



The Australian Institute of

Judicial Administration Incorporated

Annual Report

for the year ended 30 June 2006

The Australian Institute
of Judicial Administration Incorporated



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The Australian Institute of Judicial Administration
Incorporated

PATRON

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Chief Justice of Australia

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District Court of Western Australia

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High Court of New Zealand

Papua New Guinea Representative**The Hon Sir Salamo Injia Kt**

Deputy Chief Justice, Papua New Guinea

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PRESIDENT'S MESSAGE



The Hon Justice John Byrne

“Excellence in Courts and Tribunals” is the tagline recently adopted by the Institute to describe, catchily, our basic goal. The Position Statement adopted in February <www.aija.org.au/PositionStatement.htm> states our aims more fully: in substance, to promote excellence in the administration of justice throughout Australia and in its surrounding region, mainly through research, educational events, working with courts, tribunals, governments and agencies to influence policy and organisational development, and by disseminating information about the administration of justice.

As the later pages of this Annual Report reveal, in 2005-2006, the educational programs have been varied and extensive.

That perennial problem, the cost of litigation to parties and the public has been a primary concern, resulting in a decision to focus the 24th AIJA Annual Conference in Adelaide on more cost-effective means for the resolution of conflicts, criminal and civil. The Institute has also delivered programs of judicial and tribunal education, with several activities being particularly pertinent to magistrates: the Family Violence Conference in Adelaide in February, the Child and Youth Justice Conference in Hobart in April, and the Third International Conference on Therapeutic Jurisprudence in Perth in June. The Institute is anxious to build on conferences such as those, mainly through developing the website as an enduring resource to provide ongoing information and contacts.

Tribunals, which resolve a large proportion of civil controversies, especially those involving government, remain important to the AIJA. The Tribunals Conference, in Canberra in April, witnessed the launch of a Practice Manual for Tribunals – an initiative the AIJA supported through the largest expenditure the Institute has ever committed to a single project.

In the region, we have worked with judicial officers and administrators in Singapore, Palau, East Timor, Solomon Islands and through my participation in the 16th Pacific Judicial Conference in Vanuatu last July. With the Federal Court of Australia and Monash University Law School, the Institute supported a presentation by The Honorable Antonin Scalia of the Supreme Court of the United States in October. In April, the Supreme Court of Victoria hosted the AIJA Oration delivered by the Chief Justice of Canada. In June, a seminar was presented at the University of Melbourne Law School at which the speaker was Mr Tiago Sarmento, Director of the Judicial Systems Monitoring Programme, Timor-Leste, again in association with the Federal Court.

Internationally, the Institute's most significant involvement has been with New Zealand. The Annual Conference in Wellington in October was attended by more than 220 delegates – about half of them from New Zealand. This was a valuable opportunity to strengthen relationships, and to exchange information. Much is to be gained in both our countries through fostering ties with government and courts, and with organizations in New Zealand that share goals broadly comparable to ours.

The Expert Evidence seminar in November was supplemented by a DVD on “Concurrent Evidence: New Methods with Experts”, which was produced jointly with the Judicial Commission of New South Wales.

The Communications Committee has been looking at ways to enhance services to members. A website better attuned to supplying information is a part of this initiative. The work and reputation of the AIJA are influenced by the utility of our website as a resource. That Committee is also considering how best to draw on the expertise of members to respond to requests for assistance in overseas projects. The Institute is committed to assisting the judiciary in the Pacific region and sees this as an important part of its work.

Other publications related to the work of Tribunals and communication with juries.

The Institute was placed on a sounder financial basis by additional funding supplied through the Standing Committee of Attorneys-General. The Institute is grateful to the Commonwealth, State and territory Governments for this support and tangible recognition of the worth of the Institute's work.

This year saw the departure of Anne Wallace as the AIJA's Deputy Executive Director for 13 years. Anne made a significant contribution to the Institute's work, especially in areas of court technology, indigenous cultural awareness and, most recently, therapeutic jurisprudence.

As I finish my term as President, I express my appreciation to all members of Council for their insights, dedication, and support. I have been fortunate to have worked with a highly talented group, committed to improving, in the public interest, the quality and efficiency of the resolution of disputes in Australasia and the wider region.

