



AIJA NEWS

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The Australian Institute of

Judicial Administration Incorporated

Newsletter of the Australian Institute of Judicial Administration

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AIJA FAMILY VIOLENCE CONFERENCE

23-24 February 2006

Radisson Hotel, Adelaide

The AIJA is pleased to announce a national conference on Family Violence. The conference follows a Workshop on Domestic Violence in April 2005 designed to identify current issues and court practice in relation to dealing with family violence matters.

Topics will include:

- ◆ Current thinking and research on family violence
- ◆ Courses for offenders
- ◆ Definitional issues
- ◆ Prosecution practice
- ◆ Specialist court programs
- ◆ The relationship between family violence, alcohol, drugs and mental health issues
- ◆ Causes of family violence
- ◆ Family violence in indigenous communities
- ◆ Issues relating to how issues are treated in family violence matters
- ◆ Family law issues
- ◆ The effect of family violence on children.

Keynote speakers:

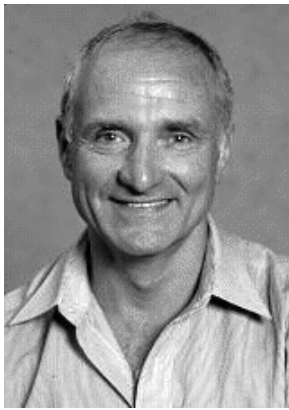
- ◆ **Dr Jane Ursel OM**, Director, Winnipeg Family Violence Court
- ◆ **Judge Eugene Hyman**, Superior Court of California

For inquiries, email aija@law.monash.edu.au

A programme and registration are available on the AIJA website: www.aija.org.au/fv06/

AIJA EDUCATION PROGRAMMES 2006

- * AIJA Family Violence Conference - 23-24 February 2006 (Adelaide)
- * 9th AIJA Tribunals' Conference, 6-7 April 2006 (Canberra)
- * 14th AIJA Oration, Chief Justice Beverley McLachlin, Chief Justice of Canada, 28 April 2006 (Melbourne)
- * Third International Conference on Therapeutic Jurisprudence, 7 -9 June 2006 (Perth, Western Australia)



*Robyn Williams:
Opening Speaker*

Welcome to Wellington

23rd AIJA Annual Conference

7-9 October, 2005

Over 230 delegates participated in this year's AIJA Annual Conference, held in Wellington, New Zealand. Despite somewhat blustery weather conditions, delegates were more than compensated for by the warm New Zealand hospitality and the scenic surrounds of New Zealand's national Museum Te Papa Tongarewa, situated on the waterfront in Wellington. This was the second Annual Conference to be held in New Zealand (the first was held in 1996) and its success reflects the high level of NZ support for and involvement in AIJA activities generally.

The conference was opened by the Chief Justice of New Zealand, Dame Sian Elias, who observed that the conference themes 'Technology Communication and Innovation' were very timely and that its subject matter was of intense interest to all who work in the courts.

Highlights were the opening address by ABC Science Show's Robyn Williams, who provided a stimulating and entertaining survey of likely developments in the area of science and technology and how they will affect our lives. Guest overseas speaker, Justice Frances Kiteley provided a perspective on security and privacy issues, and work done by the Canadian Judicial Council on court policies in relation to technology.

Issues discussed in other conference sessions included access and privacy in relation to court records and court proceedings, the development of electronic services in courts, court television and the streaming of court proceedings on the Internet, the relationship between courts and the media, the process of transformation and reform in the public sector and courts, and the use of visual and computer-generated evidence in the courtroom. Papers and presentations from the conference are available on the AIJA website – www.aija.org.au/ac05.

Particular thanks are due to the conference Steering Committee convened by the New Zealand representative on AIJA Council, Justice Ron Young (and his predecessor, Justice Tony Randerson), Warwick Soden, Registrar and Chief Executive Officer of the Federal Court, Justice Ian Gzell of the Supreme Court of New South Wales, Judge Jeremy Doogue (representing the District Court of New Zealand) and Dougal McKechnie, Manager, Justice Sector Information Strategy, New Zealand Ministry of Justice.

The AIJA would also like to record its appreciation to the New Zealand Ministry of Justice and the legal publishers, the Thomson group (through their New Zealand arm, Brookers) for their support for the conference.

'THE RISE AND RISE OF TRIBUNALS' - 8TH AIJA TRIBUNALS' CONFERENCE

Held in Sydney on 9-10 June, 2005 this annual event was organised by the AIJA with the assistance and support of the Australasian Council of Tribunals (COAT). The Conference is designed for tribunal members and administrators, with a focus on issues of current importance to tribunal administration.

The increasing role and importance of administrative tribunals in the justice system was reflected in the theme of this year's conference which was attended by 180 delegates, including overseas representatives from New Zealand, Brunei and Malaysia.

