

AIJA CRIMINAL TRIAL REFORM CONFERENCE

Hosted by the Standing Committee of Attorneys-General and the Australian
Institute of Judicial Administration

MELBOURNE BUSINESS SCHOOL
200 LEICESTER STREET, CARLTON
24 & 25 MARCH 2000

**PLEASE NOTE: To access Conference papers,
please click highlighted speaker's name in the
conference programme below**

The Standing Committee of Attorneys General ('SCAG') and the AIJA convened a national conference in March 2000 to discuss and develop proposals for the reform of the procedure of criminal trials.

The conference examined the *Working Group on Criminal Trial Reform Report* to SCAG which was released in November 1999. The Working Group, chaired by Justice Brian Martin and consisting of Mr Damian Bugg QC, Mr Richard Coates, Mr Robert Cornall, Chief Judge Kevin Hammond, Mr Michael Rozenes QC, Mr Bret Walker SC and Justice James Wood, made 56 key recommendations for reform.

A full copy of the *Report* and its recommendations can be found at:

http://www.ag.gov.au/www/agd/agd.nsf/Page/Publications_Workinggrouponcriminaltrialprocedurereport-September1999

At the conference, keynote speakers from each jurisdiction presented papers on various issues including:

- **Adversarial justice and the role of the jury trial;**
- **The role of the Federal, State and Territory Directors of Public Prosecution with regard to investigations and committal proceedings;**
- **The obligations placed on the Defence, including the right to silence;**
- **A series of procedural changes to improve quality and timeliness for trial preparation and conduct;**
- **Judicial supervision and control of cases from an early stage, and**
- **Legal Aid**

AIJA CRIMINAL TRIAL REFORM CONFERENCE

Melbourne, 24-25 March 2000

*Coles Theatre, Ground Floor, Melbourne Business School
200 Leicester Street, Carlton*

PROGRAMME

FRIDAY 24 MARCH

- 8.00 am **Registration**
- 9.00 am **Welcome:** The Hon Justice Catherine Branson, Federal Court of Australia,
President of the AIJA
- 9.10 am **Conference Objectives:** The Hon Daryl Williams AO QC MP, Federal Attorney-
General.

ADVERSARIAL JUSTICE

- 9.20 am Chair: Mr Bret Walker SC, New South Wales
- 9.30 am **Criminal trial process and the problem of delay**
The Hon Justice Mark [Weinberg](#), Federal Court of Australia
- 9.50 am **Adversarial justice in transition**
The Hon Mr Justice David [Ipp](#), Supreme Court of Western Australia
- 10.10 am **The limits of the right to silence**
The Hon Justice Geoff [Davies](#), Court of Appeal of Queensland
- 10.30 am Morning Tea
- 11.00 am **Adversarial Justice** (continued)
Commentators:
Dr Chris Corns, La Trobe University and Victorian Bar
Mr Wayne Martin QC, Barrister, Chair, WA Law Reform Commission
- 11.20 am Discussion
- 12.45 pm Lunch

PROSECUTION

- 2.00 pm Chair: Mr Damian Bugg QC, Commonwealth Director of Public Prosecutions

- 2.10 pm **The duty of disclosure on the prosecution**
Ms Wendy [Abraham](#) QC, Associate DPP, South Australia
- 2.30 pm **Prosecution discretion and the use of appropriate charges**
Mr Ian [Temby](#) QC, New South Wales
- 2.50 pm **Evidentiary rules and aids in the presentation of evidence**
Mr Robert [Cock](#) QC, DPP, Western Australia
- 3.10 pm *Commentators:*
Her Hon Judge Betty King, County Court of Victoria
Mr Terry Buddin SC, Crown Advocate, New South Wales
- 3.30 pm Afternoon Tea
- 4.00 pm Discussion
- 5.30 pm Close
- 7.30 for 8.00 pm **CONFERENCE DINNER**
Dinner Speaker: Professor Warren [Young](#) from Victoria University, Wellington, New Zealand
The Kelvin Club, Melbourne Place (off Russell Street, between Bourke & Little Collins Streets), Melbourne

SATURDAY 25 MARCH

DEFENCE AND LEGAL AID

- 9.00 am Chair: Mr Robert Cornall, Secretary, Attorney-General's Department, former Managing Director, Victoria Legal Aid
- 9.10 am **The right to silence in the pre-trial and trial stages**
Mr Michael [Rozenes](#) QC, Victoria
- 9.30 am **Defence cooperation in the trial process**
His Hon Judge John [Sulan](#), District Court of South Australia
- 9.50 am **Dietrich and the appropriate way to deal with related applications**
Mr Nunzio [La Rosa](#), Assistant General Manager, Criminal Law, Victoria Legal Aid
- 10.10 am *Commentators:*
Mr Norman Reaburn, Director, Tasmanian Legal Aid Commission
Mr Richard Coates, Director, Northern Territory Legal Aid Commission
- 10.30 am Morning Tea
- 11.00 am Discussion

12.45 pm Lunch

JUDICIAL CONTROL AND PROCEDURE

2.00 pm Chair: The Hon Justice Brian Martin, Supreme Court of South Australia

2.10 pm **Committal and post committal**
Mr Paul [Coghlan](#) QC, Chief Crown Prosecutor in Victoria

2.30 pm **Pre trial procedures**
Mr Tony [Glynn](#) SC, Queensland

2.50 pm **Conduct of the trial and powers of the trial judge**
The Hon Justice Ken [Mackenzie](#), Supreme Court of Queensland

3.10 pm *Commentators:*
Ms Elizabeth Kelly, Acting Deputy Secretary, Policy Division, Northern Territory Attorney-General's Department
His Hon Judge Kevin Hammond, Chief Judge, District Court of Western Australia

3.30 pm Afternoon Tea

4.00 pm Discussion

5.30 pm Close