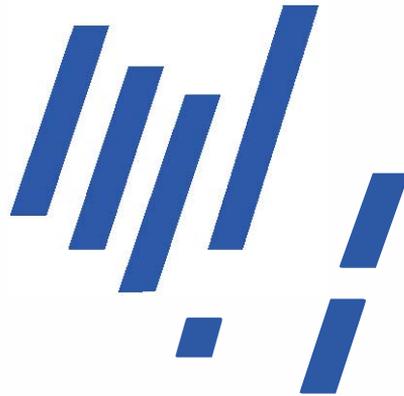


# Annual Report 2016



The Australasian Institute of  
Judicial Administration Incorporated

for the year ended 30 June 2016



## PATRONS

**The Hon Robert French AC**  
Chief Justice of Australia

**The Rt Hon Dame Sian Elias GNZM**  
Chief Justice of New Zealand

## COUNCIL

### Presidents

**The Hon Justice Michelle May**  
Family Court of Australia

**The Hon Justice Robert Mazza**  
Supreme Court of Western Australia

### Deputy Presidents

**Mr Laurie Glanfield AM**  
New South Wales

**The Hon Justice Bob Gotterson AO**  
Court of Appeal, Queensland

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Family Court of Australia

**Justice Jenny Blokland**  
Supreme Court of the Northern Territory

**Hon Justice Malcolm Blue**  
Supreme Court of South Australia

**Mr Michael Colbran QC**  
Barrister, Victoria

**Ms Suzan Cox QC**  
Northern Territory Legal Aid Commission

**Mr David Curtain QC**  
Barrister, Victoria

**Mr Grant Donaldson SC**  
Solicitor General's Office, Western Australia

**Mr Clive Elliott QC**  
Barrister, New Zealand

**Professor Arie Freiberg AM**  
Monash University

**His Honour Judge Peter Johnstone**  
Children's Court of New South Wales

**The Hon Justice Susan Kenny**  
Federal Court of Australia

**The Hon Justice Duncan Kerr** Chev LH  
Administrative Appeals Tribunal, Tasmania

**Mr Adam Kimber SC**  
Director of Public Prosecutions, South Australia

**Mr Paul Mabey QC**  
Barrister, New Zealand

**Professor Kathy Mack**  
Flinders University, South Australia

**Mr Greg Manning**  
Attorney-General's Department, Canberra

**His Honour Judge Nicholas Manousaridis**  
Federal Circuit Court of Australia

**Mr Dan O'Gorman SC**  
Barrister, Queensland

**Mr Robert Pigou**  
Ministry of Justice, New Zealand

**Deputy Chief Magistrate Jelena Popovic**  
Magistrates' Court, Victoria

**The Hon Justice Steven Rares**  
Federal Court of Australia

**The Hon Justice Richard Refshauge**  
Supreme Court of the Australian Capital Territory

**Ms Jane Reynolds**  
Acting Principal Child Dispute Services  
Regional Registry Manager, Victoria Tasmania  
Family Court of Australia & Federal Court of  
Australia

**Mr Manuel (Mal) Varitimos CBE QC**  
Barrister, Queensland

**The Hon Justice Julie Ward**  
Court of Appeal, New South Wales

**The Hon Marilyn Warren AC**  
Chief Justice, Victoria

**The Hon Justice Helen Winkelmann**  
Chief High Court Judge, New Zealand

**Papua New Guinea Representative**  
**The Hon Justice Sir Gibbs Salika KBE CSM OBE**  
Deputy Chief Justice, Papua New Guinea

## SECRETARIAT

### **Executive Director**

Professor Greg J Reinhardt

### **Administrative Secretary/Publications Officer (Part-time)**

Ms Kathy Jarrett

### **Communications Officer (Part-time)**

Ms Liz Porter

### **Executive Secretary (Part-time)**

Ms Delwyn Gillan

### **ICCE Secretariat Officer (Part-time)**

Ms Liz Richardson

### **Librarian (Part-time)**

Ms Mary Young

### **Membership and Finance Officer (Part-time)**

Ms Heather Sevald

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## PRESIDENT'S MESSAGE

The Hon Justice Robert Mazza

I am pleased to provide my first report as President of the AIJA. I would like to express my thanks, at the outset, to Justice Michelle May for her work as President of the Institute. It was a pleasure to work with Michelle as President Elect and Deputy President and in earlier years as a member of the Board and Council. At the Council meeting following the Annual General Meeting held on 17 October 2015, Michelle's position on Council as a member in the Appointed Members' category was assumed by the Hon Justice Murray Aldridge of the Family Court Appeal Division.

