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PRESIDENT'S MESSAGE**The Hon Justice Catherine Branson**

In the Annual Report for the year ended 30 June, 1999, I wrote of the review of the Institute's internal structure conducted by Council as part of a detailed planning process. I noted that this had resulted in a revamped committee structure and a re-definition of the role of the Board of Management to place greater emphasis on the implementation of Council policy, monitoring of the Institute's budget and supervision of the work of the Secretariat. It was hoped that these changes would enable Council to spend more time debating important issues of policy and setting a framework for the Institute's activities. It was also hoped that the changes would encourage a greater involvement of individual Council members in the work of the Institute.

I am pleased to report that the changes brought about by the planning process do appear to have achieved the results for which we hoped. At each of the three meetings held this year Council has given consideration to issues of significance to the future direction of the Institute and its activities. This has resulted in the adoption of a business plan; the formulation of recommendations to go to the Annual General Meeting of the Institute to alter the Executive Structure of the Institute; a decision to support, and to seek to advance, a proposal for the establishment of an Australian Judicial College; and consideration of the future direction of research within the Institute. The Board of Management, which now has more regular meetings detached from Council meetings, has been able to devote more of its time to the operations of the Institute and the monitoring of its finances.

At its meeting in October, 1999, Council adopted a business plan for the Institute on the basis that the plan would remain under constant review by Council. The plan is designed to provide a focus for, and to bring coherence to, the work of the Institute. It is proposed that committee convenors report on the work of their respective committees in the context of the business plan at the Council meeting to take place in October, 2000.

Council has considered the issues paper prepared by Mr Chris Roper on the establishment of an Australian Judicial College. A working group consisting of Institute representatives and representatives of the Judicial Conference of Australia has been working to advance the proposal to establish such a college. It is pleasing that following the meeting of the Standing Committee of Attorneys-General held in March, the Commonwealth Attorney, The Hon Daryl Williams, announced support for the establishment of a national College and a proposal for the formation of a working group to carry the initiative forward.

At the Annual General Meeting of the Institute to be held in October, members will be asked to approve changes to the Executive Structure of the Institute. Council has recommended that the current provision for the President to hold office for two years be maintained but that a President Elect should assume office at the commencement of the second year of each Presidential term. A related proposal is that two Deputy Presidents should hold office in the first year of a Presidential term but that in the second year of the term, during which a President Elect will hold office, there should be only one Deputy President. It is proposed that the office of Immediate Past President be abolished. These changes, approved by Council, are designed to ensure continuity in appointment to senior positions, increase the opportunities for

members of the Council who do not hold judicial office to hold executive positions and reduce the total length of time that the leadership of the AIJA must serve on the Council.

I am pleased that the research activities of the Institute are currently under review by Council. There is a need to ensure that there is consultation and co-operation with other bodies who sponsor or undertake research in the area of judicial administration to ensure that the greatest possible value is obtained from the limited research funds available in this country.

The Institute has conducted a number of highly successful educational activities in the past year. The Executive Director has reported on these in detail in his report. I would like to mention specifically the Criminal Trial Reform Conference held in Melbourne on 24-25 March and the two Tribunals Conferences held during the year. A working group is looking at educational and other programs which will be of interest to Magistrates in view of the decision taken by the Chief Magistrates that they no longer wish the existing Magistrates' Course to be offered. Magistrates constitute a significant group of members and the Institute is concerned to ensure that their specific needs are addressed.

I am grateful to all Council members, convenors and members of committees who have made their time so readily available during the year. I would also like to thank members of the Board of Management for their work and assistance and the staff of the AIJA Secretariat who have cheerfully continued, despite limited resources, to ensure the success of the Institute's activities.

The Hon Justice Catherine Branson
President, AIJA

REPORT FROM THE EXECUTIVE DIRECTOR



Professor Greg Reinhardt

At its meeting in Canberra in October, as noted by Justice Branson in her report, Council adopted a business or strategic plan for the Institute. The development and structure of the business plan was assisted by input from members of Council and, in particular, Mr Laurie Glanfield and Mr Peter Levy. The report identifies several issues likely to require attention during the life of the strategic plan, namely, the interaction between the courts and the public; the relationship between the courts, government, ADR organisations and the legal profession; access to justice, including victims' rights; judicial education.

Members of Institute committees have been asked to consider these issues and how the work of their committee may respond to them. The Institute would value ongoing input from members regarding issues which they believe should be the subject of discussion and study within the Institute. The strategic plan is to be reviewed on a regular basis by Council in order to ensure that Institute activities are responsive to its objectives.

