



AIJA NEWS

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The Australian Institute of

Judicial Administration Incorporated

Newsletter of the Australian Institute of Judicial Administration Inc

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AIJA President,
Justice Murray Kellam

NEW AWARD TO MARK AIJA'S 25th ANNIVERSARY

This year marks the 25th Anniversary of the AIJA. To mark the occasion, the Institute has inaugurated a regular award for Excellence in Judicial Administration.

The award was announced by AIJA President, Justice Murray Kellam, at a dinner held in Hobart in association with this year's AIJA Annual Conference.

Justice Kellam said that the award would be open to nominations for individuals and organisations and was intended to recognise exceptional achievements in and significant contributions to the administration of justice in Australia.

Details of the nomination procedure and the selection process will be announced later this year.

AIJA CONFERENCE, COURSE AND SEMINAR PROGRAMME 2001-2003

SCHEDULED:

- AIJA/VCSL Legal XML/E-filing Seminar, 25-26 October 2001 (Melbourne)
- Appellate Judges' Seminar, 30 November-1 December 2001 (Melbourne)
- 5th AIJA Tribunals Conference, 6-7 June 2002 (Melbourne)
- 20th AIJA Annual Conference, 12-14 July 2002 (Brisbane)
- 2nd AIJA Magistrates' Conference, 13-14 September 2002 (Brisbane)
- Technology for Justice 2002 Conference, 20-22 October 2002 (Sydney)
- Asia-Pacific Courts Conference, 1-3 October 2003 (Melbourne)

TO BE SCHEDULED:

- AIJA Biennial Masters' Conference, 2002

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“The Judiciary in Federation Centenary Year - Good News, Bad News, No News”



Justice Michael Kirby delivers the AIJA Oration

The Oration, held in Sydney on 22 June 2001, was delivered by the Hon Justice Michael Kirby, of the High Court of Australia, currently Australia's longest-serving judicial officer. His Honour has had plenty of opportunity to reflect on the changing nature of the relationship between the courts, the press and electronic media and his address and his address provided an insightful and entertaining perspective on the topic.

The Oration has been published on the AIJA Website and will be published in hard copy format later this year.

The topic for this year's 11th AIJA Oration in J u d i c i a l Administration, provided the occasion for a timely reflection on the nature of the interaction between the judiciary and the media by a speaker who is no stranger to both arenas.

Numbers down but the show goes on - AIJA ANNUAL CONFERENCE

The collapse of Ansett airlines in the weeks leading up to the AIJA's 19th Annual Conference, 21-23 September in Hobart, had predictably fairly disastrous consequences for many of our delegates' travel plans.

Despite the travel difficulties, the AIJA Board made a decision to continue with the event and for those who were able to overcome the tyranny of distance, it was a stimulating and enjoyable two day program.

One of the casualties of the transport problems was the Keynote Speaker, Her Excellency Dame Silvia Cartwright, the newly appointed Governor-General of New Zealand and former New Zealand High Court Judge. Her paper on the topic of United Nations Human Rights Treaties was read by New Zealand High Court Judge, Justice Tony Randerson.

Other topics included a detailed session on issues and difficulties relating to interpreters for indigenous people in courts, an issue which is currently under consideration by the AIJA's Project and Research Committee and the Indigenous Cultural Awareness Committee.

The Conference had a strong focus on research, and featured a presentation by Dr Ann Eyland on the research conducted by The Justice Research Centre (NSW) on evaluation of case management in the courts. Another presentation by Dr Robin Creyke from the Australian National University looked at research done into the effect of decision-making on bureaucratic process.

Sunday's program began with an examination of Comparative Styles of Judging by Dr Roderick Munday. Dr Munday, from Cambridge University, is a visiting scholar to Australia this year and his wide-ranging and stimulating presentation was a welcome late addition to the program.

The conference concluded with a session on recent developments in the law of contempt, headed by Professor Michael Chesterman and with commentaries from a number of perspectives.

Thanks to all those delegates and speakers who persevered with their travel plans in somewhat trying circumstances. We hope those who missed out are able to make it to Brisbane next year - the Institute's 20th Annual Conference will be held in Brisbane between 12-14 July 2002.

Papers from the conference will be available on the AIJA Website shortly - www.aija.org.au

NEW LIFE MEMBERS

The AIJA Oration in Sydney was followed by a dinner at which awards of life membership were made to 3 former AIJA Council members.



Judge David and Mrs Jacqui Jones with AIJA Executive Director, Professor Greg Reinhardt.

The Council of the AIJA awards Life Membership to AIJA members, or others in the judicial administration

community, who are judged to have made a significant contribution to the administration of justice or to the Institute's work.