At the Annual General Meeting, Mr David Curtain QC retired as a member in the Professional Members' category. His position has been filled by Mr Adam Kimber SC, Director of Public Prosecutions, South Australia. Mr David Fredericks retired as a member in the Members in Government Service category and was replaced by Mr Greg Manning, Acting Deputy Secretary, Civil Justice Legal Services Group, Attorney-General's Department. Mr Paul Mabey QC retired in April 2016 and was replaced by Council as a casual vacancy by Mr Clive Elliott QC of the New Zealand Bar. Mr Robert Pigou retired as a member in the Court Administrators' category in May 2016. His position is to be filled.

I join with Michelle May in thanking David Curtain and Greg Manning for their work as Council members. I extend my further thanks to Paul Mabey and Robert Pigou on their retirement subsequent to the last Annual General Meeting.

### LIFE MEMBERSHIP

As foreshadowed in Michelle May's President's message last year, life membership was conferred on the Hon Justice Patrick Keane AC following the AIJA Oration in October 2015. I join with Michelle in thanking Pat Keane for his work over a number of years on behalf of the AIJA and congratulate him upon the award of life membership.

The Council has resolved to award life membership to the Hon Robert French AC, Chief Justice of Australia.

The achievements of Chief Justice French, both as a judge of the Federal Court of Australia, President of the National Native Title Tribunal and Chief Justice of Australia, are many.

With particular regard to the AIJA, Chief Justice French was appointed to the AIJA Council on 22 August 1992, to the Board of Management in October 1996 and retired as a member both of Council and the Board in October 1998. He has shown a great willingness to be involved in AIJA activities and to speak at AIJA conferences.

Life membership will be conferred upon Chief Justice French immediately after the Branson Lecture in Adelaide on 14 October 2016.

### AIJA EDUCATION PROGRAMMES

The two major conferences held during the year were the symposium convened jointly with the Judicial Conference of Australia and entitled "Challenges of Social Media for Courts and Tribunals" and the conference entitled "Improving Court Practice in Family Violence Cases". Full reports in relation to both events will be found later in the Annual Report.

The Social Media Symposium was both timely and of great relevance to the work of courts and tribunals. The symposium was assisted by a paper prepared by Dr Marilyn Bromberg-Krawitz. That paper is available on the AIJA website.

The Family Violence Conference was particularly significant in light of the publication by the Royal Commission chaired by AIJA life member, Marcia Neave AO, of its report in relation to family violence in Victoria. Of particular importance, in addition, was the opportunity to present the research conducted by Professor Heather Douglas and her team at the TC Beirne School of Law, the University of Queensland, namely, the online National Domestic and Family Violence Bench Book commissioned and supervised by the AIJA. The Bench Book project was funded by the Commonwealth Attorney-General's Department. The Bench Book implements a key recommendation of the joint Australian Law Reform Commission Report and the New South Wales Law Reform Commission Report, "Family Violence – A National Legal Response". The AIJA is particularly pleased to be associated with the Bench Book and to have been involved over a number of years in events relating to Family Violence and the Administration of Justice.

The AIJA Oration was given by the Reverend Professor Frank Brennan SJ AO in Melbourne on 16 October 2015. The topic of the Oration was "The Contours and Prospects for Indigenous Recognition in the Australian Constitution, and Why It Matters". I am confident that Father Brennan's Oration will be a valuable contribution to the national debate in relation to constitutional recognition of Indigenous people in Australia.

Other Education events during the year were the 9th Court Librarians' Conference and the AIJA Court and Legal Industry Media Officers' Conference. Details of these will be found elsewhere in the Annual Report.