The Institute has been involved in a wide range of educational programmes during the year. Details of these will be found under the section of the Annual Report headed Course, Conference and Seminar Programmes. I would like to mention specifically the highly successful Annual Conference held in Adelaide in August, the two Tribunals conferences held during the year, in Sydney and Melbourne, which were both very well attended and the Criminal Trial Reform Conference held in Melbourne in March. The Institute can be very pleased with the response to all its educational activities and the contribution made by them to judicial administration.

The Education Committee has developed an evaluation form designed for generic application in relation to the Institute's educational programmes. The need to balance the desire for as much detailed feedback as possible with avoidance of a form so daunting as to dissuade completion, has provided a challenge for the Committee. The form was adopted by Council on the basis that the Education Committee reviews its use over time and report back to Council in relation to it.

The Research Committee has been considering the future direction of the Institute's research programme. The proposed establishment of an Australian Judicial College, with its impact upon the educational activities of the Institute, means that research is likely to assume a greater importance as an Institute activity. The Convenor of the Committee, Professor Marcia Neave, presented a paper to Council at its meeting in Sydney in June. Council had preliminary discussion in relation to the future direction of research and this will be followed by submissions from Council members and detailed discussion at the Council meeting to be held in October in Melbourne. Meanwhile, Council has endorsed two recommendations from the Research Committee, namely, that the Institute make a limited number of grants of the value of \$2000 to academics for the purpose of supporting government research grants and that it award a limited number of grants to academics to support research projects in the areas of research priority within the AIJA.

Meanwhile, small grants have been made available in respect of research proposals before the Research Committee to enable these proposals to be developed whether by way of an options paper or an issues paper. The source of these funds had been the Research Fund which is financed from a levy on Institute educational programmes.

Council has recognised the need to co-ordinate its research activities with the research of law reform bodies and other research bodies.

During its first year of operation, the Practice Committee has begun to examine a number of initiatives with a view to assisting courts and tribunals to exchange information about developments in the field of judicial administration, both among themselves and with the broader legal community. The Committee has begun to examine the issue of protocols for the use of technology in courts and it is hoped to play an active role in co-ordinating developments in this increasingly important area. The Committee intends to make greater use of the AIJA Web site as a medium for information exchange and discussion.

The Membership Committee has also had a focus on information dissemination this year, resulting in a revamped membership information kit and brochure. The development of the Institute web site under the direction of Ms Anne Wallace has resulted in greater dissemination of information concerning the AIJA and, in particular, its educational and research activities. It provides ready access to members and non-members for Institute publications. The Committee has recently overseen a professional re-design of the site which will be implemented shortly.

Council has established a committee to look at how the Institute might assist judges and others involved in judicial administration in East Timor. Council member, Mr Richard Coates, convenes the East Timor Committee. It is hoped that two or three of the East Timorese judges will be able to attend the AIJA Annual Conference in Darwin in July. It is also proposed to extend an invitation for two judges to attend the Judicial Orientation Programme.

Research

The report by Dr Ian Freckelton, Ms Prasuna Reddy and Mr Hugh Selby, entitled "Australian Judicial Perspectives on Expert Evidence: an Empirical Study" was published in August. This report results from an Australia-wide survey of judges concerning expert evidence. It examines what the Australian judiciary thinks about the presentation of expert evidence in the courts. Thanks are due to the researchers, to the National Institute of Forensic Science which collated the results of the survey and to the Advisory Committee for the project, convened by Justice Tim Smith of the Supreme Court of Victoria, for their work in relation to the project. A survey of Magistrates has been conducted in relation to the same subject matter. The results have been collated and will be published as a companion report to the results of the survey of judges.

The Courts and the Public Committee, convened by Council member, Justice Robert Nicholson has completed consideration of two matters arising out of the report by Professor Stephen Parker "Courts and the Public", namely the reference of law reform proposals by the Judiciary to the Executive and complaints handling mechanisms in the courts. The result of their work has been communicated to heads of jurisdiction.

