSION ONE (Albert & Queen Rooms)**

Chair: Frank Clair, President, Mental Health Review Tribunal Queensland

Tribunals, like courts, must:

- provide parties with a reasonable opportunity to present their case;
- carefully weigh evidence or material placed before them;
- interpret and apply the law;
- expose their reasoning processes to the parties through the provision of reasons for decision; and
- avoid bias or the appearance of bias.

So, how do they differ from the courts?

Presenter: [Dr Geoff Airo-Farulla PPT](#), Faculty of Law, Griffith University

2.40 pm Afternoon Tea

3.10 pm **SESSION TWO (Albert & Queen Rooms)**

Chair: Professor Greg Reinhardt, Executive Director, AIJA

The role of consensual dispute resolution in tribunals.

Presenter: [Kay Ransome, PPT](#), Chairperson, Consumer, Trader and Tenancy Tribunal (NSW)

Commentator: [Tim Olphert](#), Chairman, Removal Review Authority (NZ)

4.10 pm **SESSION THREE (Albert & Queen Rooms)**

Chair: Justice Garry Downes, President, Commonwealth AAT & COAT

Benchbooks for Tribunals – The Next Stage

Presenter: [Livingston Armytage, PPT](#), Director, Centre for Judicial Studies, NSW

5.00 pm Close

7.00 for **CONFERENCE DINNER – Chifley at Lennons, Albert & Queen Rooms**

7.30 pm *Speaker: The Hon Justice Paul de Jersey AC, Chief Justice of Queensland*

FRIDAY 11 JUNE

9.00 am **SESSION FOUR (Albert & Queen Rooms)**

Chair: *Anne Coghlan, Deputy President – General, Victorian Civil & Administrative Tribunal*

Tribunals – A User’s Perspective

Presenters: [Paul O’Connor PPT](#), Executive Manager, Common Law and Appeals, Transport Accident Commission, Victoria (Victorian Civil & Administrative Tribunal user)

[Russell Ensbey, PPT](#), Partner, Lambert & Ho, Solicitors (Commercial & Consumer Tribunal user, QLD)

[John Stannard](#), Welfare Rights Centre QLD (Social Security Appeals Tribunal User)

Clinton Miles, Office of the Public Trustee Queensland (Guardianship & Administration Tribunal & Mental Health Review Tribunal user)

10.15 am **SESSION FIVE A (Albert & Queen Rooms)**

Chair: *Justice Terry Sheahan, President, Workers Compensation Commission, New South Wales*

Comparing Processes in the Mental Health Review Tribunals

Presenters: *Frank Clair, President, Mental Health Review Tribunal Queensland.* [CaseStudy 1](#) [Case Study 2](#), [Comparative Table](#) & [Comparative Criteria](#)

John Lesser, President, Mental Health Review Board, Victoria

Professor Duncan Chappell, President, Mental Health Review Tribunal, New South Wales

10.15 am **SESSION FIVE B (George Room)**

Chair: *Anne Wallace, Deputy Executive Director, AIJA*

“It’s not Easy being Sessional” - Forum for Sessional Tribunal Members

Convenor: [Margaret Lothian](#), Sessional Member, Victorian Civil & Administrative Tribunal

11.00 am Morning Tea

11.30 am **SESSION SIX (Albert & Queen Rooms)**

Chair: *Barry Cotterell, Former Chairperson Queensland Building Tribunal*

Giving the Decision

Oral Reasons for Decision

Presenter: [Justice Stuart Morris PPT](#), President, Victorian Civil and Administrative Tribunal

Plain English in Decision-Writing

Presenter: [Dr Ros MacDonald PPT](#), Senior Lecturer, Law Faculty, Queensland University of Technology

12.45 pm Lunch

1.45 pm **SESSION SEVEN (Albert & Queen Rooms)**

Chair: *Ann Lyons, President, Guardianship & Administration Tribunal, QLD*

Eliciting and Evaluating Evidence

How should Tribunals evaluate the evidence?

Presenter: [Justice James Douglas](#), Supreme Court, Queensland

Are Tribunals asking the right questions to get to the facts?

Presenter: [John Logan SC](#), Barrister, Queensland

2.45 pm Afternoon Tea

3.15 pm **SESSION EIGHT (Albert & Queen Rooms)**

Chair: *John Lesser, President, Mental Health Review Board of Victoria*

Tribunals are part of the executive arm of government but as merit review tribunals they provide decision making and dispute resolution processes between the citizen and the government. What steps are required to ensure that they are truly independent of the executive arm of government?

Presenter: [Barry Cotterell, PPT](#), Former Chairperson Queensland Building Tribunal, Property Agents and Motor Dealers Tribunal and Retirement Villages Tribunals

3.45 pm **SESSION NINE A (Albert & Queen Rooms)**

Chair: *Joan Dwyer, Senior Member, Administrative Appeals Tribunal*

Are tribunals inquisitorial or do they tend to become adversarial and does it make any difference?

Presenters: *Professor Robin Creyke, Director of Teaching & Learning, Faculty of Law, Australian National University and Narelle Bedford, Executive Officer, Migration & Refugee Review Tribunals*

3.45 pm **SESSION NINE B (George Room)**

Chair: *Professor Greg Reinhardt, Executive Director, AIJA*

A Moveable Feast; Identifying Ethical Norms within Quasi-judicial Practice? The development of a uniform theory of tribunal ethics and practice.

Presenter: [Alison Christou](#), Research Scholar, Centre for Public, International and Comparative Law, University of QLD, T.C. Beirne Law School

4.30 pm Close.