I should also record my deep appreciation for the contributions of the Executive Director, Professor Greg Reinhardt. It has been a delight to work with him. He brings such knowledge, skill, enthusiasm, and generosity to his challenging role.

*The Hon Justice John Byrne
President, AIJA*

REPORT FROM THE EXECUTIVE DIRECTOR



Professor Greg Reinhardt

In last year's report I noted that the Institute was working cooperatively with other judicial education bodies and with courts and tribunals, in the provision of judicial education in Australia, New Zealand and the Pacific region. There is an ongoing need to ensure that unnecessary duplication of education programs is avoided and to that end, there are regular meetings of representatives of the Institute, the National Judicial College of Australia, the Judicial Commission of New South Wales, the Judicial College of Victoria and the Institute of Judicial Studies (New Zealand).

The advent of new judicial education bodies in recent years has required the AIJA to focus upon the type of education activities which it should provide for its members and more generally for those interested in judicial administration. Education programs this year have focused more directly on "themes" in judicial administration reflected in the Expert Evidence Seminar in November, the Family Violence Conference in February, the Youth Justice and Child Protection Conference in April and the International Conference on Therapeutic Jurisprudence in June. Those events have been very well received.

Upon the initiative of Dr Andrew Cannon AM, Convenor of the AIJA Education Committee, it has been decided, where possible, to develop a "learning module" to provide not only a permanent record of a seminar but material which can be used for further education. The result of this has been the CD developed in relation to the Family Violence Conference.

Moreover, the Education Committee has identified the need to publish, in a permanent way, papers given at AIJA conferences. As a result, consequent upon the International Conference on Therapeutic Jurisprudence, a Committee has been established consisting of Dr Cannon, Professor Bruce Winick, Professor of Psychiatry and Behavioral Sciences, University of Miami School of Law and Professor Wexler, University of Arizona, with a view to the publication of a monograph of selected papers from that conference.

The Institute continues to work cooperatively with overseas bodies with similar objectives including the Civil Justice Council, England, the Canadian Forum on Civil Justice, the Research Institute on Judicial Systems (IRSIG) at Bologna University, Italy and the Subordinate Courts of Singapore.

In April, the former President of the Institute, Justice Murray Kellam, Dr Greg Lyons, Senior Member of Victorian Civil and Administrative Tribunal and I were involved in a program at the request of the Chief Justice of Palau, The Hon Arthur Ngiraklsong, designed to promote alternative dispute resolution in Palau. Significantly, and notwithstanding the size of the jurisdiction, the Chief Justice and his judges have been active in promoting alternative dispute resolution and several lawyers and others interested in alternative dispute resolution have received training in the United States to assist them in ongoing training of judges and lawyers in Palau. The Institute is grateful to Justice Kellam and Dr Lyons for their assistance in relation to the provision of the Palau program.

It was pleasing to be involved with Professor Robin Creyke, Australia National University, in the International Tribunals Workshop, which preceded the AIJA Conference in April. Professor

Creyke is to be commended for convening an eminent group of overseas visitors who were then able to participate in the AIJA's Tribunals Conference.

Mr Stephen Skehill, a life member of the Institute, retired as Public Officer of the AIJA in November on moving from the ACT to Queensland. I would like to acknowledge his significant contribution as Public Officer and more generally for the Institute. AIJA member, Mr Grahame Delaney, has kindly agreed to assume the role of Public Officer.

I continue to edit the Journal of Judicial Administration and it is pleasing that some of the articles published in the past year resulted from education activities undertaken by the Institute. I continue to speak to several organizations and to teach both at the Monash University and the University of Melbourne.

I would like to extend my thanks to all at the Institute who have worked with me, namely, Ms Delwyn Gillan, Mrs Kathy Jarrett, Mrs Heather Sevald and Ms Mary Young and to note the resignation of Ms Anne Wallace. I would like to thank Anne for her contribution as Deputy Executive Director to the Institute's progress during her 13 years with the Institute and wish her all the best for the future.