The AIJA has assisted the committee established by the Council of Chief Justices and chaired by Justice Kevin Lindgren of the Federal Court of Australia in relation to the drafting of uniform Corporations Law Court Rules. The rules have been completed and approved by the Council of Chief Justices at its meeting in October. The rules have now been adopted in

almost all jurisdictions. There can be no doubt that the successful completion of the project will have great practical significance for the administration of justice throughout Australia. In particular, practitioners concerned with the winding-up of companies in jurisdictions, other than their own, can be assured that an application will not fail provided that the harmonised rules are used. Moreover the rules are drafted so as to overcome the ambiguities and uncertainties present in existing state and territory Corporations Law Court rules.

The Institute has for some time had an interest in the promotion of harmonised court rules generally. A conference, organised by Justice Lindgren and held in Sydney on 20 May, on Harmonisation of Court Rules, will provide the catalyst for work towards the harmonisation of the general rules of procedure. Justice Lindgren is currently preparing a report on that conference with a view to furthering work on harmonisation of the general rules of procedure.

Reference is made later in the Annual Report to the ongoing research activities of the Institute.

Tribunals

A report in relation to the two Tribunals Conferences held during the year appears later in the Annual Report.

The AIJA Tribunals Committee, convened by Justice Murray Kellam, the President of the Victorian Civil and Administrative Tribunal, has been responsible for overseeing the Institute's relationship with tribunals and tribunal members. At the Tribunals Conference held in Melbourne on 9 June, it was agreed that there was a need to establish a formal Committee for Tribunals rather than the more ad hoc body which has existed to date.

Teaching

I have been teaching the undergraduate subjects, Dispute Resolution and Judicial Ethics during the academic year and Civil Procedure in Summer School, as well as Advanced Civil Procedure, Professional Indemnity Insurance and Insurance Intermediaries, in the postgraduate programme at the University of Melbourne. I have also been involved in the University's Advocacy Programme

Writing and Private Research

I have continued to write on a monthly basis for the Victorian Law Institute Journal on recent Victorian Supreme Court civil cases, as well as to act as editor for, and a contributor to, the Insurance Law Bulletin. I have written the Australian Chapter for the International Encyclopaedia of Laws-Civil Procedure.

The Journal of Judicial Administration has appeared four times during the year. I continue to be impressed by the quality of contribution to the Journal. I am grateful to contributors and to the publisher of the Journal, the Law Book Company, for their support for the publication.

Judicial Appointments Working Group

I have been a member of a working group established under the auspices of the Law Institute of Victoria to develop guidelines for judicial appointment in Victoria. A paper prepared by the Hon Haddon Storey, former Attorney-General for Victoria, assisted the work of that group.

The Secretariat

Mrs Kathy Jarrett went on maternity leave in October. Mrs Rosemary Carlton joined the Secretariat staff in October as Membership and Publications officer, during Kathy's leave.

I wish to thank my deputy, Ms Anne Wallace, Mrs Kathy Jarrett, Mrs Rosemary Carlton, Mrs Christine Crawford and the Institute Librarian, Ms Mary Young for their support and work throughout the year. They have worked tirelessly and unstintingly in what has been a very busy year.

Professor Greg Reinhardt
Executive Director, AIJA

COUNCIL

The role of the AIJA Council is to oversee the Institute's work, to direct policy and identify goals. The 30 elected and appointed members of Council are drawn from the judiciary, (including the magistracy), tribunals, court administrators, the legal profession, government service and academia. All Council members are encouraged to become actively involved with the Institute's work and to participate in at least one of its Committees. A list of Council members as at 30 June 2000 appears at the front of this report.

The following members retired from Council at the 1999 Annual General meeting -Justice Reg Blanch, Chief Judge, District Court of New South Wales, Justice Sally Brown, Family Court of Australia and Mr John Hodgins, Director of Legal Aid, Queensland. The AIJA expresses its appreciation to all of them for their contributions to and active involvement in, the Institute's work during their membership of Council

Those members joining Council this year have been - Mr Richard Coates, Director, Northern Territory Legal Aid Commission, Justice Linda Dessau, Family Court of Australia and Ms Bronwyn Jolly, Court Administrator, Supreme and District Courts, Queensland.

At the Annual General Meeting held in 1999 Justice James Wood, Supreme Court of New South Wales, retired as Deputy President and Justice Murray Kellam assumed that position within the Institute. The AIJA expresses its thanks to Justice Wood for his contribution as Deputy President.

BOARD

The AIJA Board of Management consists of the President, Deputy President and Immediate Past President, together with three other Council members who are elected to the Board by Council. Other members of Council can also be co-opted to the Board. The members of the Board of Management, as at 30 June 2000, were Justice Catherine Branson, AIJA President, Justice Murray Kellam, AIJA Deputy President, Justice Neil Buckley, Immediate Past-President, Ms Jennifer Coate, Mr Laurie Glanfield and Professor Marcia Neave.