Topics and sessions included:

- The Emergence of the Generalist Administrative Tribunal;
- The new WA State Administrative Tribunal
- Facilitating the Resolution of Disputes before Tribunals;
- COAT Benchbook for Tribunals;
- Practical Application of Investigative Methodology in Tribunals;
- Recent Judicial Developments of Interest to the Work of Tribunals;
- Expert Evidence in Tribunals;
- The Use of Expertise by Non-legal Members of Tribunals
- Issues of Access and Equity in Tribunals; and
- Streamed sessions in the areas of discrimination claims, guardianship and administration matters, planning matters, and tenancy and consumer dispute to obtain an update on current issues and problems related to their jurisdictions.

Papers from the conference are available on the AIJA website at <www.aija.org.au>. The 9th AIJA Tribunals Conference will be held on Canberra on 6-7 April 2006.

ANNUAL GENERAL MEETING AND COUNCIL ELECTIONS

PRESIDENT-ELECT AND DEPUTY PRESIDENT

Following this year's AGM, Council elected a President-Elect and one Deputy President who will each serve for a period of twelve months. They are Justice Virginia Bell of the Supreme Court of New South Wales (President-Elect) and Mr Laurie Glanfield, Director General of the New South Wales Attorney-General's Department (Deputy President).

JUSTICE VIRGINIA BELL



Justice Virginia Bell was appointed to the Supreme Court of New South Wales in March 1999.

A graduate of Sydney University, Justice Bell was admitted as a solicitor in 1977 and to the bar in 1984.

Between 1986-1989 she practised as a Public Defender. Returning to the

private bar, her areas of practice included criminal work, discrimination and professional disciplinary matters. Between 1994-97 she was one of the counsel assisting the Royal Commission into the New South Wales Police Service. She was appointed Senior Counsel in 1997.

LAURIE GLANFIELD



Laurie joined the AIJA Council in October 1995 and has been a Board member since October 1997.

He is a member of the AIJA Education Committee and has also participated in the organising committees for several of its major

conferences and has served as a member of the Institute's Membership Committee.

He is Secretary to the Standing Committee of Attorneys-General and a Council member of the National Judicial College of Australia.

NEW COUNCIL MEMBERS

HILARY ASTOR



Professor Hilary Astor grew up in Blackpool, England. She received her Bachelors and Doctoral degrees from Brunel University, London, England, where she was a lecturer for ten years.

Professor Astor joined the Faculty of Law at Sydney in 1986. She is presently Professor of Dispute Resolution.

Her areas of interest are dispute resolution, especially mediation, and family law. She is the co-author, with Professor Christine Chinkin, of *Dispute Resolution in Australia*.

Hilary is well known for her work on the mediation of disputes involving violence against women. She was the inaugural Chairperson of the National Alternative Dispute Resolution Advisory Council, a body which gives policy advice to the federal Attorney General. She is a part-time Commissioner of the New South Wales Law Reform Commission.

MICHELLE MAY



Joining Council in the Appointed Members category is Justice Michelle May of the Family Court of Australia.

Justice May, who is based in Brisbane, obtained her Bachelor of Laws Degree from the University of Queensland and was admitted to practice in 1978.

She was appointed Queen's Counsel in 1993 and is a former Chairperson of Family Law Panel for Bar Association of Queensland and member of the Family Law Council of Australia.

Justice May was appointed to the Family Court in 1995. In 2003 she was appointed Administrative Judge for Queensland and Northern Territory and was assigned by the Attorney-General to the Appeal Division of the Family Court.

Thanks to Retiring Council Members

Retiring from AIJA Council this year were long-standing members, Professor Marcia Neave AO and Justice Linda Dessau of the Family Court of Australia. The AIJA would like to record its appreciation to both of them for their contributions to its work over their years of membership.

A Conversation with Justice Scalia



L to R: the Hon Chief Justice Michael Black AC, Justice Scalia, Earl Michael Irving, Melbourne Consul General for the United States, the Hon Justice John Byrne, AIJA President

The AIJA, in association with the Federal Court of Australia and Monash University Law School was pleased to present a unique opportunity for members to meet with the Hon Justice Anton Scalia, Associate Justice of the Supreme Court of the United States on a recent visit to Australia in October.

The meeting, conducted on Chatham House Rules, took place in Court Number 1 at the Federal Court of Australia on 21 October. It provided an opportunity for members to hear the views of one of the United States' senior jurists and to discuss issues relating to the work of the US Supreme Court.

The AIJA would like to record its appreciation to the Federal Court for undertaking the hosting and organisational arrangements for the event.