*Professor Greg Reinhardt
Executive Director, AIJA*

COUNCIL

The AIJA is governed by its Council, which has 29 elected and appointed members. They are drawn from a broad spectrum across the field of judicial administration, including representatives of the judiciary (including the magistracy), tribunals, court administrators, the legal profession, academia and government service. In addition to attending four regular Council meetings each year, all Council members are expected to serve on at least one Committee. A list of Council members as at 30 June 2006 appears at the front of this report.

Joining Council this year were Professor Hilary Astor, The University of Sydney and The Hon Justice Michelle May, Family Court of Australia.

Retirements from Council this year were The Hon Justice Linda Dessau, Family Court of Australia, Mr Peter Johnstone, Partner, Blake Dawson Waldron and The Hon Justice Marcia Neave AO. Mr Johnstone retired from his position on Council in the professional members category consequent upon his appointment as a judge of the District Court of New South Wales in April 2006.

OVERSEAS REPRESENTATION ON COUNCIL

As a reflection of the close ties between the Australian and New Zealand judiciaries, there is a permanent position on the AIJA Council set aside for a judicial representative from that country, nominated by the Chief Justice. That position is currently held by Justice Ron Young of the High Court of New Zealand.

Under a special provision in the AIJA Rules, Council has also granted observer status on Council to the Papua New Guinea judiciary, another country with which the Institute has close ties. The current PNG representative is The Hon Sir Salamo Injia Kt, Deputy Chief Justice of the Supreme Court of Papua New Guinea.

BOARD OF MANAGEMENT

Supervision of the day-to-day management of the Institute is the responsibility of the AIJA Board of Management. The Board consists of the President and two Deputy Presidents, together with the Convenors of the AIJA's three standing committees – the Education Committee, the Project and Research Committee and the Communications Committee. The Board can also co-opt other members of Council to serve on the Board. As at 30 June 2006, the members of the Board of Management were Justice John Byrne, AIJA President, Justice Virginia Bell, President Elect and Mr Laurie Glanfield AM, Deputy President, Dr Andrew Cannon AM, Convenor of the Education Committee, Ms Megan Greenwood, Convenor of the Communications Committee and Justice RD Nicholson AO, Convenor of the Project and Research Committee.

LIFE MEMBERS

The AIJA award of Life Membership is given to members, or others in the judicial administration community, who are judged to have made a significant contribution to the AIJA's work or to the administration of justice generally. Council recognised the efforts this year of The Hon Geoffrey Davies AO and The Hon Justice Marcia Neave AO

Justice Davies served on the AIJA Council from 1990-1997. He took a very active interest in civil and procedural form and played a significant role in many of the AIJA's activities in that regard. His expertise in this field, saw him appointed as Chairman of the Queensland Litigation Reform Commission in 1994, a position he held until 1996. The Commission itself was charged

with reforming procedure, both civil and criminal, in Queensland. Its work exercised a significant influence on procedural reform, not only in that jurisdiction, but across Australia.

Justice Davies has been an innovative and influential thinker in the field of judicial administration and has spoken and written on a wide variety of topics in the area.

Justice Marcia Neave AO served on the AIJA Council from 1993-2006 and on the AIJA Board of Management from 1999-2006.

During her term on the AIJA Council, Justice Neave was a member of the Project and Research Committee and was responsible for many successful research initiatives on the part of the Institute. Before her appointment to the Victorian Court of Appeal in March 2006, she held a number of distinguished academic positions and she was the foundation Chair of the Victorian Law Reform Commission.

COURSE, CONFERENCE AND SEMINAR PROGRAMS

The AIJA's education program includes conferences, workshops, lectures and seminars designed for judges, magistrates, tribunal members, court administrators, lawyers and others with an interest in judicial administration. It includes regularly scheduled events and additional seminars and conferences on particular topics. The program is overseen by the AIJA's Education Committee, convened by Dr Andrew Cannon AM, Deputy Chief Magistrate, South Australia.

All AIJA education programs are conducted on a fee-paying basis, which requires registration fees to be set at a level that covers costs. The Institute also attempts to achieve a 20% profit on each education activity which is channelled to its Research Fund used to fund research into judicial administration.