The task of the Board of Management is to supervise the work of the AIJA Secretariat and to exercise such delegated powers as Council sees fit. The Board takes a direct role in receiving reports from the Secretariat in relation to the Institute's day to day operations and in dealing with those aspects in between Council meetings. The Hon Justice Sally Brown and Justice James Wood retired from the Board following last year's Annual General Meeting and the AIJA wishes to record its appreciation to them.

COURSE, CONFERENCE AND SEMINAR PROGRAMMES

The AIJA's Education programme consists of a range of courses, conferences and seminars designed for judges, magistrates, tribunal members, court administrators, lawyers and others with an interest in judicial administration. It consists of regularly scheduled events together with additional seminars and conferences in specialised areas designed to be of interest to those involved in particular areas of the justice system. The programme is overseen by the AIJA's Education Committee, convened by Justice John Byrne of the Supreme Court of Queensland. The education programme was well supported during the year under review.

Details of the particular programmes run during 1999-2000 are:

- **Annual AIJA Court Administrators' Conference, 6 August 1999 (Adelaide)**

Complaints mechanisms within courts and tribunals formed the subject matter of this year's Court Administrators' Conference. The intention was to identify those features which prompt responsiveness and which enable court administrators to improve service and promote communication with their public.

This topic was identified as one of critical importance, following the release of the 1998 report on "Courts and the Public" commissioned by the AIJA, by Professor Stephen Parker.

- **17th AIJA Annual Conference, 6-8 August 1999 (Adelaide)**

The 17th AIJA Annual Conference addressed the challenges posed for courts and tribunals in the new millennium. It was attended by over 260 judges, magistrates, tribunal members, court administrators, practitioners, government lawyers, librarians and academics from all Australian jurisdictions and several overseas countries.

Justice John Hansen of the High Court of New Zealand delivered the Keynote Address on the theme 'Justice Delivery - Meeting New Challenges'. Other plenary speakers included Sir Anthony Mason and the Chief Justice of Western Australia, Justice David Malcolm. A series of workshop sessions discussed in more detail issues identified in the main conference sessions. These included:

- Structural and procedural implications of change
- How to make court and tribunal operational processes more effective
- Techniques of Trial and Case Flow Management
- Identifying and addressing needs
- Selection, Training and Continuing Education
- Performance evaluation and Management

A highlight of this year's Annual Conference Dinner was the award of Life Membership of the AIJA to Justice Trevor Olsson, a former President of the AIJA, in recognition of his outstanding contribution to the work of the Institute.

- **2nd AIJA Tribunals' Conference, 10 September 1999 (Sydney)**

Organised by the AIJA to assist with the professional development of tribunal members and staff, this conference was attended by over 115 delegates, from Australia, New Zealand and Singapore.

The President of the Commonwealth Administrative Appeals Tribunal, Justice Deirdre

O'Connor delivered the keynote address, focussing on the topic of independence and accountability. The Conference programme featured a number of sessions on practical issues of importance for tribunal members, including the decision-maker's obligation to provide a statement of facts, evidence and reasons and a series of common issues arising in tribunal hearings. It included a discussion on the establishment of an Australian Council on Tribunals and featured a guest presentation from the Singapore Small Claims Tribunal.

The programme for the conference was designed in consultation with the AIJA's Tribunals Committee convened by Justice Murray Kellam, AIJA Deputy President.

- **Fifth National Judicial Orientation Programme, 26 September-1 October, 1999 (Sydney)**

A continuing joint venture between the AIJA and the Judicial Commission of New South Wales, this year's programme was attended by 32 judges from courts in a wide variety of Australian jurisdictions, together with a visiting Hong Kong judge.

Designed to introduce participants to a number of aspects of the task of judging, an important part of the week long programme is the opportunity to hear from senior judicial officers in relation to facets of the judicial role. This year's course was designed and developed by a Steering Committee convened by Judge David Jones of the County Court of Victoria.

- **Twelfth Annual Magistrates' Course, 21-24 November, 1999 (Melbourne)**

17 Australian magistrates, together with 3 magistrates from Papua New Guinea, participated in this year's AIJA Magistrates' Course. The course began with an address by former Chief Magistrate, now Family Court judge, Justice Sally Brown on 'The Role of the Magistrate in the New Millennium.'