I should add in relation to educational events that the AIJA Board of Management endeavours, so far as possible, to secure not simply a contribution to the AIJA research fund from such events with a 20% levy but overall to ensure a profit. Sometimes this is not achieved. Court and Tribunal budgets at present are such that it is often difficult to find funds to send delegates to AIJA events. More events take place than were staged some 10 years ago or more. It is important that they take place because they add a valuable contribution to debate in areas of judicial administration that might not otherwise be the subject of discussion. The AIJA is particularly mindful of cost to prospective delegates and registration fees are quite modest compared with programmes that are offered commercially. The AIJA Education Committee is looking at delivery of educational events through multi-media as an alternative to face-to-face education events.

#### **SUGGESTED CRITERIA FOR JUDICIAL APPOINTMENTS**

A sub-committee of the AIJA Project and Research Committee was responsible for the production of an important document relevant to the appointment of judicial officers. The suggested criteria for judicial appointments was drawn from overseas practice as well as practice within Australia. AIJA members will have received the suggested criteria. The document is available on the AIJA website. There has been a great deal of positive feedback in relation to the suggested criteria particularly from Attorneys-General throughout the country. I would like to thank all of those who were involved in the production of the suggested criteria. It was an exercise which involved a great deal of thought and careful drafting.

#### **INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE (IFCE)**

The AIJA hosts the Secretariat for the IFCE. Much has been achieved during the year. I would like to thank Ms Liz Richardson for her work in relation to the Framework. Funding has been received over the last two years from the National Center for State Courts in the United States to assist in relation to the Secretariat. Future funding is under discussion with the National Center for State Courts.

Reference should also be made to the article prepared by Liz Richardson, Magistrate Pauline Spencer and Professor David Wexler entitled "The International Framework for Court Excellence and therapeutic jurisprudence: Creating excellent courts and enhancing wellbeing" which appears in the April 2016 issue of the Journal of Judicial Administration.

I would invite you to look at the AIJA website in relation to the IFCE and, particularly, to read the newsletters produced in relation to the Framework.

## **PUBLICATIONS**

It is pleasing that, after a somewhat long history, the AIJA was able to publish the report of Dr Clarke Jones and Dr Jill Guthrie entitled "Efficacy, accessibility and adequacy of prison rehabilitation programs for Indigenous offenders across Australia". I am grateful to the researchers for their painstaking efforts in relation to the report. At times their research was not easy because of the difficulty in obtaining statistical information. This is referred to in the report. Dr Jones is to speak about his report at the Indigenous Justice Conference in Alice Springs from 25-26 August 2016. The substantial part of funding for this project was provided by the Commonwealth Attorney-General's Department.

I am also pleased to report on other AIJA research published during the year. The first of these is the paper by Dr Rachael Field, Dr Samantha Jeffries, Zoe Rathus AM and Angela Lynch entitled "Family reports and family violence in Australian family law proceedings: what do we know?" published in the June 2016 issue of the Journal of Judicial Administration. In the same issue of the Journal there is the research conducted by Naomi Burstyner, Tania Sourdin, Chinthaka Liyange and Bahadorreza Ofoghi entitled "Why do some civil cases end up in a full hearing? Formulating litigation and process referral indicia through text analysis".

## **NEW STRATEGIC PLAN**

I am grateful to those members of the Institute who provided feedback in relation to the questionnaire which was sent to members. This was extremely useful in relation to the facilitated discussion which took place in February in relation to a new strategic plan. That discussion was facilitated by Ms Jo Kalowski. Since the discussion, work has been carried out on the new strategic plan by a sub-committee consisting of Council members Jane Reynolds, Julie Ward and Helen Winkelmann and I am grateful to them for all of the work that they have undertaken. A final draft of the new strategic plan is ready for discussion by Council at its meeting in October. Details of the new strategic plan will be made available to members as soon as it is settled.

## **FINANCE**

I am pleased to advise that the triennial funding from the Australian and New Zealand Attorneys-General has been secured.

