



The Australian Institute of

Judicial Administration Incorporated

---

# Annual Report

for the year ended 30 June 2004

The Australian Institute  
of Judicial Administration Incorporated

**PATRON****The Hon Murray Gleeson AC**

Chief Justice of Australia

**COUNCIL****President****The Hon Justice Peter Underwood AO**

Supreme Court of Tasmania

**Deputy President****The Hon Justice John Byrne**

Supreme Court of Queensland

**Deputy President****Mr Laurie Glanfield AM**

Director General, Attorney-General's  
Department, New South Wales

**The Hon Justice Virginia Bell**

Supreme Court of New South Wales

**Dr Andrew Cannon**

Deputy Chief Magistrate, South Australia

**Her Honour Judge Jennifer Coate**

President, Melbourne Children's Court

**Mrs Anne Coghlan**

Deputy President - General  
Victorian Civil & Administrative Tribunal

**Mr Richard Coates**

Chief Executive Officer, Department of  
Justice, Northern Territory

**The Hon Justice Linda Dessau**

Family Court of Australia

**Professor Arie Freiberg**

Dean of Law, Monash University

**Mr Tim Goodes**

Director, Justice Strategy Division  
Attorney-General's Department  
South Australia

**Mr Bob Gotterson QC**

President, Law Council of Australia

**Mr Ian Govey**

Deputy Secretary, Civil Justice & Legal  
Services Group, Commonwealth Attorney-  
General's Department

**Ms Megan Greenwood**

Chief Executive Officer and Principal  
Registrar, Supreme Court of New South  
Wales

**Ms Annette Hennessy**

Magistrate, Queensland

**Mr Peter Johnstone**

Partner, Blake Dawson Waldron

**Professor Marcia Neave AO**

Chairperson  
Victorian Law Reform Commission

**The Hon Justice Robert Nicholson AO**

Federal Court of Australia

**The Hon Justice Stephen O'Ryan**

Family Court of Australia

**Mr Andrew Phelan**

Director, Corporate Services  
Australian Crime Commission

**Mr Richard Refshauge SC**

Director of Public Prosecutions - ACT

**Mr Stephen Skehill**

Special Counsel, Mallesons Stephen Jaques

**The Hon Justice Sally Thomas AM**

Supreme Court of the Northern Territory

**Her Honour Judge Christine Trenorden**

Environment, Resources and Development  
Court, South Australia

**Ms Amanda Watt**

Partner, Minter Ellison

**The Hon Justice Christine Wheeler**

Supreme Court of Western Australia

**Her Honour Judge Mary Ann Yeats**

District Court of Western Australia

**New Zealand Representative**

The Hon Justice Tony Randerson  
High Court of New Zealand

**Papua New Guinea Representative**

The Hon Justice Salamo Injia  
Deputy Chief Justice, Papua New Guinea

## **SECRETARIAT**

### **Executive Director**

Professor Greg J Reinhardt

### **Deputy Executive Director**

Ms Anne Wallace

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

Mrs Heather Sevald

### **Administrative Secretary and Publications Officer**

Mrs Kathy Jarrett/Mrs Christine Crawford

### **Executive Secretary**

Vacant

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

Ms Mary Young

### **Secretariat Office**

1st Floor, 472 Bourke Street

Melbourne, Victoria, 3053

Telephone: (61 3) 9600 1311

Facsimile: (61 3) 9606 0366

Web site: [www.aija.org.au](http://www.aija.org.au)

Email: [kathy.jarrett@law.monash.edu.au](mailto:kathy.jarrett@law.monash.edu.au)

### **Public Officer**

Mr Stephen Skehill

Special Counsel

Mallesons Stephen Jaques

GPO Box 388

CANBERRA CITY ACT 2601

Telephone: (02) 6217 6084

Facsimile: (02) 6217 6999

## PRESIDENT'S MESSAGE



### **The Hon Justice Peter Underwood**

The past 12 months have been most productive and rewarding for all those engaged in the work of the AIJA.

The year got off to a great start with an excellent annual conference in Perth. Although the weather was more Tasmanian than West Australian, close to 160 delegates attended to hear an excellent programme.

Since then, the AIJA has held a number of seminars and other educational programmes as part of its ongoing commitment to excellence in judicial administration. In October last year the AIJA combined with the Judicial Commission of New South Wales and the newly formed National Judicial College to present the annual, and very popular, Judicial Orientation Programme for new judges.

Particularly successful was the Appellate Judges Seminar in Sydney early this year. Those attending included judges from New Zealand, Malaysia, Brunei and Vanuatu. An outcome of that seminar, now in the hands of the Education and Research Committees, is case management for appeals. More than 20 years have passed since the AIJA took on its first major project - case management at first instance. How the legal culture in this country has changed in that time!