Council recognised the efforts this year of two retiring Council members - Justice Neil Buckley and Mr Warwick Soden, for their outstanding achievements during their terms on Council and, in Justice Buckley's case, as a past President of the AIJA.

This year Council also took the opportunity to recognise the efforts of another two former Council members, Judge David Jones of the County Court of Victoria and Justice Sally Brown of the Family Court of Australia, both formerly long serving and very active Council members and AIJA supporters.

BRISBANE TO HOST 2002 ANNUAL CONFERENCE

The 20th AIJA Annual Conference will be held in Brisbane on 12-14 July 2001 (immediately preceding the XVth Congress of the International Academy of Comparative Law).

Further details will be advised as planning progresses. Also see the AIJA web site at: www.aija.org.au/programmes.htm

AIJA MAGISTRATES' CONFERENCE

The inaugural AIJA Magistrates' Conference took place in Melbourne between 20-21 July 2001. It replaces the previous AIJA Magistrates course and is designed to provide an opportunity for magistrates to discuss matters of contemporary interest in their work.

The Conference was opened by the Attorney-General for Victoria, the Hon Robert Hills MP, who spoke of the important role played by the magistrates' courts in administering justice. He noted a number of initiatives underway in Victoria in relation to the appointment process and judicial training.

The Keynote Address, on the topic of 'Problem-Oriented Courts' was delivered by Professor Arie Freiberg of the University of Melbourne with commentary by Queensland Chief Magistrate Diane Fingleton. This was followed by a presentation on the Victorian Magistrates' Court Drug Court, which prompted much discussion about similar initiatives in other jurisdictions.

A session on dealing with Litigants in Person, included discussion of the recent AIJA publication "Litigants in Person Management Plans: Issues for Courts and Tribunals". Another AIJA research project of relevance to the magistracy was featured in a session on 'Magistrates and Expert Evidence.' Dr Ian Freckelton and Dr Prasuna Reddy's forthcoming report on "Australian Magistrates' Perspectives on Expert Evidence: a Comparative Study" is a follow up to the earlier report on judicial perspectives on this topic.

A commentary on the new fault provisions of the Commonwealth Criminal Code was delivered by Mr Ian Leader-Elliott, Senior Lecturer in Law, Adelaide University. A guide to the provisions will be published by the AIJA and the Commonwealth Attorney-General's Department later this year.

A session on 'Victim Involvement in Criminal Matters' featured a presentation by Mrs Bernice Rasmussen, from PACT, a Queensland victim-support organisation. The conference also heard directly from a victim of crime as to her experience in the court environment. Justice Linda Dessau of the Family Court of Australia provided a topical update on current issues in Family Law.

Delegates also had the opportunity to learn about a research project being undertaken in association with Chief Magistrates and with the support of the AIJA and the Association of Australian Magistrates' into 'The Changing Role of the Magistrates' Court.' The project researchers, Associate Professor Sharyn Roach Anleu and Associate Professor Kathy Mack, both of Flinders' University, attended all sessions of the conference.

Professor Marco Fabri of the University of Bologna, visiting Australia for the 25th Anniversary of the Family Court, spoke on "The Introduction of Criminal Adversarial Procedure in Countries with a Civil Law Tradition. The peculiar case of Italy in a Comparative Perspective". Another international perspective was provided by two visiting Singapore Magistrates who spoke on 'Leading Changes in Singapore's Magistracy: The Seven Working Precepts'.

The Conference was attended by 50 Australian magistrates together with representatives from Singapore and Papua New Guinea. The AIJA looks forward to continuing to work with Chief Magistrates on education

Technology for Justice 2002!

The AIJA's 3rd Technology for Justice Conference will be held at the Sydney Convention Centre, Darling Harbour on **20-22 October 2002.**

Exhibition and preliminary program information will be available early 2002 - see the AIJA website at www.aija.org.au for further details as they are available.

ANNUAL GENERAL MEETING AND COUNCIL ELECTIONS

NEW COUNCIL MEMBERS

PRESIDENT-ELECT AND DEPUTY PRESIDENT

In accordance with the new executive structure approved at last year's AGM, Council this year elected a President-Elect and one Deputy President who will each to serve for a period of twelve months. They are Justice Peter Underwood of the Supreme Court of Tasmania (President-Elect) and Mr Laurie Glanfield, Director-General of the New South Wales Attorney-General's Department.



PETER UNDERWOOD

Peter Underwood has been a member of the AIJA Council since 1998 and a Board member since 2000.

He chairs the Institute's Technology for Justice Steering Committee and is also a member of its Courts and the Public Committee.