Meeting on 'Joined up Justice'



Chief Judge Michael Rozenes and Director of Courts, Gabrielle Levine, with John Suffolk at the County Court

Integrated justice initiatives have been a focus of court technology projects in recent years and 'Joined up justice' is the subject of a major project currently underway in the criminal justice sector in the United Kingdom.

AIJA recently assisted with the organisation of a program for the visit to Australia by John Suffolk, Director General, Criminal Justice IT, UK. John visited Australia in early August, on a study trip looking at justice and court technology, including sites in Melbourne, Canberra and Sydney.

In conjunction with the Melbourne component of his visit, a Court IT Roundtable was organised, hosted by the Victorian Department of Justice and held at the County Court. The day provided an opportunity for invited court IT professionals and managers from all Australian States and the Commonwealth to hear about recent developments in integrated justice initiatives the United Kingdom, and to share information with John (and their fellow delegates) about IT developments in their own jurisdictions.

Our thanks to Chief Judge Rozenes and County Court CEO, Neil Twist, for use of the Court's facilities and to John Griffin and the Department of Justice, Victoria for hosting John's visit.

AIJA IN THE PACIFIC

The AIJA is involved on a regular basis with training and development programs on judicial administration in the Pacific region. Most recently, AIJA Executive Director, Professor Greg Reinhardt and former AIJA President, Justice Murray Kellam, formed part of the faculty for a seminar on Case Management and ADR in Papua New Guinea. The Seminar, was held in Port Moresby on 3-4 June 2005 and organised by the PNG Law Society.



Professor Reinhardt and Justice Kellam participating in panel session at PNG Seminar

AIJA President, Justice John Byrne, was among a number of Australian judges who attended the 16th Pacific Judicial Conference held in Vanuatu from the 25-29 July 2005. More than a dozen Pacific nations were represented at the conference which was hosted by Chief Justice Vincent Lunabek.

The conference was attended by the heads of jurisdiction from New Zealand, Fiji, the Solomon Islands, Samoa and Papua New Guinea, the Marshall Islands, the Federated States of Micronesia,



(L to R) Chief Justice Sapolu of Samoa, Chief Justice Vincent Lunabek of Vanuatu and Justice John Byrne, AIJA President

Kiribati, Tonga, Nauru, Noumea and French Polynesia, and the Chief Judge of the 9th Circuit Court of Appeals for the United States.

Australian representatives included the Chief Justices of the Federal Court of Australia, New South Wales, Queensland and the Australian Capital Territory.

Delegates discussed a wide range of topics including:

- Regional Developments for the Promotion for the Rule of Law
- Human Rights And Democracy
- Statutory Interpretation & Human Rights
- Constitutional Democracy in Vanuatu
- Land, Custom & Human Rights in the Pacific Region
- Domestic Application of International Human Rights Norms
- Protecting the Rights of Children
- A Challenge for the Courts, The Chiefs and the Legislators
- Courts, Democracy and Legitimation in the South Pacific Region
- Human Rights and the War on Terror
- Developing PacLII; and
- Access of all to the Law and Its Protection
- The History of the South Pacific Judicial Conferences

EAST TIMOR - JUDICIAL SYSTEM MONITORING PROGRAM - Robin Perry*



Staff of the JSMP

Background

JSMP is a registered East Timorese NGO which was established in April 2001 by Caitlin Reiger, an Australian lawyer, and Christian Ranheim, a Norwegian lawyer. Its original staff comprised Caitlin, Christian and Nelson Belo, a national staff member. JSMP now consists of the following units: Legal Research; Women's Justice; Victim Support Service; Outreach; Administration & Finance. There are at present twelve national and six international staff members at JSMP. The organization has been headed by a Timorese director, Tiago Sarmiento, since June 2004.

The original objective was solely to monitor the processes of the Special Panels for Serious Crimes in East Timor and, to a lesser extent,

the Ad Hoc Human Rights Tribunal in Indonesia, which were the tribunals tasked with trying crimes against humanity arising from the Indonesian occupation. According to Article 2 of its recently-adopted Constitution, however, JSMP's driving vision is "of a free, democratic East Timor where human rights and the rule of law are respected, where there is a fair standard of living and relative equality". The scope of JSMP's work has therefore expanded significantly beyond that for which it was originally formed. It should in that regard be noted that there is an increasing focus on gender issues and discrimination, which is widely acknowledged to be a major problem in Timorese society.

Current Problems Facing the Judicial Sector

After several years of a UN-administered justice system and now under the Government of East Timor the justice sector in East Timor is widely regarded as the weakest sector. The reasons are both complex and manifold, however, in JSMP's view the principal causes are: the significant backlog of cases (which is being diminished very slightly, if at all, as a result of the small number of judges available to hear cases); the lack of regulation and training with respect to private lawyers, who represent a significant portion of East Timor's legal sector; the quality and transparency of the legislative drafting process; public awareness and understanding of laws and the legal system.