2005-2006 programs included:

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

The Conference was facilitated by Greg Reinhardt and Andrew Cannon. 12 masters attended and there was useful discussion in relation to a variety of issues, including costs, case management and judicial mediation. As the role of the master has now changed considerably in several jurisdictions, it is unlikely that there will be a further Masters' Conference. Rather, the interests of masters will be incorporated into other educational programmes of interest to them.

- **23rd AIJA Annual Conference, 'Technology, Communication, Innovation', Wellington New Zealand, 7-9 October 2005**

Over 230 delegates participated in this year's AIJA Annual Conference. 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, The Right Honourable Dame Sian Elias.

The keynote address was given by Mr Robyn Williams AM, science broadcaster and journalist, entitled '*A promise of miracles? - or what most of us know will really happen!*'. Conference sessions included:

- Information and communications technology in courts – a Canadian perspective
- Strategies for successful e-services in courts – e-filing, e-chambers and e-courts
What do the profession and litigants want and how should the courts deliver it?

- Court TV - coming to an Internet browser near you
- Court documents in the electronic age – privacy and access
- Driving transformation – what are the elements in achieving successful transformation and innovation in the public sector
- “Shooting the messenger?” – the courts, the media and the public
- Computer Simulated Evidence in the Courtroom? – issues and implications

Papers and presentations from the conference are available on the AIJA Website at <www.aija.org.au>

- **Expert Evidence Seminar, Melbourne, 11 November 2005**

Early in 2005 the AIJA Education Committee proposed that the Institute convene a workshop on current practices of courts and tribunals in the reception of expert evidence. The suggestion arose from a general perception that there are problems with the way that expert evidence is received and, in some cases, with the quality and usefulness of such evidence. The Committee noted that a number of jurisdictions had proposed, or introduced, particular measures to confront these difficulties, including steps taken with a view to making the reception of expert evidence less adversarial, limiting the time spent in the examination of expert witnesses and generally improving the quality of expert evidence received by courts and tribunals.

The seminar was designed primarily as an opportunity to bring together representatives from courts and tribunals for the purposes of:

- “ Exchanging information on policies and strategies for receiving expert evidence; and
- “ Identifying current issues and problems and discussing possible solutions.

In addition to enabling the participants to learn from the experience of others, one outcome of the seminar has been a written summary which assists in the identification of topics which might be the subject of further project, research or education activities by the AIJA.

The AIJA is grateful to all courts and tribunals who agreed to participate and to share their experience and knowledge with their fellow participants.

*Papers and presentations from the conference are available on the AIJA Website at www.aija.org.au and see Downes, Garry, “Expert Evidence: The value of single or court-appointed experts” (2006) 15 *Journal of Judicial Administration* 185*

A summary of the proceedings is available from the AIJA Secretariat and will be placed on the AIJA website

- **Family Violence Conference, Adelaide, 23-24 February 2006**

Over 200 delegates attended this conference convened by the AIJA (in association with the Australian Institute of Criminology) to examine the issue of family violence.

The conference grew out of a workshop conducted in April 2005, which was designed to identify current issues and court practice in relation to dealing with family violence. The report on the workshop identified a number of broader issues which, it was felt, impacted not only on the way that courts deal with family violence cases, but on the response of the justice system as a whole. The purpose of the conference was to promote discussion on these issues

from a broader audience, including researchers, policy-makers and those in work in the field of family violence support and specialist programs.

The two keynote speakers were Dr Jane Ursel OM, Director of the Winnipeg Family Violence Court and Judge Eugene Hyman of the Superior Court of California.

Other sessions included:

- The causes of family violence;
- Family violence in indigenous communities;
- The debate over men's versus women's violence;
- The response to family violence – the conduct of court proceedings;
- The ACT Family Violence Intervention Program – implications of a specialised family violence jurisdiction;
- Reports from the Family Court of Australia and the Singapore Courts on their approaches to dealing with family violence;
- Innovations in criminal justice responses to family violence in Australia; and
- The complexities of cultural difference and family violence.