An excellent Tribunals Conference was held in Brisbane this year. It attracted a record registration of well over 200, including a number from overseas jurisdictions. A major outcome of that conference was the initiation of a joint project to write a "Best Practice" manual for Tribunals, particularly for smaller tribunals, and those whose members sit infrequently and do not have the support that is available to larger tribunals such as the AAT and VCAT.

I would like to refer to inspiring 13th AIJA oration delivered in the Banco Court in Melbourne by our Patron, the Chief Justice of Australia, to mark the centenary of the High Court. It was an occasion that those who were there - sitting in the same court room as did the first High Court 100 years earlier - will remember for a long time.

The research work of the Institute has continued apace this year. Ongoing work includes "Inquisitorial Processes in Australian Tribunals," in the hands of Professor Creyke who gave a paper at this year's Tribunals conference, and a survey of Jury Charges led by Justice Geoff Eames of the Supreme Court of Victoria. Work in progress also includes Court Governance, a project led by Dr Williams. Nearly complete, is a project looking at the feasibility of a Legal Thesaurus, supervised by former South Australian Supreme Court judge, the Hon Trevor Olsson. Congratulations go to Associate Professor Kathy Mack of Flinders University (SA) whose report, "Criteria for Court Referral to ADR" has just been published by the AIJA.

The Institute has completed its first full year's work under its new strategic plan and in accordance with a new organisational structure. It seems to be working well. Key features of the new structure include the introduction of a new standing committee, the Communications Committee. It is working with the Education Committee and the Project and Research Committee to maintain closer communication with the Institute's constituent body. The Board of Management has been revamped and now includes the Chairs of each of the three standing committees. This ensures tight coordination of all aspects of the work of the AIJA. The

Council of the AIJA has identified a number of themes that will guide its work in a structured way in future years. They are detailed later in this report.

An interesting development this year has been the expansion of the work of the AIJA in the Asia/Pacific region. Not only have we seen more and more judicial officers from this region attending programmes conducted by the Institute, but also the Executive Director, former President Justice Murray Kellam and others, have been travelling in the region conducting mediation and ADR programmes for judicial officers in a bid to clear clogged court lists and increase public confidence in the judiciary. A strong judiciary in these countries is a big contributor to stability and peace in our area.

I pay tribute to the work done by the Institute's secretariat. They are a truly dedicated, hardworking lot of people who look after a large and disparate group of individuals - and I mean individuals - all around the country! Their work is done with great skill, attention to detail, loyalty and good humour. I refer to Christine, Kathy, Mary and Heather who do so much in the "Back office." And of course, I refer to, and pay a very special tribute to, the Executive Director, Professor Greg Reinhardt and the Deputy Executive Director Ms Anne Wallace, both of whom have done so much for the AIJA.

This is my last year as President and I have to say that I have enjoyed my time in office enormously. The opportunity to have done so many interesting things and to have met, and worked with such a great group of people has been nothing less than a privilege. It has also been a lot of fun! So, to my fellow council members, thank you for all the hard work you have done, thank you for all the support that you have given me and thank you for the great company that you provided. I wish my successor Justice John Byrne and the new Council well in the future.

*The Hon Justice Peter Underwood  
President, AIJA*

## REPORT FROM THE EXECUTIVE DIRECTOR



### **Professor Greg Reinhardt**

It is pleasing to report that the strategic planning exercise which Council of the Institute undertook in the first part of 2003 has begun to bear fruit. The exercise resulted in the establishment of three committees each with identified responsibilities and with a mandate to work together, so far as possible, to ensure that the challenges and opportunities earmarked by Council are addressed within determined time lines.

The three committees - Communications, Project and Research and Education - have been actively involved this year in the implementation of the AIJA Strategic Plan. The latter two committees have met jointly with a view to reviewing the research and educational activities of the Institute. They have recommended the use of educational programmes to inform future and existing research. Two important examples are the seminar on Best Practice and Evidence of Children to take place in Sydney on 29 July 2004 and the 2004 Annual Conference in September with its theme of proportionality. Both subjects have been before the Project and Research Committee and it is hoped that the two conferences will provide guidance in relation to research in those areas. The Tribunals Conference held in June has also provided valuable information in relation to future areas of research.

The Communications Committee, as will be seen from Megan Greenwood's report, has been actively involved in ascertaining what members expect from the Institute and the result of that activity has been fed back to the other committees.

From my viewpoint, and that of the Secretariat generally, the Strategic Plan, and the revamped committee system, provides focus for the activities of the Institute and far greater coherence in the work undertaken. Much that was once undertaken on a piecemeal basis has been given a focus. The Secretariat has never been busier but work has taken on a clear direction.