Over three days, the participants examined a diverse range of topics including:

- Gender and social awareness
- Dealing with the media
- Disability issues
- Forum shopping and the Service and Execution of Process Act 1992 (Cth)
- Case management
- Using computers as a research and management tool
- Expert evidence
- Sentencing

As in previous years, the course was developed and run by Mr Ron Cahill, the Chief Magistrate of the ACT and Professor Greg Reinhardt, Executive Director of the AIJA, in close consultation with Chief Magistrates.

- **Criminal Trial Reform Conference 24-25 March 2000 (Melbourne)**

This conference was conducted by the AIJA and the Standing Committee of Attorneys-General (SCAG), following the report of the Working Group on Criminal Trial Procedure published in September 1999. It also followed on from work commenced at the AIJA conference on the Reform of Court Rules and Procedures in Criminal Cases held in Brisbane in July 1998. The aim of the conference was to consider options for reform of criminal procedure to minimise delay and to ensure the efficient and fair conduct of criminal trials.

The conference was attended by 150 delegates drawn from all areas of the criminal justice system and including delegates from New Zealand and Hong Kong. It has served as a major catalyst for the ongoing discussion of reforms in this significant area. The conference papers are available on the AIJA Web site.

- **Fifth Biennial AIJA Masters' Conference, 26-28 April 2000 (Auckland, NZ)**

This conference saw 19 Masters from Australia and New Zealand meet to report on the work of Masters in their respective jurisdictions and to look at the role of Master in the year 2000 and beyond. The conference is a regular biennial event, which aims to provide a focus for Masters to regularly discuss current aspects of their work.

The 2000 conference was hosted by the New Zealand courts and particular thanks are recorded to Master Anne Gambrill, High Court of New Zealand and to Justice Bruce Robertson, AIJA Council member for their assistance with its planning and development.

- **The Role of the Judge in Germany - 2 May 2000 (Melbourne)**

The AIJA was pleased to co-host a seminar in conjunction with the University of Melbourne Law School, featuring Dr Ira Janzen, a trainee judge, studying to qualify for judicial service in the German judicial education system.

Dr Janzen, a specialist in environmental law, was visiting Australia as part of that training program. She spoke on the structure of the German court system and the role of the judge within it, as well as the methods for selecting and training judges in that country.

- **Programme for Indonesian judges- 17-19 May 2000 (Melbourne)**

Sixteen judges from throughout the Indonesian archipelago participated in this programme designed to provide them with a working knowledge of the Australian Court system and civil and criminal procedure in Australia. The programme, part of a Federal Court project assisted by AusAID, was devised by Professor Greg Reinhardt and was presented with the assistance of several AIJA Council members and supporters.

The AIJA was pleased to be involved in a project designed to assist judicial administration in the Asia-Pacific Region.

- **Seminar by Professor Deborah Hensler- 23 May, 2000 (Melbourne)**

More than 70 people attended a luncheon seminar jointly organised by the AIJA and the Law Institute of Victoria at which Professor Deborah Hensler, the Judge John W Ford Professor in Dispute Resolution at Stanford University, was the guest speaker. She spoke on the topic of recent civil justice reform efforts in the United States, in particular, the effect of case management and alternative dispute resolution on settlement rates and the challenges of managing complex litigation.

The seminar provided a good opportunity for the AIJA to work with another professional body in relation to a topic of common interest.

- **3rd AIJA Tribunals' Conference, 9 June 2000 (Melbourne)**

The theme of the 3rd AIJA Tribunals Conference was "Tribunals - Serving the Community" and was attended by 137 delegates, including delegates from New Zealand and Singapore.

Sessions included-

- (i) Professional Education for Tribunals - Dr Kathryn Cronin, Deputy President of the Australian Law Reform Commission;
- (ii) The Evolving Structure of Tribunals in Australia - Judge Terry Worthington, Chief Judge, District Court of South Australia; Justice Deirdre O'Connor, President, Administrative Appeals Tribunal; and Justice Murray Kellam, President, Victorian Civil and Administrative Tribunal;
- (iii) Common Problems Arising in Tribunal Hearings;
- (iv) Communication with Tribunal Users and Interest Groups - Ms Jane Fenton, Fenton Communications; Professor Stephen Parker, Dean of Law, Monash University; and Mr Bruce Phillips, Public Information Officer, Federal Court of Australia;
- (v) The Role of the Non-Legal Member in the Work of Tribunals - Professor Greg Reinhardt and Mr Tony Liston, Member, VCAT.