Papers and presentations from the conference are available on the AIJA Website at
<www.aija.org.au>

• **AIJA Youth Justice & Child Protection Conference, Hobart, 3 April 2006**

The conference was convened at the request of the Chief Magistrate of Tasmania, Mr Arnold Shott. It was attended by some 70 delegates including representatives from several South Pacific jurisdictions. The conference looked at a wide range of issues including juvenile offending and sentencing and the relationship between child protection and youth crime.

The AIJA is grateful to Mr Shott and Judge Jenny Coate, the President of the Victorian Children's Court, for their assistance with the programme and generally in relation to the conference.

Papers and presentations from the conference are available on the AIJA Website at
<www.aija.org.au>

• **9th AIJA Tribunals Conference, Canberra, 6-7 April 2006**

Several overseas speakers, from the United Kingdom, New Zealand and Canada, participated in this year's Tribunals Conference. The theme of the conference was "Tribunal Practice in an International Context".

Notwithstanding the international flavour of the conference, the programme focused on contemporary issues of importance to those in the Australian tribunals system, including taking evidence and making decisions, training and induction of tribunal members, expert evidence and tribunals and conflict of interest and bias.

The AIJA acknowledges the assistance of Professor Robin Creyke, Australian National University, in facilitating the participation of the overseas speakers.

The COAT bench book, funded jointly by the Standing Committee of Attorneys-General and the AIJA was launched during the conference by the Hon Bob Debus MP, Attorney-General of New South Wales.

Papers and presentations from the conference are available on the AIJA Website at
<www.aija.org.au>

- **14th AIJA Oration in Judicial Administration, Melbourne, 28 April 2006**

The 14th AIJA Oration was delivered by the Chief Justice of Canada, the Rt Honourable Beverley McLachlin PC in the Banco Court, Supreme Court of Victoria, on 28 April 2006. The title of the Oration was “The Twenty-First Century Court: Old Challenges and New”.

Chief Justice McLachlin spoke of recent experience in Canada and the development of jurisprudence in that country and addressed a number of core values underlying the work of judges in the modern world.

The Oration is available for purchase from the AIJA Secretariat

- **International Conference on Therapeutic Jurisprudence, Perth, 7-9 June 2006**

The conference followed two earlier successful conferences (the first held at the University of Southampton in Winchester, England, in July 1998 and second hosted by the University of Cincinnati in the United States in May 2001).

Two plenary sessions were associated with over 40 individual sessions conducted in several streams. Sessions involved speakers from Australia, United States of America, Canada, New Zealand, Scotland, Pakistan, South Africa and Vanuatu including judges, magistrates, lawyers, academics, justice system professionals, students and professionals from service and treatment agencies.

The keynote speakers, Professor Bruce Winick, Director, the University of Miami and Professor David Wexler, the University of Arizona, have developed the concept of therapeutic jurisprudence.

Therapeutic jurisprudence has been developed in a number of areas including criminal, civil, family, mental health and international law and in relation to a wide variety of different groups who come before courts and tribunals.

The therapeutic jurisprudence conference program committee was convened by Western Australia Magistrate Dr Michael King.

As a follow-up to the conference, it has been agreed, in principle, that the AIJA will act as a clearing house for information concerning therapeutic jurisprudence and that a refereed monograph be published in relation to a selection of papers presented at the conference. Other papers will be published on the AIJA website.

Other Education Activities

During the past year, the AIJA also contributed to a number of other education events run by other organisations. These included participation in the National Judicial Orientation Program in Sydney 24-28 October 2005 and in Melbourne 15-19 May 2006 (the AIJA has three representatives on the Steering Committee for the Program, as well as the Executive Director).

STRATEGIC PLAN AND PROJECT THEMES

The AIJA Strategic Plan identifies provides for the AIJA Council to set the themes that will direct the Institute's work. The following are the current themes identified by Council in 2004 to guide the AIJA's activities:

- Proportionality;
- Caseload management, including ADR;

- Courts and the public;
- Litigants in person;
- Diversionary programs;
- Indigenous cultural awareness;
- Information technology and the courts; and
- Uniform and harmonised procedure.

Council reviews these themes on a regular basis to ensure that new or emerging issues are quickly accommodated.

