

22nd AIJA ANNUAL CONFERENCE

‘Proportionality – cost-effective justice?’

17-19 September 2004

The Westin Sydney, 1 Martin Place, Sydney

FINAL PROGRAMME

FRIDAY 17 SEPTEMBER	
1800	Opening Reception – Buena Vista Cafe Bar on Level 14, Law Courts Building, Queens Square, 184 Phillip Street, Sydney.
SATURDAY 18 SEPTEMBER	
0730	Registration
0845	Welcome and Opening Justice Peter Underwood AO, Supreme Court of Tasmania, AIJA President The Hon Bob Debus, MP, New South Wales Attorney-General
0915	KEYNOTE ADDRESS – ADJUSTING THE INTERESTS OF PARTIES AND COURTS: UNIFORMITY, DIVERSION AND PROPORTIONALITY Convenor: The Hon JJ Spigelman AC, Chief Justice of New South Wales Guest Speaker: Professor Ian Scott, PPT , Professor of Law, University of Birmingham, United Kingdom
1000	SESSION ONE – PROPORTIONALITY Convenor: Justice Virginia Bell, Supreme Court of New South Wales, AIJA Council member Speakers: Associate Professor Sue Campbell , Law School, Monash University The Rt Hon Thomas Gault , Supreme Court, New Zealand Judge James Leong, PPT , Subordinate Courts of Singapore <i>This session will outline the significance of the concept of proportionality on procedural law in Australia, New Zealand and Singapore.</i>
1100	Morning Tea
1130	SESSION TWO – JUDICIAL CONTROL OVER THE TRIAL PROCESS Convenor: Professor Ian Scott, Professor of Law, University of Birmingham, United Kingdom Speakers: Justice Stephen O’Ryan, PPT , Family Court of Australia Judge Peter Boshier, PPT , Chief Judge, Family Court of New Zealand Judge Sharon Lim , Subordinate Courts of Singapore <i>Does the efficient allocation of court resources to dispute resolution require greater exercise of control from the bench? This session discusses a recent pilot project by the Family Court of Australia, in which the court will assume control of the fact-finding process.</i>
1245	Lunch
1400	SESSION THREE – COSTS POLICIES IN LOWER COURTS Convenor: His Hon Judge Derek Price, Chief Magistrate of New South Wales Speaker: Dr Andrew Cannon, PPT , Deputy Chief Magistrate, South Australia Commentators: Mr Robert Benjamin, Immediate Past President, Law Society of New South Wales Judge Tom Wodak PPT , County Court of Victoria Ms Nerida Wallace, PPT , Director, Transformation Systems Pty Ltd <i>Effective dispute resolution in lower courts depends firstly on parties being able to access those courts to resolve their disputes. This session will discuss how lower courts can best structure their cost policies to assist parties to access the courts and use them effectively. It will also discuss the extent to which cost policies should be structured to maintain a proper balance between dispute resolution within the courts and alternative dispute resolution processes.</i>
1515	Afternoon Tea

1545	<p>SESSION FOUR A – DIVERSION PROGRAMS IN THE CRIMINAL JURISDICTION – ARE THEY EFFECTIVE?</p> <p>Convenor: Magistrate Jennifer Batts, Southport Magistrates Court, Queensland</p> <p>Speakers: Magistrate Bill Brydon PPT, Sutherland Local Court – MERIT program Magistrate John Costanzo, PPT, Queensland Drug Court Professor Arie Freiberg, Dean of Law, Monash University (reference to Melissa Bull, A Review of International Programs for the Diversion of Drug Offenders from the Criminal Justice System (2003), QLD Government) Chief Magistrate Ian Gray, Victoria - Koori Courts</p> <p><i>Recent years have seen the introduction in a number of jurisdictions of programs that are designed to divert offenders from the mainstream criminal justice process and address the problems underlying their offending behaviour. These programs require additional resources and are more labour intensive in terms of their impact on judicial officers and court staff. This session will consider the impact and effectiveness of some of these initiatives.</i></p>
1545	<p>SESSION FOUR B – THE VALUE OF CIVIL CLAIMS – HOW SHOULD COURTS AND TRIBUNALS ALLOCATE RESOURCES?</p> <p>Convenor: Judge Christine Trenorden, AIJA Council member</p> <p>Speakers: Justice Peter McClellan, Chief Judge, Land and Environment Court, NSW Mr Adrian Howie, Partner, Minter Ellison, Sydney Professor Geoffrey Walker, Commonwealth Administrative Appeals Tribunal Ms Nancy Milne, Consultant, Clayton Utz, Sydney</p> <p><i>Civil reforms in a number of jurisdictions recently have involved the suggestion that courts should attempt to tailor the resources devoted to resolving a claim to the value of that claim. Should the court determine the level of resources devoted to resolving a claim? Should every litigant be entitled to their 'day in court'? What role does the legal profession play in this process? How can expert evidence be most efficiently used? What lessons can be learned from the approach taken in tribunals?</i></p>
1715-1800	AIJA AGM
1930 for 2000	<p>Conference Dinner – Heritage Ballroom, The Westin Sydney</p> <p>Speaker: Mr Paul Brunton, Senior Curator, Mitchell Library, State Library of New South Wales</p>
SUNDAY 19 SEPTEMBER	
0900	<p>SESSION FIVE – ALTERNATIVE DISPUTE RESOLUTION – WHEN IS IT MORE EFFECTIVE?</p> <p>Convenor: Justice John Byrne, President-Elect AIJA</p> <p>Speakers: Associate Professor Kathy Mack PPT, Law School, Flinders University Professor Hilary Astor, Abbott Tout Professor of Litigation and Dispute Resolution, Law School, University of Sydney Mr David Syme PPT, Director, National Alternative Dispute Resolution Advisory Council</p> <p><i>Discussion of cost-effective dispute resolution often involved consideration of the extent to which alternative dispute resolution process – mediation, conciliation, arbitration – might provide a better solution to resolving some types of cases. This session will discuss the extent to which it is possible to identify those disputes which are suitable for ADR or to match a particular dispute to a specific appropriate ADR process. It will also discuss the effectiveness of ADR in dispute resolution generally.</i></p>
1015	Morning Tea
1045	<p>SESSION SIX – COURT RULES – CONSISTENCY, HARMONY, UNIFORMITY?</p> <p>Convenor: Professor Greg Reinhardt, Executive Director, AIJA</p> <p>Speakers: Justice Kevin Lindgren, Federal Court of Australia Justice John Hamilton, Supreme Court of New South Wales Mr Laurie Glanfield, Director General, Attorney-General's Department, New South Wales Mr Peter Johnstone PPT, National Practice Head, Insurance and Risk Management, Blake Dawson Waldron, Sydney</p> <p><i>Inconsistency and variations in court rules and procedures are often identified by practitioners as a contributing factor to costs and inefficiency in the court process. With the advent of a national legal profession and the introduction of technologies such as electronic filing, there are greater imperatives to achieve a level of consistency in court procedures. This session will examine work being undertaken at a national level, under the auspices of the Council of Chief Justices and in New South Wales, as part of the development of the CourtLink project.</i></p>
1200	Close