The papers for the conference are available at the AIJA web Site.

It is clear that the AIJA Tribunals Conference is fulfilling a real need for Tribunals and Tribunal members. The response to conferences to date has been very positive. The next conference has been tentatively scheduled for Friday, 8 June 2001 in Sydney.

- **The 10th AIJA Oration in Judicial Administration, 16 June, 2000 (Sydney)**

Inaugurated in 1989, the AIJA Oration in Judicial Administration is designed to contribute to public knowledge and discussion of the judicial system. A series of distinguished speakers have addressed a broad range of topics concerning the administration of justice. The AIJA was pleased to welcome The Rt Hon Dame Sian Elias GNZM, Chief Justice of New Zealand to Australia to deliver the Tenth AIJA Oration.

The Chief Justice addressed the topic of 'Constitutions and the Courts', a timely topic from an Australian perspective and also one which is of current interest in New Zealand. The Oration has been published on the AIJA web site - www.aija.org.au - and will be published in hard copy format later this year.

- **Federal Magistrates' Service - Orientation Programme- 25-30 June 2000 (Melbourne)**

The AIJA was pleased to organise the Orientation Programme for the newly-appointed Federal Magistrates this year.

The programme ranged over a number of issues of generic application to newly-appointed judicial officers, but included sessions of particular relevance to the jurisdiction of the Federal Magistrates' Service. The Court is designed to deal with a range of matters currently within the jurisdiction of the Federal and Family Courts.

SPECIAL PROJECTS

- **Australian Judicial College**

The Australian Institute of Judicial Administration (AIJA) and the Judicial Conference of Australian (JCA) jointly commissioned a Discussion Paper on the topic of a proposed Australian Judicial College prepared by Mr Christopher Roper, the Director of the Centre for Legal Education. The paper, received in September, is available on the AIJA Web site.

The AIJA and the JCA have established a Working Group to consider the issues identified by Mr Roper in his paper, to consider the choices which need to be made and to carry forward work in relation to the establishment of an Australian Judicial College. The AIJA's representatives on that Working Group are Justice John Byrne and Professor Greg Reinhardt. The Working Group met in Brisbane in November and a report of their deliberations was given to Council at its March meeting in Melbourne.

As a result of the meeting of the Standing Committee of Attorneys-General held in March, it was announced by the Commonwealth Attorney that it was proposed to carry forward the proposal for an Australian Judicial College. It is understood that a working group will be established for this purpose.

- **Aboriginal Cultural Awareness**

This project aims to implement Recommendation 96 of the Report of the *Royal Commission into Aboriginal Deaths in Custody* by providing aboriginal cultural awareness training for judicial officers. This year, a reconstituted Committee, convened by Judge Mary Ann Yeats of the District Court of Western Australia has been working on further programmes in each State and Territory and preparing an overview of the project. The Committee is also considering a related project looking at the use of Aboriginal interpreters in courts and hopes to convene a national meeting in 2001 to discuss the cultural awareness programs that have been run to date and chart some future directions.

- **Technology for Justice 2000**

In March 1998, the AIJA held its first national conference on the use of Information Technology in the Justice System. TFJ1 attracted over 350 Australian and overseas delegates to a varying programme which looked at the use of technology in all aspects – from investigations and case preparation through to the appellate process.

The need for courts and tribunals to keep abreast of developments in the area of technology and to consider its most appropriate and effective use in their work resulted in a decision by the AIJA Council to hold a second conference – ‘Technology for Justice 2000’ on 8-10 October 2000 in Melbourne. The organisation of this conference is being handled at the Secretariat by Ms Anne Wallace. The emphasis of the second will be on the capacity of the Internet to give broad-based and better access to justice and ways in which technology can assist the delivery of justice in the ordinary case.



Anne Wallace

As part of the preparation for the conference, the AIJA has conducted an updated review of the use of technology across the Australian justice system.

- **Gender Awareness**

The Institute continues to incorporate segments on awareness issues into its regular education programmes, including the ongoing project with the Judicial Commission of New South Wales for orientation programmes for new judges.

- **Courts and the Public**

A committee convened by Justice R D Nicholson continues to consider the recommendations made in Professor Parker's report on Courts and the Public, to monitor developments in the area and to put forward proposals which might be adopted by courts and tribunals in furtherance of the recommendations made in the report.