- **Proportionality**

The AIJA Project and Research Committee has under consideration how best to proceed with a project focused on proportionality. Proportionality is now part of the overriding objective underlying civil procedure rules in many jurisdictions. The programme for the 2006 AIJA Annual Conference has been prepared with a view to better informing the nature of research focused upon the need to ensure there is proportionality of a case to the amount of money involved, its importance, the complexity of issues involved and the financial position of the parties.

- **Caseflow management, including ADR**

The AIJA Project and Research Committee has under active consideration what research might usefully be undertaken in this area. Amongst possible areas of research are where case management has had a positive effect on the cost of litigation, its impact on court resources, its impact of settlement of cases, and its possible impact on the complexity of litigation.

- **Courts and the Public**

The AIJA's report on *Courts and the Public*, by Professor Stephen Parker in 1998, has served as a catalyst for a number of initiatives by courts designed to improve public access to the courts and quality of communication between the courts and the public in relation to aspects of their work. The AIJA continues to monitor these developments and to consider opportunities for future projects in this area. This year's AIJA Annual Conference focused on communication between courts and the media, the issue of televising of court proceedings and the impact of developments in technology, particularly the Internet.

In 2007 the AIJA will consider the commissioning of a new report on Courts and the Public.

- **Litigants in Person**

The increasing numbers of people using the courts without legal representation has given rise to a number of initiatives in courts and tribunals over recent years.

In the development of education programmes and future research, the AIJA will have under active consideration the need to accommodate issues relevant to Litigants in Person.

- **Diversionary programs**

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.

In June 2006 the AIJA conducted the 3rd International Conference on Therapeutic Jurisprudence in Perth, which is referred earlier in this report. The AIJA has agreed, in principle, to act as a clearing house in relation to information relevant to therapeutic jurisprudence.

- **Indigenous Cultural Awareness**

This project was established to assist with the implementation of recommendation 96 of the report of the Royal Commission into Aboriginal Deaths in Custody by providing indigenous cultural awareness training for judicial officers. It is overseen by the AIJA's Indigenous Cultural Awareness Committee, currently convened by AIJA Council member Judge Mary Ann Yeats of the District Court of Western Australia.

It is proposed that a conference on Indigenous Courts take place in the latter part of 2007.

- **Information Technology and the Courts**

The AIJA's Technology for Justice Project held its last biennial conference in 2004.

The Institute's 2005 Annual Conference, held in New Zealand, took technology as one of its themes, but focused on policy, planning and issues associated with the use of technology in the justice system. The Institute also continues to contribute to the work of the Council of Chief Justices IT Working Group and its expertise and information on this topic has been sought on a regular basis throughout the year.

The AIJA Education Committee has proposed a further Technology Conference in the first part of 2008.

- **Uniform and Harmonised Procedure**

AIJA Council continues to monitor the work being done, at national and state levels, in relation to harmonisation of civil procedure and uniform rules. A session discussing these developments was held at this year's AIJA Annual Conference and the Institute will continue to assist with these initiatives, including providing ongoing support to the Council of Chief Justices' Committee on Harmonised Procedures, chaired by Justice Kevin Lindgren. The most recent and current study of the Committee is *Mareva* and *Anton Piller* orders.

Greg Reinhardt gave evidence to the House of Representatives Standing Committee on Legal and Constitutional Affairs' inquiry on Harmonisation of legal systems within Australia and New Zealand in March 2006.

RESEARCH

The AIJA Project and Research Committee considers proposals for funding research projects from the AIJA Research Fund and makes recommendations to Council for approval of new projects. The Committee, convened by Justice Robert Nicholson, has met regularly throughout the year. The Research Fund consists of profit earned on AIJA conferences and seminars.

Current research projects on hand include:

- **Jury Charges**

This project, begun in 2003, is supervised by a Project Advisory Committee consisting of experienced trial court judges from all Australian jurisdictions and New Zealand, convened by Justice Geoff Eames of the Victorian Supreme Court. The project aims to examine jury charges and communication with the jury and to assist in developing procedures and policies that will enhance judicial communication with the jury. The principal researcher is Professor James Ogloff of Monash University.