I have reported to AIJA members in relation to the external fraud perpetrated on the AIJA in July 2015. Attempted recovery has been pursued by the Board of Management through the Financial Ombudsman Service in England and in respect of NatWest Bank being the bank through which the monies were received. After careful consideration, and having regard to the costs involved in litigation in England, the Board has resolved that recovery will not be pursued further. The Board has put in place a new set of payment protocols which are designed to eliminate the possibility of any further fraud in the future.

## **NEW WEBSITE**

As part of the strategic planning exercise, Council has resolved that a new website be commissioned for the AIJA. Quotes have been obtained and new website will be put in place in early 2017.

I extend my thanks particularly to the staff in the Secretariat and to Professor Greg Reinhardt for their considerable work during the year.

*The Hon Justice Robert Mazza  
President, AIJA*



## REPORT FROM THE EXECUTIVE DIRECTOR

Professor Greg Reinhardt

The AIJA President, Justice Robert Mazza, has reported in a great deal of detail on AIJA activities during the year and I do not wish to revisit any of the matters to which he has referred.

One of the great pleasures of my role as Executive Director is to be involved in events such as the presentation of the Award to Rangatahi and Pasifika Courts.

I attended a Marae just out of Auckland to present the AIJA Award for Excellence in Judicial Administration to the Rangatahi and Pasifika Courts in May 2016. I was personally moved by the welcome which I received and the screening of a video of the work of those Courts. There can be little doubt that the Courts have made a valuable contribution to justice for Maori and Pacific Islander peoples. Justice Mark O'Regan former President of the AIJA, was also present.

I have also been pleased to be actively involved in the Advisory Committee for the National Family Violence Bench Book. The Bench Book is designed to implement a key recommendation of the joint Australian Law Reform Commission Report and the New South Wales Law Reform Commission Report, *Family Violence – A National Legal Response*. The Bench Book will provide comprehensive guidance on issues relating to domestic and family violence for judicial officers in all jurisdictions. This important research is being undertaken, with funds provided by the Commonwealth Attorney by Professor Heather Douglas and a team of researchers at the University of Queensland. An Online National Family Violence Bench Book was recommended by the Australia Law Reform Commission and by the New South Wales Royal Commission on Family Violence. Further reference to the Bench Book will be found elsewhere in this Report. The AIJA has a long – standing commitment to improvements in judicial administration as it affects family and domestic violence. I would like to extend thanks to AIJA member Judge Eugene Hyman (Ret'd) for his advice and input in relation to the Bench Book.

I am also pleased to be involved in the work of the Judicial Council on Culture Diversity (JCCD), a body established by the Council of Chief Justices. The Council has been involved in and has completed some very important reports including The National Framework to Improve Accessibility to Australian Courts for Aboriginal and Torres Strait Islander Women and Migrate and Refugee Women.

As I approach my 20<sup>th</sup> year as Executive Director, I look back on some wonderful work which has been carried out by the AIJA and I look forward to future involvement in its work.

I extend my thanks to Ms Delwyn Gillan, Ms Kathy Jarrett, Ms Liz Porter, Ms Heather Sevald, Ms Mary Young and Ms Liz Richardson for their work throughout the year.

*Professor Greg Reinhardt  
Executive Director, AIJA*

## THE INTERNATIONAL CONSORTIUM FOR COURT EXCELLENCE (ICCE)

The International Consortium for Court Excellence (ICCE) established a Secretariat at the offices of the AIJA in Melbourne in July 2014. The AIJA is a founding member of the ICCE, along with the National Center for State Courts (NCSC) (US), the Federal Judicial Center (US) and the State Courts of Singapore. The Secretariat is jointly funded by the AIJA and the NCSC. The role of the Secretariat is to support the Executive Committee that governs the ICCE and to support courts that are implementing or thinking of implementing the International Framework for Court Excellence (IFCE). The Secretariat employs a part-time ICCE Officer, Liz Richardson who supports Professor Greg Reinhardt in his role as the current Chair of the Executive Committee of the ICCE.

The IFCE is a court quality management system designed to assist courts wishing to improve their performance and develop innovative ways to improve areas of their operation. The ICCE has 33 members including its founding members, with many more jurisdictions globally implementing the IFCE that are not members.

