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## 23rd AIJA ANNUAL CONFERENCE

### 7-9 October 2005, Wellington New Zealand

# TECHNOLOGY, COMMUNICATION, INNOVATION

#### Guest Speaker:

*The Honourable Justice Frances Kiteley, Superior Court of Justice, Ontario, Canada*

This year, the AIJA will return to New Zealand for its 23rd Annual AIJA Conference. The AIJA has close ties with the New Zealand judicial, tribunal and court administration communities and our last NZ Annual Conference, in 1996, was a great success. The current New Zealand representative on Council, Justice Ron Young, is chairing our Steering Committee for this conference and delegates will be assured of a warm welcome to a stimulating and enjoyable conference.

#### Venue

The conference will be held in Wellington, on 7-9 October 2005 at the Museum of New Zealand-Te Papa Tongarewa (<http://www.tepapa.govt.nz/TePapa/>), a stunning venue located on the waterfront in Wellington and close to a variety of accommodation options.

#### Program

The theme for the conference will be 'Technology, Communication, Innovation', with a focus on issues arising from the use of the technology in courts and tribunals - in particular, the delivery of electronic services, communication with the media and the public, privacy and access to data, transformation of business processes and computer-simulated evidence in the courtroom.

Our guest speaker will be Justice Frances Kiteley from the Superior Court of Justice of Ontario who chairs the Canadian Judicial Council's Security Sub-Committee, Judges' Technology Advisory Committee.

#### Other speakers confirmed include

- ❖ Laurence Millar, Director of the eGovernment Unit, State Services Commission of New Zealand
- ❖ Daniel Stepniak, Law School, University of Western Australia
- ❖ Justice Ronald Sackville, Convenor of the Judicial Conference of Australia
- ❖ Justice Robert Chambers, Court of Appeal, New Zealand
- ❖ The Rt Hon Thomas Gault, Supreme Court of New Zealand
- ❖ Megan Greenwood, CEO of the Supreme Court of New South Wales
- ❖ Bob Gotterson, QC, Australia
- ❖ Richard Refshauge SC, Director of Public Prosecutions for the Australian Capital Territory
- ❖ Justice Bruce Robertson, High Court of New Zealand
- ❖ Judge Chris Harding, District Court of New Zealand

#### Social events

A cocktail reception at Government House as the guests of Her Excellency, Dame Silvia Cartwright, the Governor-General of New Zealand - 5.30 - 7pm Friday 7 October. The Conference dinner will be held in Te Marae in the Museum of New Zealand - Te Papa Tongarewa. The Dinner will include a Maori welcome and cultural performance.

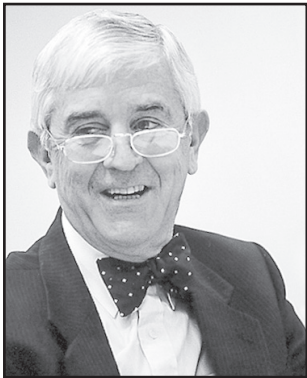
**Registration** is now available. For details see our website at <http://www.aija.org.au/ac05/>.

Delegates are encouraged to book early, in particular, to secure travel and accommodation arrangements. The NZ Law Society is acting as our conference organisers and its travel agent can assist with bookings.

#### Updates

We will be posting regular updates on the conference website - <http://www.aija.org.au/ac05/> - and members will receive a copy of the full conference brochure as soon as it is available.

## LIFE MEMBERSHIP FOR JUSTICE BERNIE TEAGUE



At its meeting in October 2004, the AIJA Council voted unanimously to award Life Membership of the Institute to Justice Bernie Teague of the Supreme Court of Victoria.

The award to Justice Teague was presented by AIJA President, Justice John Byrne, at the launch of the Court Governance

report in Melbourne, last November.

In presenting the award, Justice Byrne paid tribute to Justice Teague's substantial contribution to the administration of justice and to the work of AIJA. He noted that he had served a lengthy term as a Councillor and Board member of the AIJA.

Justice Teague played a particularly important role as the inaugural chair of the AIJA Education Committee, in establishing that Committee's work and the Institute's Education Protocols. He also chaired several Project Advisory Committees for AIJA research reports and convened the AIJA Technology for Justice Committee's first conference in 1998.

### 7th AIJA Masters' Conference 6-7 October 2005, Wellington, New Zealand

The AIJA is pleased to announce that the next biennial AIJA Masters' Conference will be held in Wellington on 6 & 7 October 2005, immediately preceding the Annual Conference.