The first stage of the project; a survey of trial court judges concerning their communications with juries, was completed last year and a report on the findings of the survey has been finalised and was published this year. It is available from the AIJA Secretariat. The further stages of the project, concerned with interviews with judges and with jurors are under consideration by the Project Advisory Committee chaired by The Honourable Justice Geoff Eames.

- **Proportionality**

A review of the literature on the topic of 'proportionality' has been conducted by Professor Sue Campbell, Law School, Monash University. Associate Professor Campbell spoke on this topic at the 2004 AIJA Annual Conference and her report has been published in (2005) 14 *Journal of Judicial Administration* 144. Her report is to be considered by the Project Advisory Committee once the Project and Research Committee has considered the precise scope of the project.

As noted above, the AIJA Project and Research Committee has under consideration how best to proceed with a project focused on proportionality.

- **Child Witnesses in Sexual Offence Cases**

The project was begun as a follow up to the seminar on Child Witnesses which took place in July 2004. An Advisory Committee chaired by Judge Helen O'Sullivan of the Queensland District Court has been engaged in scoping the project and identifying a researcher. The objective is to produce a benchbook to assist judicial officers in this difficult area.

- **Legal Thesaurus Project**

The project is intended to provide assistance in the task of retrieval of computerised information and to complement the AIJA publication *Guide to Uniform Production of Judgments*. The project is being undertaken by a team from the South Australian court libraries, under the supervision of the project Advisory Committee headed by The Hon Trevor Olsson AO. A draft report has been finalised and circulated to courts for comment. As a result of feedback to that report, a working group has been formed to explore how the project might best be taken forward.

COMMUNICATIONS

The AIJA Communications Committee was formed as a result of strategic planning process that was finalised as advised to members in last years Annual Report. The Committee's terms of reference are to:

- Enhance the AIJA's profile in the Asia/Pacific region;
- Develop an international focus through liaison with international bodies sharing common objectives;
- Develop a closer working relationship with court administrators to encourage greater exchange of information and ideas;
- Develop a communications strategy for members and non-members to deliver information about the AIJA, its services and projects;
- Develop strategies to target member groups such as magistrates, court administrators, tribunal members and the legal profession;
- Develop a services strategy that makes effective use of technology and encourages non-members to join the AIJA; and
- Involve members in AIJA activities by:
 - seeking ideas for, or opinions about AIJA projects;
 - forming interest groups; and
 - holding specific conferences and workshops.

The Committee is convened by AIJA Board and Council member Ms Megan Greenwood, Chief Executive Officer of the Supreme Court of New South Wales.

This Committee has been very active during the past year. Its work has included the finalization of a position statement on the AIJA's role, the revision of the AIJA's media protocol, the formulation of policy in relation to corporate membership, the upgrading of the AIJA website.

SPONSORSHIP

Council approved a sponsorship protocol drafted by Council member John Gunson. The protocol is designed to formalise the circumstances in which it is appropriate for the AIJA to accept sponsorship in relation to education activities and research

PUBLICATIONS

Each year, the AIJA issues a number of publications. These include published reports from research projects, our newsletter, *AIJA News*, and papers from conferences and seminars, including the AIJA Oration. The Law Book Company publication, the *Journal of Judicial Administration*, edited by the Executive Director, also provides an opportunity to publish lengthier articles in the field. Information about recent publications, and general information about the Institute's work, is available on its web site <www.aija.org.au>.

The following are the main publications produced in the year under report:

- **AIJA News**

The Institute's newsletter, *AIJA News*, is designed to keep members informed of the Institute's activities and also to bring its work to the attention of a wider national and international audience. It is published three times a year in the months of February, June and October. The news is also published electronically on the AIJA website and emailed to members who prefer that form of delivery.

- **Journal of Judicial Administration**

Published by the LBC Information Services (Thomson Legal & Regulatory Group Pty Ltd), the *Journal of Judicial Administration* (JJA) acts as a focus for the description, discussion and analysis of developments in the field of judicial administration. As editor of the journal, the Executive Director endeavours to include material which focuses on current issues in relation to the role and operation of the judicial system and related institutions. The JJA is now a refereed journal.