The Secretariat, as part of its work, publishes regular ICCE newsletters, maintains IFCE related documents and policies, undertakes research for the ICCE Executive Committee, and, with the assistance of the NCSC, keeps the ICCE website up-to-date. Three newsletters were published during the year, namely, Issues 5, 6 and 7 and these are to be found at: <http://www.courtexcellence.com/News.aspx>

Work of particular interest relevant to the ICCE is an article entitled “The Importance of Judicial Performance Feedback” by Elizabeth Wiggins, Mira GurArie and Judge Jeremy Fogel, Federal Judicial Center, Washington DC which is to be found in Newsletter Issue 5.

The ICCE was the subject of a conference hosted by the State Courts of Singapore entitled ‘Judiciary of the Future’ A conference on Court Excellence which was held between 28-29 January 2016.

One article of particular interest is that on “International Framework for Court Excellence and Therapeutic Jurisprudence: Creating Excellent Courts and Enhancing Wellbeing” by Elizabeth Richardson, Pauline Spencer and David Wexler which is to be found in 2016 25 Journal of Judicial Administration 148.

## 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 three regular Council meetings each year, all Council members are expected to serve on at least one Committee. A list of Council members from 1 July 2015 to 30 June 2016 appears at the front of this report.

## 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 New Zealand, nominated by the Chief Justice of that country. That position was currently held by Mr Robert Pigou.

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 Justice Gibbs Salika KBE CSM OBE, 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, or the President Elect and Deputy President, together with the convenors of the AIJA's three Standing Committees – the Education Committee, the Project and Research Committee and the Membership and Communications Committee. The Board can also co-opt other members of Council to serve on the Board.

As at 30 June 2016, the members of the Board of Management were the Hon Justice Robert Mazza, President, Deputy Presidents Mr Laurie Glanfield AM and the Hon Justice Bob Gotterson AO, the Hon Justice Jenny Blokland, the Hon Justice Steven Rares and Ms Jane Reynolds.

## **AWARD FOR JUDICIAL EXCELLENCE 2016**

The Award for Excellence in Judicial Administration to the Te Koti Rangatahi-Rangatahi Courts . I presented the Award in Auckland on Monday 30 May 2016. The Award was presented in a ceremony extending over some hours at a Marae near Auckland. I confess to being quite moved by the ceremony and the video which was shown in relation to the actual work of the Rangatahi Courts. Former AIJA President, the Hon Justice Mark O'Regan, was also present at the ceremony

The Courts transfer Youth Court hearings to a Marae so as to involve local Maori communities. This enables those communities to assist in dealing with young offenders, to encourage youth to participate in the court process and to develop greater respect for law. Maori youth are disproportionately represented in the criminal justice area. Maori elders play an important role in promoting the process. This initiative shows great strength of leadership and vision by the New Zealand Youth Court judiciary, particularly Judge Andrew Becroft, the Principal Youth Court judge. Judge Becroft is to become the Children's Commissioner for New Zealand from 1 July 2016.

The Rangatahi and Pasifika Courts are successful because they in fact demonstrate the success of community involvement in the criminal justice process, that is, the fulfilment of the objectives set out above. They provide a cultural dimension to criminal justice for Maori and Pacific Islander youth which is not available in traditional courts. This initiative which has been in place for approximately 6 years will gather strength as Maori and Pacific Islander communities accept the courts as an important part of the delivery of justice for them, as something which they can own and as a means of helping young people in their communities.

The AIJA maintains a strong commitment to Indigenous Courts both in Australia and New Zealand.

Congratulations are due to the Rangatahi and Pasifika Courts.

## **CONFERENCE AND SEMINAR PROGRAMMES**

The AIJA's education programme 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 programme is overseen by Ms Jane Reynolds, Acting Principal Child Dispute Services, Regional Registry Manager, Victoria Tasmania, Family Court of Australia & Federal Court of Australia who is the current convenor.

All AIJA education programmes 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.