MICHAEL LAVARCH

The incoming Secretary-General of the Law Council of Australia, Michael Lavarch, joins Council as a replacement for retiring member, Peter Levy. Mr Lavarch is a former Federal Attorney-General (1993-1996) and since 1996 has been a special counsel with Dunhill Madden Butler in Brisbane. The AIJA is pleased to continue its active association with the Law Council.



LAURIE GLANFIELD

Laurie Glanfield joined the AIJA Council in 1995 and has been a Board member since 1998.

He is a member of the Institute's Membership Committee and has also participated in the organising committees for several of its major conferences. He also played an active role in the Strategic Planning process completed last year.



STEPHEN O'RYAN

Family Court judge Stephen O'Ryan joins the AIJA Council as an Appointed Member. Justice O'Ryan was appointed a Judge of the Family Court in October 1995 and is currently Judge Administrator for New South Wales and the Australian Capital Territory of the Family Court.

He is involved in various procedural reforms in the Family Court including the court's Simplification of Procedures Committee, Future Directions Committee, National Case Management Committee and chairs its Pre-Trial Management Committee.

THANKS TO RETIRING COUNCIL MEMBERS

The AIJA Annual General Meeting was held in Hobart on Sunday 23 September 2001, following the AIJA Annual Conference. It was marked by the retirement of 2 members of Council - Justice Jim Wood and Mr Peter Levy.

AIJA President, Justice Murray Kellam expressed appreciation on behalf of Council to each of them for their significant contributions to the work of the Institute.

He paid tribute to Jim Wood's role, both as a Council and Board member, particularly in the area of Case Management, where he had taken a leading role in the Institute's program.

Justice Kellam expressed appreciation to Peter Levy for his role in strengthening the AIJA's liaison with the Law Council and the legal profession. He noted that the Institute was pleased that incoming Secretary-General of the Law Council, Mr Michael Lavarch, had agreed to stand for Council in Peter's place.

Is your Membership Up-to-date?

Membership subscription invoices for this financial year have been issued and members are requested to make prompt payment.

If you do not wish to continue your membership, or have any queries, please contact the AIJA Secretariat: (03) 9347 6600 or email r.stef@unimelb.edu.au

Please note that we cannot supply publications to unfinancial members.

TRIBUNAL MEMBERS!

The AIJA is pleased to announce that the next AIJA Tribunals' Conference will be held in Melbourne from **Thursday 6 June 2001 - Friday 7 June 2002.**

Further details will be advised to members and posted on the AIJA website - www.aija.org.au

QUALITY IN COURT CONNECTED MEDIATION PROGRAMS

AN ISSUES PAPER

This publication results from a suggestion made to the AIJA by the Council of Chief Justices, that the AIJA undertake a study and discussion paper on court-annexed mediation. This is a subject of considerable importance, not only from the viewpoint of litigants, but also from the viewpoint of the work load of courts and the cost of judicial administration.

The AIJA's Research Committee should give priority to qualitative tribunals have a responsibility to ensure their rules. It was thought timely that the topic.

The Institute is grateful to Professor Hilary of Litigation and Dispute Resolution in the agreeing to undertake this task. Professor area have ensured that the project was and experience in this area. The work has bodies in the field, including the National Council (NADRAC).



Professor Hilary Astor

The paper identifies and considers the factors that most affect quality in court connected mediation and suggests a number of areas where further research is most needed. As well as empirical research, it is suggested that the quality of various elements of court connected mediation could be supported and improved by measures such as education and policy development.

The AIJA is also grateful for the work of the Advisory Committee established to assist in relation to the research. The members of the Advisory Committee were Mr Tony Blunn, former Secretary, Commonwealth Attorney-General's Department; Dr Richard Ingleby, Victorian Bar; the Hon Justice Christine Wheeler, Supreme Court of Western Australia and Professor Greg Reinhardt, Executive Director, AIJA.

subsequently resolved that such a project standards, on the basis that courts and the integrity of mediation conducted under Institute commission an issues paper on this

Astor Pro Dean and Abbott Tout Professor Faculty of Law, Sydney University, for Astor's qualifications and expertise in this able to draw on the most recent research also greatly benefited from the work of other Alternative Dispute Resolution Advisory

Looking for an AIJA Publication?
- try our on-line publications page
... www.aija.org.au/onlinepub.htm

A number of AIJA publications are available free to download from the AIJA web site. Recent additions include:

- Papers from the 4th AIJA Tribunals Conference (8 June 2001)
- 11th AIJA Oration, 'The Judiciary in Federation Centenary Year - Bad News, Good News, No News', The Hon Justice Michael Kirby AC
- Appellate Courts and the Management of Appeals in Australia by Brian Opeksin (summary)
- Disqualification of Judges: Practice & Procedures by Dr Melissa A Perry, 2001 (summary)

Guide to Delivery of Email Services

The Law and Justice Foundation of NSW has recently published 'Email law', a planning guide for the delivery of free legal information and advice via email. This guide aims to assist organisations plan how email can be incorporated into their delivery of services to clients with legal problems.