The Masters' Conference will be hosted by the New Zealand Masters (now Associate Judges). It is open to persons occupying the office of Master, or its equivalent, in all jurisdictions.

*Further details will be advised to members and posted on the AIJA website - [www.aija.org.au](http://www.aija.org.au)*

#### AIJA EDUCATION PROGRAMMES 2005

- ❖ 8th AIJA Tribunals' Conference, 9-10 June 2005 (Sydney)
- ❖ 7th AIJA Masters' Conference, 6-7 October, 2005 (Wellington, New Zealand)
- ❖ 23rd AIJA Annual Conference, 7-9 October, 2005 (Wellington, New Zealand)

## REPORT ON SELF REPRESENTED LITIGANTS FORUM NOW AVAILABLE

As reported in our October 2004 edition, the AIJA and the Federal Court of Australia held a forum on this topic in Sydney last September. It was designed to discuss practices and procedures for dealing with unrepresented litigants, with a view to identifying best practice.

The report on the SRL Forum is now available on the AIJA Website and can be downloaded from <http://www.aija.org.au/online/SRLForumReport.pdf>.

*A hard copy of the report is available free of charge to AIJA members. For non members there is a charge of \$10.00 (inclusive of postage within Australia). Contact the Secretariat on: (03) 9600 1311 or [aija@monash.edu.au](mailto:aija@monash.edu.au).*

### AIJA FUNDS CULTURAL AWARENESS TRAINING FOR WA DISTRICT COURT

As part of the AIJA's ongoing indigenous cultural awareness program, the Institute's National Indigenous Cultural Awareness Committee (NICA) approved funding for a workshop on Aboriginal Issues and Cultural Consciousness held as part of the District Court of Western Australia's Annual Conference on 17 March 2005.

The AIJA program began in 1993 with Commonwealth Government Funding. It is designed to implement Recommendation 96 of the Royal Commission into Aboriginal Deaths in Custody, which recommended:

"That judicial officers and persons who work in the court service and in the probation and parole services whose duties bring them into contact with Aboriginal people be encouraged to participate in an appropriate training and development programme, designed to explain contemporary Aboriginal society, customs and traditions. Such programmes should emphasise the historical and social factors which contribute to the disadvantaged position of many Aboriginal people today and the nature of relations between Aboriginal and non-Aboriginal communities today. The Commission further recommends that such persons should wherever possible, participate in discussion with members of the Aboriginal community in an informal way in order to improve cross-cultural understanding".

The AIJA will also provide funding this year for programmes in the Northern Territory and South Australia.

# Court Performance Standards

The development of court performance standards is an area that has been the subject of some recent discussion in Australia. In the United States, as well, the development and implementation of appropriate methods of measuring and evaluating court performance is a topic that continues to stir debate, both within judicial circles and in the public arena.

The US National Center for State Courts in the US has been working to provide assistance to its constituents in this area for many years. In 1990, it released its *Trial Court Performance Standards*, a product of three years of work by a 12 member commission, drawn from the judiciary, court administration and academia.

Although occasionally referenced in Australian work on case management, the publication's complexity (68 standards) made it less accessible than might otherwise have been the case. It also failed to specify clear and specific instructions on how to calculate, interpret and use each measure.

Those shortcomings have now been addressed in a new publication *CourTools – Trial Court Performance Measures*. *CourTools* suggests only 10 court performance measures and provides detailed guidance to the courts on their use. The 10 key measures relate to:

- Access and Fairness
- Time to Disposition
- Trial Date Certainty
- Collection of Monetary Penalties
- Court Workforce Strength
- Clearance Rates
- Age of Active Pending Caseload
- Reliability and Integrity of Case Files
- Effective Use of Jurors
- Costs per Case

Its focus is on measuring and evaluating court operations; not on evaluating judicial performance.

*CourTools* is available on the NCSC website at: <http://www.ncsconline.org>.

## Case Management Seminar

25 February 2005

The AIJA held its re-convened case management seminar in Sydney this February. The seminar was attended by representatives of courts from all Australian states and territories, New Zealand and the Solomon Islands.

Feedback from the seminar indicates that participants found it a welcome opportunity to exchange information, ideas and experience. In particular, the AIJA was keen to explore two particular areas:

1. The evaluation of case management; and
2. Current Listing Practices.

Current issues explored in discussions at the seminar include the role and timing of alternative dispute resolution in case management, evaluation of case management and its costs, methods of dealing with expert evidence and self-represented litigants, and resourcing and training.