## 2015-2016 PROGRAMMES

### **9<sup>th</sup> Court Librarians' Conference, 21 August 2015, Melbourne**

The conference was attended by 32 delegates. Topics discussed were:

- The Role of Technology within the Courts
- Training Programmes for Chambers and Court Staff
- Collaboration/Consortiums/Supreme Courts as Courts of Record (Panel Discussion)
- How New Technology is Changing the Media
- Resource Management Tools: RefTracker, Onelog
- Dealing with Unrepresented Litigants
- Forecasting the Future of Court Libraries (Panel Discussion)

*Papers available can be found at <http://www.aija.org.au/Libs%20Confs/2015/Program.pdf>*

### **21<sup>st</sup> Oration in Judicial Administration - The Contours and Prospects for Indigenous Recognition in the Australian, 16 October 2015, Melbourne**

The AIJA 21<sup>st</sup> Oration was given by Father Frank Brennan SJ AO.

*A link to the paper can be found at: <http://www.aija.org.au/Orations/Oration2015.pdf>*

### **AIJA Court and Legal Industry Media Officers' Conference, 19-20 November 2015, Adelaide**

The conference was attended by 38 delegates. Topics discussed were:

- How courts and tribunals engage with stakeholders. How to reach out to the general public: people who use the courts, their families and the people who read and view media reports about the courts (Panel Discussion).
- Engaging with the media- Proactive? Or reactive? (Panel Discussion).
- Stress, Vicarious Trauma and the Work of the Courts
- Working with victims of crime
- Social media update
- When your court's case gets interstate and international coverage – a case study with pictures

### **A Symposium: Challenges of Social Media for Courts & Tribunals, 26-27 May 2016, Melbourne**

The Symposium was attended by 72 delegates. The Symposium was in conjunction with the Judicial Conference of Australia Topics discussed were:

- What is social media and how it works
- When judicial officers and tribunal members (and their families) personally use social media – the potential benefits and risks
- When courts and tribunals use social media – the potential benefits and risks
- When social media is used to analyse and comment upon the work of the courts and tribunals
- Social Media and Courts & Tribunals – A view from Government
- When social media is used maliciously or contemptuously to denigrate, threaten or cyber-stalk judicial officers or tribunal members: the issues involved, can judicial officers and tribunal members be protected, and the potential for government response
- What can be done: the way forward

*Papers available can be found at <http://www.aija.org.au/Social%20Media%20Sym%2016/Program.pdf>*

## Improving Court Practice in Family Violence Cases, 15-17 June 2016, Melbourne

The conference was attended by 99 delegates. Topics discussed were:

- Opening Address by Ms Sarah Henderson MP, Federal Member for Corangamite, officially representing the Attorney-General, Senator the Hon George Brandis QC
- Report on the Work on the Development of the National Family Violence Bench Book
- Cross examination of vulnerable witnesses in family violence cases
- Dealing with the volume of family violence cases in the courts
- Report on research project on family report writing
- Elder abuse
- The implications of the report of the Victorian royal commission on the improvement of court practice in family violence cases
- Court management and support of family violence cases involving indigenous parents and children
- Support for migrants and refugees in family violence cases before the courts
- Court approaches to risk assessment

*Papers available can be found at <http://www.aija.org.au/Family%20Violence%2016/Program.pdf>*

## STRATEGIC PLAN AND PROJECT THEMES

The AIJA Strategic Plan provides for the AIJA Council to set the themes that will direct the Institute's work. Council has approved a strategic plan for 2016-2021 which identifies several themes to guide the AIJA's activities:

- ❖ Cost of litigation
- ❖ Innovating for the future, including simplification and harmonisation of civil, criminal and appellate procedure and case-flow management
- ❖ Court performance and accountability
- ❖ Disadvantaged & self-represented litigants
- ❖ Appropriate approaches to justice, including alternative dispute resolution and problem-solving justice
- ❖ Technology and the justice system

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

In the President's report there is reference to the strategic planning exercise commenced in February 2016 which will result in a new strategic plan to be considered by Council at its meeting in October.

## 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 Malcolm Blue of the Supreme Court of South Australia, has met regularly throughout the year. The Research Fund consists of profit earned on AIJA conferences and seminars.