Current Activities

JSMP attempts to address these and other issues through:

- * **Court Monitoring.** Legal researchers at JSMP monitor hearings at all courts in East Timor. JSMP's monitoring entails assessment of the extent of compliance with prescribed fair trial standards and applicable rules of criminal procedure, the quality of judicial reasoning and decision making and the efficiency of court administration. It also extends to monitoring police conduct from the point of arrest up to the point at which suspects are introduced into the formal court process, namely, at the initial bail hearing.
- * **Legislative Monitoring and Analysis.** JSMP has conducted extensive monitoring of the progress and development of legislative instruments before Parliament. JSMP has had a major part to play in analysing, raising awareness and seeking amendment of numerous pieces of legislation, most notably in relation to the draft version of the Demonstrations Law.
- * **Workshops.** JSMP has conducted a series of workshops and trainings in the districts in the areas of human rights and the formal justice process, with the emphasis being on gender issues. Thus far workshops have been held in seven of East Timor's thirteen districts. The target audience includes police, district authorities and community groups.
- * **Disseminating information.** JSMP helps to fill the information vacuum which exists with respect to the judicial sector by acting as a clearing house for a wide-variety of information in this area and by making it available to both a national and international audience by way of meetings, telephone conferences and our website.
- * **A Victim Support Service.** The Victim Support Service provides legal advice and support to women and children victims of gender based violence. VSS informs victims of their rights, advocates on their behalf to court actors and provides an explanation of the formal justice process, the roles of court actors and the impact of the court decisions on the victim, as well as attending with the victims to the police, prosecutor's office and court.

*Robin Perry is an international adviser at JSMP. For more information on the judicial system in East Timor please visit the JSMP website at www.jsmp.minihub.org.

SENTENCING CONFERENCE

Principles, Perspectives & Possibilities

10 - 12 February 2006

National Museum of Australia, Acton Peninsula
CANBERRA ACT

Hosted by National Judicial College of Australia and
the Australian National University

This Conference is the first of a proposed series of three conferences to deal with the many aspects of sentencing. It will provide an opportunity to share experiences, research, and proposed research among sentencers, corrective service professionals, policy makers, and academics. It will cover a range of topics, including:

- Perspectives on the Sentencing Process
- The Impact of Sentencing
- Sentencing Discretion & Guideline Judgments
- Responding to Community Sentiment & the Media
- Restorative Justice
- Sentencing for Particular Offences
- Therapeutic Jurisprudence
- Victims of Crime
- Vulnerable People and Sentencing
- Current Research in Sentencing
- Law reform in Sentencing
- Workshop on developing sentencing courses
- Workshop on advocacy at sentencing hearings

FOR DETAILS OF PROGRAM AND SPEAKERS

see the conference web page at
<http://law.anu.edu.au/nissl/sentencing.htm>

ENQUIRIES to:

E: sentencing@law.anu.edu.au
T: +61 2 6125 6652
or +61 2 6125 2906

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

Mr Justin Abrahams, Justice of the Peace, New South Wales

Justice Robert Benjamin, Family Court of Australia
Judge Peter Boshier, Principal Family Court Judge, New Zealand

Magistrate Janelle Brassington, Queensland
Justice Paul Brereton, Supreme Court, New South Wales

Civil Justice Council, United Kingdom
Mr Bryan Climas, Public Servant, Canberra
County Court of Victoria

Magistrate Natasha Crowe, Victoria
Ms Maria Dimopoulos, Myriad Consultants, Victoria
Federal Magistrate Rolf Driver, New South Wales

Magistrate Paul Foley, South Australia
Justice Andrew Greenwood, Federal Court of Australia
Mr Daniel Howard SC, New South Wales

Mr Richard Jones, Member, Land Court, Queensland
Justice Chris Maxwell, President, Court of Appeal, Victoria

Magistrate Katie McGinness, Queensland
Mr Garry McIlwaine, Barrister, New South Wales
Justice Forrest Miller, High Court, New Zealand

Magistrate Terry Murphy, New South Wales
Justice Nahum Mushin, Family Court of Australia
Ms Helen Nichols, Project Director, CCTV Project

Attorney Generals Department, South Australia
Ms Jane Reynolds, Regional Registry Manager, Family Court of Australia

Ms Judith Stubbs, Registry Manager, Family Court of Australia
Supreme Court of New South Wales

Mr Bruce Topperwien, Veterans Review Board, Australian Capital Territory

Dr John Walsh of Brannagh, Senior Member, Administrative Review Tribunal, Norfolk Island

International Association of Women Judges 8th Biennial Conference

3-7 May 2006, Sydney, Australia

AN INDEPENDENT JUDICIARY
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