- **The Jury Project: Stage 1 – A Survey of Australian and New Zealand Judges**

This publication sets out the results of a survey of judges on the subject of their communication practices with juries. The survey was designed to obtain information which would assist an understanding of the range and nature of current practices of charging juries.

This publication is available for purchase from the AIJA Secretariat.

- **Concurrent Evidence: New Methods with Experts DVD (in conjunction with the Judicial Commission of New South Wales)**

The DVD illustrates the process of giving concurrent evidence by which expert evidence is given in court: all experts in relation to a particular topic are sworn to give evidence at the same time. A discussion, managed by the judicial officer, follows to allow the topics requiring oral examination to be ventilated. This enhances the judicial officer's capacity to decide which expert to accept, and thus brings benefits both in relation to the efficiency of the court process and the integrity of its decision making.

This DVD is available for purchase from the AIJA Secretariat.

- **Inquisitorial Processes in Australian Tribunals**

This project focuses upon an analysis of what it means for a tribunal to operate in an inquisitorial rather than an adversarial way and includes an empirical study of relevant legislation and practices and procedures of tribunals described as inquisitorial.

This publication is available for purchase from the AIJA Secretariat.

AIJA INFORMATION COLLECTION

The AIJA library contains a collection of materials relating to judicial administration from Australian sources, but supplemented by other jurisdictions: mainly the United States, the United Kingdom, New Zealand and Canada. Our Librarian, Mary Young, is happy to take reference inquiries from members and researchers.

AIJA FUNDING AND ACCOUNTS

The AIJA receives the major part of its funding from contributions by all Australian Governments through the Standing Committee of Attorneys-General (SCAG). This is supplemented significantly by the Institute's income from membership fees. The AIJA Research Fund is constituted by means of a 20% contribution levied on its education programs.

The Institute's accounts are annually audited by Mr Jeff Knott, of the firm BDO, Chartered Accountants and Advisers. Copies of the Annual Financial Statements will be available for the Annual General Meeting to be held in October.

AIJA AND MONASH UNIVERSITY

The AIJA has an affiliation arrangement with Monash University Law School which enables it to occupy premises in Monash Law Chambers at 1st Floor, Equity Chambers, 472 Bourke Street Melbourne. The arrangement provides the Institute with a range of services and the AIJA is grateful for the assistance provided to it by the university during the year. The Dean of the Law School, Professor Arie Freiberg, is a member of the AIJA Council.

MEMBERSHIP

The Institute's membership as at 30 June 2006 was 1030. That figure included 'trial' memberships, extended to non-members who attended AIJA conferences during the past 12 months.

The membership was made up as follows:

MEMBERSHIP	By State/Territory	MEMBERSHIP	By Category
New South Wales	268	Judges	372
Victoria	249	Magistrates	97
Queensland	130	Tribunal Members	93
South Australia	87	Court Administrators	79
Western Australia	94	Legal Practitioners	163
Tasmania	35	Academics	41
Northern Territory	17	Librarians	16
Australian Capital Territory	45	Corporate	92
Overseas	105	Trial Members	35
		Others	42
TOTAL	1030	TOTAL	1030

LOCAL CHAPTERS

The AIJA Rules provide for the development of local chapters.

Currently there is an active Local Chapter of the AIJA in South Australia, chaired by AIJA Council Member Judge Christine Trenorden. The membership of the Local Chapter is 82.

The Local Chapter will be also be involved supporting a national conference by the AIJA on court responses to domestic violence, which took place in Adelaide on 23-24 February 2006.

COMMUNICATION WITH THE AIJA

The Institute welcomes and encourages inquiries about its work, about membership and judicial administration generally. Inquiries can be directed to:

The Executive Director
AIJA
1st Floor, 472 Bourke Street
MELBOURNE VIC 3000
Telephone: (03) 9600 1311
Facsimile: (03) 9606 0366
Email: gregory.reinhardt@law.monash.edu.au

WEB SITE

The AIJA web site is located at <http://www.aija.org.au> and provides information about the Institute and its research and education programs.