A report on the seminar will be available shortly.

Three recent developments in this area worthy of note since the seminar include:

- the announcement of reforms to the management and processing of indictable cases in New South Wales;
- also in New South Wales, the report of a review of legal and administrative costs in dust diseases cases;  
- details of both are available on the Lawlink website: [www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au)
- The new appellate division of the Supreme Court of Western Australia has introduced new procedures for the case management of appeals.

- details can be found on the court's website at:  
<http://www.supremecourt.wa.gov.au/courtapp/index.htm>.

## DOMESTIC VIOLENCE WORKSHOP 8 APRIL 2005

Cases dealing with violence in a family or domestic situation pose special difficulties for law-makers and those charged with enforcing the law. The AIJA Education Committee examined this topic in 2004, noting that the incidence of domestic violence matters appearing in court lists was still an issue of concern and that there were a number of new initiatives being trialed in various jurisdictions. The Committee thought it was timely to convene a conference to look at the impact of family violence applications on the courts and the way they are handled, with a view to determining best practice.

A small Steering Committee was established by the Institute consisting of Dr Andrew Cannon, Deputy Chief Magistrate, Adelaide Magistrates Court, Convenor of the AIJA Education Committee, Mr Ron Cahill, Chief Magistrate, Australian Capital Territory, Justice Linda Dessau of the Family Court of Australia and Mr Laurie Glanfield, Director-General of the Attorney-General's Department, New South Wales.

The Steering Committee decided that, as a precursor to a larger event, it should organise an event at which information in relation to current practice could be discussed by representatives of those courts which are involved in handling domestic violence applications.

The aim of the Forum was to bring together courts and related agencies for the purposes of:

1. Exchanging information on policies and strategies for handling family violence matters in courts; and
2. Identifying current issues and problems.

Hosted by the Family Court of Australia and held in Melbourne on 8 April 2005, the Workshop was attended by representatives from all Australian jurisdictions. A report is currently being prepared and will be used as the basis for planning a larger event with a broader range of invitees.

## AIJA NOTED IN STATE OF THE JUDICATURE ADDRESS

Set out below is that part of the Chief Justice of Australia's State of the Judicature address delivered at the Law Asia Conference held at the Gold Coast before Easter which referred to the work of the AIJA:

"The Australian Institute of Judicial Administration exists to promote excellence in judicial administration. Its current President is Justice John Byrne of the Supreme Court of Queensland. The Institute is one of several organisations engaged in judicial education. Courts and tribunals also conduct "in house" courses. This diversity of opportunities for judicial education has prompted the AIJA to reconsider its programs.

The Institute will continue to conduct courses and seminars concerned with case management, technology, cultural awareness, contemporary issues for tribunals, the cost of justice, and alternative dispute resolution for its broad membership of judicial officers, court administrators, tribunal members, practitioners and others. It will also target its activities towards particular groups such as appellate judges, masters, court administrators, and tribunal members. This year the AIJA will again organise an annual conference for tribunals, in recognition of their growing importance.

Many of the Institute's activities are held in conjunction with others. Seminars have been arranged with the Federal Court of Australia on self-represented litigants and best practice in case management. Soon the AIJA will convene a conference on domestic violence with the assistance of the Family Court of Australia. The Institute has worked closely with the Council of Australasian Tribunals and hopes to assist that body in developing a national bench book for tribunals.

The Institute's research program, which is devised to complement the education program, is extensive. Factors indicating whether a case is suitable for alternative dispute resolution were examined in Professor Mack's report, "Court Referral to ADR: Criteria and Research". The Institute has also published the report of Dr John Alford, Mr Royston Gustavson, and Professor Philip Williams on "The Governance of Australia's Courts: A Managerial Perspective". Other research is in progress.

In the last year, the Executive Director has participated in delivering courses in Papua New Guinea, Fiji and Samoa on alternative dispute resolution. The Institute assists in the Federal Court's annual program for Indonesian judges. Ties have been established with courts in the region, most recently in Brunei, and the Institute involves judges from overseas in its activities. Recently, for example, the Chief Justice of the Solomon Islands attended the case management seminar in Sydney. In the near future, the Institute's Executive Director will participate in the Federal Court's Pacific Judicial Education Program.

The Institute has a close relationship with New Zealand courts and tribunals which will be strengthened when the annual conference takes place in Wellington in early October."