It covers a range of issues relevant to the delivery of legal assistance via email, including the needs of clients, benefits and limitations of email, policy and procedural issues and the legal and regulatory environment.

Email law is available from the Law and Justice Foundation for \$12 (incl GST, postage and handling). Please email or phone Sue Nicol, snicol@lawfoundation.net.au, Ph: (02) 9221 3900 to place orders

Overseas Conferences

A list of overseas conferences likely to be of interest to AIJA members is now published on the AIJA Website at <http://www.aija.org.au/OSHYPE.htm> or contact the AIJA Secretariat on Tel (03) 9347 6600 or Fax (03) 9347 2980.



Legal Systems and Technology For Legal Practices and Courts

11-12 December 2001

Hong Kong Convention and Exhibition Centre, Hong Kong

LEGAL SYS-TECH

Keynote Speaker: **Richard Susskind (OBE)** will conduct a 1 hour keynote presentation on **“Clicks and Mortals: Achieving the Best Blend of Human and Online Service”**. Opening Speech by **The Hon. Mr. Justice Andrew Li** (Hong Kong).

The one day Conference on **Technology in the Courtroom** will have speakers from William & Mary School of Law (USA), eLaw (Australia), Supreme Court of Singapore, Hong Kong Judiciary and the Australian Institute of Judicial Administration. They will share their knowledge and expertise with delegates.

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Name (Mr/Mrs/Ms/Dr): _____ Position: _____
Company: _____ Address: _____
Tel: _____ Fax: _____ E-mail: _____

- I would like to receive full details of the Conference.
 I would like to visit the Exhibition. Please send me more information nearer to the event.
 We are interested to exhibit / sponsor at the event. Please contact me.

For enquiries, please Tel: (65) 536 8676, Fax: (65) 536 4350 or E-mail: mktg@abf.com.sg

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 discount registration rates for AIJA courses, conferences and seminars. If you are interested in becoming a member of the Institute, or would like further information, please contact the AIJA Secretariat (Tel: (03) 9347 6600 Fax: (03) 9347 2980 or email [Raffaella Stefanowski on r.stef@unimelb.edu.au](mailto:Raffaella.Stefanowski@r.stef@unimelb.edu.au))

NEW MEMBERS

ACT Magistrates Court & Tribunals
Administrative Decisions Tribunal, New South Wales
Justice James Allsop, Federal Court of Australia
Coram Solutions, Western Australia
Body Corporate and Community Management, Queensland
Mr Ken Chilcott, Australian Federal Police, ACT
Mrs Patricia Christie, District Registrar, Federal Court of Australia
Her Hon Judge J Gibson, District Court of New South Wales
Mr Gary Gordon, Executive Director, Court Services, Department of Justice, Western Australia
The Hon Justice Thomas Gray, Supreme Court of South Australia
The Hon Justice David Habersberger, Supreme Court of Victoria
Ms Fiona Hanlon, Victoria University, Melbourne
His Hon Judge PJ Hoek, District Court of New South Wales
Mr John Illingworth, Police Prosecutor, South Australia
Ms Jane Kennedy, Ringtail Solutions, Victoria

Mr IG Kenyon, Director, Court Services, Federal Court of Australia
Ms F Kingham, Deputy President Land and Resources Tribunal, QLD
Mr Michael Lavarch, Secretary-General, Law Council of Australia
The Hon Justice Carmel McLure, Supreme Court of WA
Mrs Ann Matheson, Civil Listings Manager, County Court of Victoria
Mental Health Review Board, Victoria
Her Hon Judge Julie Nicholson, County Court of Victoria
His Hon Judge John Nicholson, District Court of New South Wales
Mr Noel Numan, Magistrate, Queensland
Justice GA Palmer, Supreme Court of New South Wales
Queensland Building Tribunal
Her Hon Judge Meryl Sexton, County Court of Victoria
Mr Paul Smith, Deputy President, Land and Resources Tribunal, QLD
Mrs Jennifer Stuckey-Clark, Tribunal Member, New South Wales
Supreme Court of Victoria
Dr Steven Tubor, Barrister, Victoria
Victorian Law Reform Commission