Current research projects on hand or concluded during the year include:

- **Harmonisation of Court Rules**

The Sub-committee of the Council of Chief Justices has proceeded with work in relation to the harmonisation of rules in relation to service out of Australia and commercial arbitration. The Sub Committee is now chaired by Justice Nye Perram of the Federal Court of Australia. It continues to monitor the harmonised rules adopted throughout Australia as the result of its work and to undertake new projects for harmonisation. It reports to the Council of Chief Justices.

The establishment of the Sub-committee was the result of the initial work undertaken by the Institute almost 20 years ago and it is represented on this Sub-committee by the Executive Director, Greg Reinhardt.

- **Case Management and proportionality**

This project, undertaken by the Australian Centre for Justice Innovation (ACJI) was published as an article in the *Journal Of Judicial Administration* in June 2016 as “Why do some civil cases end up in a full hearing? Formulating litigation and process referral indicia through text analysis”: see (2016) 25 *Journal of Judicial Administration* 257.

- **Jurors and Expert Evidence**

The AIJA has previously published work on the reaction of judges and magistrates to expert evidence. Professor Ian Freckelton, Dr Jacqui Horan and others were then involved in further work, supported by the AIJA with an Australian Research Council grant, designed to look at the reaction of jurors and the practising profession to expert evidence.

*Expert Evidence and Criminal Trial Juries* was published by Oxford University Press in February 2016. The publication by Oxford University Press is a significant development which has given greater authority to the research. The publication has been made available to AIJA members at a 30% discount on published price which recognizes the contribution of the AIJA to the research and publication.

- **Accessibility of Programmes for Indigenous Offenders**

In November 2008 the AIJA Council gave in principle support to a proposal put forward through the Indigenous Justice Committee prepared by Chief Justice Brian Martin and Justice Stephen Kaye to examine the Accessibility of Programmes for Indigenous Offenders.

The work has been undertaken by Dr Clarke Jones, Research Fellow, ARC Centre of Excellence in Policing and Security, School of Regulation, Justice and Diplomacy at the Australian National University and Dr Jill Guthrie also of the Australian National University. As noted earlier in this report, it was published as a monograph by the AIJA in June 2016. Funding for the research was made available by the Commonwealth Attorney-General’s Department.

- **Proposed Protocol in Relation to Interpreters and their work in Courts and Tribunals**

Professor Sandra Hale, University of New South Wales and formerly of the University of Western Sydney, was engaged to conduct research towards a protocol which will meet the needs and concerns both of courts and tribunals and those of interpreters. Many of these were the subject of discussion at the Interpreters conference in Fremantle in March 2009.

In June 2011 Professor Hale submitted her report entitled “*Interpreter Policies, Practices and Protocols in Australian Courts and Tribunals: A National Survey*” released by the AIJA.

The AIJA has provided financial assistance to Professor Hale to the Australian Review Council Linkage Grant “*Interpreters in Court: Witness Credibility with Interpreted Testimony*”. Her research has concluded. It has resulted in a number of academic articles of significant importance in the area of interpreting.

- **Public Perceptions of Sentencing**

The AIJA has approved financial assistance, through an Australian Research Council grant for Professor Kate Warner’s research on “*Gauging informed public opinion on sentencing sex offenders: a national study*”. The project will look at:

- Do informed members of the public think sentencing is too lenient for sex offences (for all sex offences, for specific types of sex offences and for sexual offences compared with non-sexual violent offences)?
- Are informed members of the public more likely to believe sentencing for sex offences is too lenient when responding to abstract questions about sentencing compared with real cases (i.e. is there a perception gap, that is a difference between abstract views of sentencing severity and the severity of the actual sentence in their case)? If so, what factors may explain this?
- Are there jurisdictional differences in perceptions of leniency in sentencing for sex offences?
- What are the perceived wrongs of sexual offences and what factors affect offence seriousness from the perspective of informed members of the public? Do their views differ from the views

of judges?

- How does the jury method compare with a vignette methodology in terms of measuring informed public opinion?