*The Chief Justice's address in its entirety is located at [http://www.hcourt.gov.au/publications\\_05.html](http://www.hcourt.gov.au/publications_05.html)*

## WHAT'S NEW IN THE LIBRARY

- Australia. Administrative Review Council.** Legal Training for Primary Decision Makers: a curriculum guide. June 2004.
- Australia. Parliament. Senate Legal and Constitutional Legislation Committee.** Legal Aid and Access to Justice. June 2004.
- Australian Institute of Judicial Administration and Judicial Commission of New South Wales.** Papers presented at the National Judicial Orientation Programme held 18-22 October 2003 at Crowne Plaza, Coogee Beach, Sydney NSW. 2 vols. 2004.
- Australian Law Reform Commission.** Sentencing of Federal Offenders. Issues paper. January 2005.
- Family Court of Australia.** Annual Report. 2003-2004
- Federal Court of Australia.** Annual Report. 2003-2004
- Hassall, Graham and Saunders, Cheryl.** Asia-Pacific Constitutional Systems. 2002
- Institute of Judicial Studies.** Annual Report. 2003/2004
- International Development Law Organization.** Annual Report. 2003
- International Development Law Organization.** Training Program. 2005
- Judicial Commission of New South Wales and Australian Institute of Judicial Administration.** The Role of the Judge: a collection of papers from the National Judicial Orientation Programme. June 2004.
- Kellawan Indigenous Consultants.** Koorie Resource Directory for Judicial Officers. October 2004.
- Kimm, Joan.** A Fatal Conjunction: two laws, two cultures. 2004.
- Law & Justice Foundation of New South Wales; Scott, Sue; Eyland, Ann; Gray, Abigail; Zhou, Albert Z. and Coumarelos, Christine.** Access to Justice and Legal Needs: a project to identify legal needs, pathways and barriers for disadvantaged people in New South Wales. Stage 1: Data Digest. A compendium of Service Usage Data from NSW Legal Assistance and Dispute Resolution Services, 1999-2002. February 2004.
- Law Reform Commission of Western Australia and Marks, Greg.** The Value of a Benchmarking Framework to the Reduction of Indigenous Disadvantaged in the Law and Justice Area. Background paper no.3. June 2004.
- Law Reform Commission of Western Australia; Buti, Toni and Young, Lisa.** Family Law and Customary Law. Background paper no.4. August 2004.
- Law Reform Commission of Western Australia and Toohey, John.** Aboriginal Customary Laws Reference: an overview. Background paper no.5. September 2004.
- Law Reform Commission of Western Australia and Trees, Kathryn.** Contemporary Issues Facing Customary Law and the General Legal System: Roebourne - a case study. Background paper no.6. November 2004.
- Law Reform Commission of Western Australia; Morgan, Neil and Motteram, Joanne.** Aboriginal People and Justice Services: plans, programs and delivery. Background paper no.7. December 2004.
- Law Reform Commission of Western Australia and Blagg, Harry.** A New Way of Doing Justice Business? Community justice mechanisms and sustainable governance in Western Australia. Background paper no.8. January 2005.
- Local Court New South Wales.** Annual Review. 2003
- National Judicial Institute.** Judicial Education in Canada. Course calendar and education resources. 2004.
- New South Wales. Administrative Decisions Tribunal.** Annual Report. 2002-2003
- New South Wales Law Reform Commission.** Apprehended Violence Orders. Report 103. 2003.
- New South Wales Law Reform Commission.** Expert Witnesses. Issues paper 25. November 2004.
- New Zealand Law Commission; Searle, Wendy; Slater, Tania; Knaggs, Trish; November, Janet and Clark, Christopher.** Status Hearings Evaluation: a New Zealand study of pre-trial hearings in criminal cases. July 2004.
- New Zealand Law Commission.** Reforming Criminal Pre-trial Processes: A discussion paper. Preliminary paper 55. July 2004.
- Queensland Magistrates Court.** Annual Report. 2004
- Steelman, David C.; Goerd, John A. and McMillan, James E.** Caseload Management: the heart of court management in the new millennium. 2004.
- Supreme Court of NSW.** Annual Review. 2003
- Victoria. Department of Justice.** Acting Judges. Discussion paper. 27p. + Media Release 16 July 2004. 2p. July 2004.
- Victorian Civil and Administrative Tribunal.** Annual Report. 2003-2004.
- Victorian Law Reform Commission.** Sexual Offences. Law and Procedure. Final report. lxxviii,528p. July 2004.
- Victorian Law Reform Commission.** Review of Family Violence Laws. Consultation paper. liv,288p. Also Consultation paper: outline and questions. 29p. November 2004.
- William & Mary Bill of Rights Journal** (April 2004) vol.12 no.3 p.637-1006 Issue contains papers from the Symposium: International Conference on the Legal and Policy Implications of Courtroom Technology conducted by the Courtroom 21 Project held 13-14 February 2004 in the McClothlin Courtroom, William & Mary Law School, Williamsburg VA.