RESEARCH

The AIJA Research Committee has continued to meet regularly during the past year to consider proposals for research projects. Current projects on hand include:

Survey of Magistrates on Expert Evidence

As noted in the Executive Director's report, the initial survey of judges in relation to expert evidence has extended to magistrates in all jurisdictions, with the assistance of the Chief Magistrates. The results of that survey have been collated and Dr Ian Freckelton is in the process of preparing a report on Magistrates and Expert Evidence. The publication of the report has been delayed, but it is hoped that it will be available in the latter part of 2000.

Guidelines for Judicial Conduct

Work has continued this year on an important project which is being undertaken by the AIJA at the request of the Council of Chief Justices. The objective of the project is to develop suggested guidelines for judicial conduct and the work is being undertaken by The Hon Sam Jacobs, a former judge of the Supreme Court of South Australia, and The Hon Brian Cohen, a former judge of the Supreme Court of New South Wales.

The project has involved extensive consultation with judicial officers in all jurisdictions and is being conducted under the supervision of an Advisory Committee convened by Justice Trevor Olsson, a former President of the AIJA. The project is financed in part from the AIJA Research Fund, assisted by a contribution from the New South Wales Attorney-General's Department.

An initial draft has been prepared and will be considered by the Advisory Committee for the project in July.

OTHER CURRENT RESEARCH PROJECTS

- Mr Brian Opeskin of the University of Sydney and The Hon Dennis Mahoney, former Justice of Appeal, New South Wales, will complete research in relation to Appellate Case Management in July or August.
- Dr Melissa Perry will complete her work on Disqualification for Bias in August or September.
- Ms Elizabeth Handsley, Flinders University, will complete an issues paper on Judicial Accountability in September or October.



Christine Crawford

- Professor Hilary Astor will complete an options paper on Court-Annexed Mediation in October or November.

Mrs Christine Crawford provides day to day administrative support in relation to the research activities of the Institute.

PUBLICATIONS

Each year the AIJA issues a variety of publications. In addition to published reports from research projects, the Institute publishes collections of papers from important conferences and seminars, the AIJA Oration and our newsletter, *AIJA News*. The Executive Director edits the Law Book Company publication, the *Journal of Judicial Administration*, which provides an opportunity to publish lengthier articles in the field. Most recently, the AIJA has entered the field of electronic publication, with copies of a number of recent publications and general information about its work, now available on its web site (<http://www.aija.org.au>).

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

- **Judicial Perspectives on Expert Evidence.**

This report, written by Dr Ian Feckelton, Dr Prasuna Reddy and Mr Hugh Selby, was based on a comprehensive survey of judicial attitudes to expert evidence. It provides a first and very important opportunity to gain insight into judicial views on the presentation of expert evidence and points to a number of significant concerns.

- **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. As recommended in last year's Planning Exercise, plans are underway to produce more frequent editions of *News* in a revamped format.

- **AIJA Column in Australian Law Journal**

The *Australian Law Journal* (ALJ) continues to provide space for a regular column on selected AIJA programmes and activities. The AIJA is very grateful for this assistance and the support provided by the ALJ, its Editor, and the publisher, LBC Information Services. It provides an opportunity for information about the Institute's research and educational projects and publications to be disseminated to a wider audience.

- **Journal of Judicial Administration**

Published by the Law Book Company (LBC Information Services), 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.

AIJA INFORMATION COLLECTION



Mary Young

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 continues to build its Research Fund by means of a 20% contribution levied on its education programmes. A number of projects have already been financed from the Fund and a number of proposals developed with assistance from the Fund, in situations where funding from Government or other agencies had been difficult to obtain.

Copies of the Institute's 1999-2000 Balance Sheet and Profit and Loss Statement are appended to this report. Copies of the full financial statements are available from the Secretariat.

AIJA AND THE UNIVERSITY OF MELBOURNE

The AIJA has been affiliated with the University of Melbourne since 1986. The AIJA has been considering its Affiliation Agreement with the University of Melbourne, the current term of which is due to expire in January 2001. The University has advised that any re-affiliation will be under a different financial regime, which would include the payment of a commercial rental. In light of that decision, which accords with current financial climate in the university sector, the AIJA Council has resolved that, rather than to re-affiliate the Institute should move to an independent accommodation arrangement. This in no way reflects upon the current arrangement with the University of Melbourne, which has been a harmonious and mutually beneficial one for many years.