This project, which is being conducted by Professor Kate Warner of the University of Tasmania and a team of researchers, is proceeding. Many juror interviews have been conducted in Victoria, Tasmania and New South Wales and they continue. It is due to be completed by December 2017.

- **Online National Family Violence Bench Book**

Work has commenced on the National Family Violence Bench Book. The first stage of the Bench Book was launched at the Family Violence Conference held in Melbourne in June 2016. Other parts of the Bench Book will be launched progressively in ensuing months. The Bench Book can be viewed: <http://dfvbenchbook.aija.org.au/>

This project has been funded by the Commonwealth Attorney-General's Department.

- **Court Referred ADR**

This research, being conducted by Dr Nicky McWilliam, involves interviews with judges in relation to court referred ADR. The research is now well advanced.

- **Seed Funding for Family Report Writing**

This research is being undertaken by Associate Professor Rachael Field, Queensland University of Technology, Ms Zoe Rathus AM and Dr Samantha Jeffries, Griffith University and Expert consultant Dr Cate Banks.

- **Seed Funding for a pilot project on Improving Sentencing Processes through the provision of Aboriginal Pre-Sentencing Reports**

This research is being undertaken by Dr Thalia Anthony of the University of Technology, Sydney. She will speak on her research at the Indigenous Justice Conference in Alice Springs in August 2016.

- **The Jury Project: A survey of Australian and New Zealand Judges** – Professor Jonathan Clough and Professor James Ogloff

The AIJA has agreed to assist Professor Clough and Professor Ogloff in a further survey of Australian and New Zealand judges which aims to increase understanding of how judges communicate with juries. This project was begun in 2004 with a large – scale survey of over 185 judges from both Australian and New Zealand. The aim of the current survey is to provide an updated picture of judicial practice in communication with juries and to see what, if anything, has changed since 2004.

## MEMBERSHIP AND COMMUNICATIONS

The AIJA Membership and Communications Committee were formed as a result of the strategic planning process in 2005.

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 Justice Robert Gotterson AO of the Court of Appeal, Queensland.

This Committee has been very active during its existence, developing 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 and the formulation of the AIJA Strategic Plan for 2016-2021. These documents are available on the AIJA website.

### **JOURNAL OF JUDICIAL ADMINISTRATION**

Published by Thomson Reuters, 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.

Information about recent articles, is available on its website at:

<http://www.aija.org.au/JJA/JJA%20Abstracts.pdf>

### **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. The AIJA 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 Law, Crime and Community Safety Council (LCCSC) (*formerly Standing Council on Law and Justice (SCLJ)*). 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 programmes.

The Institute's accounts are now annually audited by Mr Heinz Mai. Copies of the Annual Financial Statements are available on request.

### **AIJA AND MONASH UNIVERSITY**

The AIJA has an association arrangement with Monash University Law School which enables it to occupy premises on the ground floor of the Monash Law Chambers at its premises at 555 Lonsdale 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. Professor Arie Freiberg AM, is a member of the AIJA Council.

## MEMBERSHIP

The Institute's membership as at 30 June 2016 was 727 Membership was made up as follows:

| MEMBERSHIP                   | By State/<br>Territory | MEMBERSHIP                | By<br>Category |
|------------------------------|------------------------|---------------------------|----------------|
| New South Wales              | 161                    | Judges                    | 312            |
| Victoria                     | 176                    | Magistrates               | 49             |
| Queensland                   | 134                    | Tribunal Members          | 42             |
| South Australia              | 54                     | Court Administrators      | 27             |
| Western Australia            | 64                     | Legal Practitioners       | 93             |
| Tasmania                     | 24                     | Academics                 | 32             |
| Northern Territory           | 14                     | Librarians                | 17             |
| Australian Capital Territory | 30                     | Corporate/Sponsor         | 54             |
| Overseas                     | 70                     | Others                    | 25             |
|                              |                        | Retired Judicial Officers | 54             |
|                              |                        | Government Officers       | 20             |
|                              |                        | Student                   | 2              |
| <b>TOTAL</b>                 | <b>727</b>             | <b>TOTAL</b>              | <b>727</b>     |