## 16th Pacific Judicial Conference 'Democracy, Human Rights and the Law' 26-30 July 2005, Port Vila, Vanuatu

The Vanuatu Judiciary is hosting the bi-annual Pacific Judicial Conference in 2005. The conference will be held on the 26-30 July 2005. The 16th Pacific Judicial Conference has the potential to be a special one as the judiciaries of the region, join the people of Vanuatu in a festive Silver Jubilee celebration of their Independence on 30 July 2005.

### Enquiries can be directed to:

*The Chambers of the Chief Justice, The Hon Justice Vincent Lunabek, Chief Justice of the Republic of Vanuatu, PMB 9041, Port Vila, Republic of Vanuatu, Tel: (678) 22 420, Fax: (678) 22 692, Email: vanjudiciary@vanuatu.gov.au*

## TRIBUNALS AND USERS' EXPERIENCES

Of interest to our Tribunal members, may be a publication now available on the website of the UK Council on Tribunals: **Tribunal users' experiences, perceptions and expectations: a literature review**, MAdler & J Gulland, University of Edinburgh, Council on Tribunals, 2003 (United Kingdom) see <<http://www.council-on-tribunals.gov.uk/files/doc22.pdf>>.

This review examines published research on barriers to access, experiences, perceptions and expectations of users of a wide range of tribunals in the United Kingdom. It is a useful reference for any tribunal examining its relationship with its users.

## CRIMINAL COURTS AUSTRALIA (4513.0)

On 11 February 2005, the ABS released *Criminal Courts, Australia 2003-04*, providing a picture of the characteristics of defendants dealt with by the Higher (Supreme and Intermediate) and Magistrates' Criminal Courts, including information on offences and sentence types.

Information on the characteristics of defendants finalised in the criminal jurisdiction of the Magistrates' Courts is presented in the main suite of the publication for the first time. Previously, these data were experimental and included as an Appendix.

*Details of this publication are available on the ABS website at [www.abs.gov.au](http://www.abs.gov.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) 9600 1311 Fax: (03) 9606 0366.

## NEW MEMBERS

*Ms Jo-Anna Barber*, Manager, Fraud Investigations, WorkCover Queensland  
*Ms Jennifer Davies SC*, Melbourne  
*Ms Susan Currie*, Mental Health Review Tribunal, Queensland  
*Mr Mark Dempsey SC*, New South Wales  
*Mr Philip Durack SC*, New South Wales  
*Ms Lisa Gowing*, Magistrate, Fiji  
*His Hon Judge Milton Griffin*, District Court, Queensland  
*The Hon Justice Peter Hall*, Supreme Court, New South Wales  
*Mr Chris Jamieson*, Client Executive, Fujitsu Australia Ltd  
*The Hon Justice Patrick Keane*, Court of Appeal, Supreme Court, Queensland  
*The Hon Duncan Kerr SC MP*, Tasmania  
*Mr Peter May*, Adviser, Magistrates Court, Solomon Islands  
*His Hon Judge Phillip McCann*, District Court, Western Australia  
*Federal Magistrate Nicholas Nicholls*, New South Wales  
*National Judicial Education Committee*, Fiji  
*Chief Federal Magistrate John Pascoe AO*, New South Wales  
*His Hon Roy Punshon*, County Court, Victoria  
*Ms Barbara Ramjan*, Guardian Advocator, Supreme Court, New South Wales  
*Mr Chris Sargent*, Partner, Thomson Playford, South Australia  
*State Administrative Tribunal*, Western Australia  
*Mrs Sandra Wakeling*, Director, Court Transcript Services, Victoria  
*Mr Michael Wheelahan SC*, Victoria  
*Mr Peter Whitford SC*, New South Wales

## ABA REWRITES JUDICIAL CODE

Members with an interest in the area of judicial ethics and guides to judicial conduct may be interested to note that the American Bar Association has recently released an updated version of its Model Code of Judicial Conduct.

*For details, see the ABA website:  
[www.abanet.org/id/home.html/](http://www.abanet.org/id/home.html/)*