Additional funding to provide for the payment of a commercial rental may need to be sought. Council intends to seek strategic alliances with the university sector generally in relation to the AIJA's research work and letters have been sent to universities and other relevant organisations seeking expressions of interest in that regard.

MEMBERSHIP

The Institute's membership as at 30 June 2000 was 1096, an increase of 7.55% compared with 1020 the previous year. Several initiatives to attract and retain members have been implemented over the past six months, at the suggestion of the new AIJA Membership Committee and these measures appear to be bearing fruit. Membership fees for Australian members will be affected by the GST from 1 July 2000.

The membership was made up as follows (figures for the previous year are shown in italics).

MEMBERSHIP - By State/Territory

New South Wales	308	(308)
Victoria	260	(226)
Queensland	106	(106)
South Australia	111	(98)
Western Australia	97	(99)
Tasmania	32	(24)
Northern Territory	15	(10)
Australian Capital Territory	51	(47)
Overseas	116	(103)
TOTAL	1096	(1020)

MEMBERSHIP - By Category

Judges	379	(388)
Magistrates	105	(108)
Tribunal Members	109	(46)
Court Administrators	113	(114)
Legal Practitioners	179	(152)
Academics	43	(44)
Librarians	15	(15)
Corporate	69	(70)
Others	84	(83)
TOTAL	1096	(1020)

LOCAL CHAPTERS

The NSW Bar Association, in conjunction with the NSW Chapter of the Australian Institute of Judicial Administration, hosted a special address by His Excellency Dr Bhadra Ranchod, South African High Commissioner to Australia, on Wednesday, 27 October 1999. Dr Ranchod, who was actively involved in the drafting of the South African Constitution, spoke on the report of the Truth and Reconciliation Commission (TRC) and the work of the TRC as a means of resolving the conflict in South Africa.

The South Australian Chapter of the Institute, convened by Judge Christopher Lee, provided invaluable assistance in relation to the 1999 Annual Conference and has continued to take an active role in promoting interest in judicial administration topics within the courts and legal profession in that State. During the course of the year it has examined a proposal to introduce a community sentencing scheme to the Pitjantjatjara lands in the North of that State and further consideration will be given to that proposal in the coming year.

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, 723 Swanston Street
 CARLTON VIC 3053
 Telephone: (03) 9347 6600
 Facsimile: (03) 9347 2980
 Email: g.reinhardt@law.unimelb.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 programmes.

**THE AUSTRALIAN INSTITUTE OF JUDICIAL
ADMINISTRATION INC**

**PROFIT & LOSS ACCOUNT
FOR THE YEAR ENDED 30 JUNE 2000**

	2000	1999
	\$	\$
Operating Profit (Loss) before Income Tax	81,732	71,944
Income Tax Expense	<u> </u>	<u> </u>
Operating Profit (Loss) After Income Tax	81,732	71,944
Retained Profits (Accumulated Losses) at 1 July	<u>352,611</u>	<u>408,000</u>
Amount transferred to Research Fund	<u>51,663</u>	<u>127,333</u>
Accumulated surplus at 30 June	<u><u>382,680</u></u>	<u><u>352,611</u></u>

**THE AUSTRALIAN INSTITUTE OF JUDICIAL
ADMINISTRATION INC**

**BALANCE SHEET
AS AT 30 JUNE 2000**

	2000	1999
	\$	\$
CURRENT ASSETS		
Cash	900,704	903,320
Receivables	<u>95,062</u>	<u>1,707</u>
TOTAL CURRENT ASSETS	<u>995,766</u>	<u>905,027</u>
TOTAL ASSETS	995,766	905,027
CURRENT LIABILITIES		
Accounts Payable	369,023	354,062
Provision	<u>29,292</u>	<u>35,246</u>
TOTAL CURRENT LIABILITIES	<u>398,315</u>	<u>389,308</u>
NON-CURRENT LIABILITIES		
Provisions	<u>35,775</u>	<u>35,775</u>
TOTAL NON-CURRENT LIABILITIES	<u>35,775</u>	<u>35,775</u>
TOTAL LIABILITIES	<u>434,090</u>	<u>425,083</u>
NET ASSETS	<u>561,676</u>	<u>479,944</u>
MEMBERS' FUNDS		
Reserves (Research Fund)	178,996	127,333
Accumulated surplus	<u>382,680</u>	<u>352,611</u>
TOTAL MEMBERS' FUNDS	<u>561,676</u>	<u>479,944</u>