The presence of the Institute in the broader world and, in particular, in the Asia-Pacific region, has been encouraged by Council. I attended the Second Biennial meeting of the Commonwealth Judicial Educators in St Lucia from 30 November to 3 December 2003 which provided an excellent opportunity to meet with judicial educators from around the Commonwealth. I participated in the Asia-Pacific Judicial Educators Forum in Sydney in late January/early February, delivered what has become an annual workshop for visiting Indonesian judges in March, facilitated, with Justice Murray Kellam, former President of the Institute, a seminar on Court-annexed ADR in Nadi in April, and then, with Dr Greg Lyons, Principal Mediator at VCAT, facilitated a programme for the Samoan judges and legal profession in Apia in June. Previously, two programmes have been offered in Papua New Guinea. This work is particularly satisfying and needed. I would like to record my thanks to Judge Enoka Puni of the Pacific Judicial Education Programme, who has been of great assistance and who has done marvelous work in judicial education in the South Pacific. My deputy, Anne Wallace, visited the United States in February to speak at an International Conference on the Legal & Policy Implications of Courtroom Technology, in Williamsburg, Virginia and also met with staff of the US National Center for State Courts.

Regular dialogue continues amongst the various judicial education bodies in Australia and New Zealand. It is pleasing that there has been and continues to be a high degree of co-operation and mutual assistance. The AIJA and the Judicial Commission of New South Wales, the original presenters of the National Judicial Orientation Programme, are collaborating in the production of monographs relating to topics offered in the Programme and there is to be an interactive CD-ROM produced which can be used in judicial orientation.

I continue to write for a number of publications, to edit the Journal of Judicial Education and to speak to a number of organizations as well as teaching both at Monash University and at the University of Melbourne.

I wish to thank my deputy, Anne Wallace, who has cheerfully undertaken a number of difficult tasks during the year, Mrs Christine Crawford, Mrs Kathy Jarrett, Mrs Heather Sevald and Ms Mary Young who continue to work unstintingly in the interests of the Institute.

*Professor Greg Reinhardt*  
*Executive Director, AIJA*

## **COUNCIL**

The AIJA is governed by a Council of 29 elected and appointed members. Council members represent a broad range of stakeholders with an interest in judicial administration. They include members of the judiciary, (including the magistracy), tribunals, court administrators, the legal profession, academia and government service. Council members attend 4 regular Council meetings each year, and take an active role in the work of AIJA Committees. A list of Council members as at 30 June 2004 appears at the front of this report.

New members on Council this year included Professor Arie Freiberg, the new Dean of Law at Monash University, replacing Professor Stephen Parker, Tim Goodes, from the South Australian Courts Administration Authority, Ian Govey, Deputy Secretary, Civil Justice & Legal Services Group, of the Commonwealth Attorney-General's Department, Peter Johnstone, Managing Partner at Blake Davison Waldron, Sydney, Judge Christine Trenorden who heads the Environment, Resources and Development Court in South Australia, and Justice Christine Wheeler of the Supreme Court of Western Australia.

In addition to Professor Stephen Parker, other retirements from Council this year have included Mr Robert Cornall, Secretary of the Commonwealth Attorney-General's Department and Justice Chris Steytler of the Supreme Court of Western Australia. Thanks were expressed to each of them at this year's Annual General Meeting of the Institute for their contributions to its work.

Following this year's AGM, Council elected Justice John Byrne of the Supreme Court of Queensland as President-Elect of the Institute. Mr Laurie Glanfield, Director-General of the New South Wales Attorney-General's Department was elected as Deputy President.

## **OVERSEAS REPRESENTATION ON COUNCIL**

The judiciaries of both New Zealand and Papua New Guinea have observer status on AIJA Council and Council was pleased to welcome Deputy Chief Justice Salamo Injia of the Supreme Court of Papua New Guinea as that country's new representative on Council this year. The New Zealand representative on Council this year has been Justice Tony Randerson of the High Court of New Zealand.

## **BOARD OF MANAGEMENT**

The AIJA Board of Management is responsible for the day-to-day management of the Institute. It is composed of the President, President-Elect and Deputy President together with three elected Council members, who each convene one of the Institute's three Standing Committees — Project and Research, Education and Communications. The Board also has the power to co-opt other members of Council to serve on the Board. The members of the Board of Management, as at 30 June 2004, were Justice Peter Underwood, AIJA President, Justice John Byrne, President-Elect and Convenor of the AIJA Education Committee, Mr Laurie Glanfield, Deputy-President, Ms Megan Greenwood (Convenor, AIJA Communications Committee) and Justice Bob Nicholson (Convenor, AIJA 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 its work

or to the administration of justice generally. Council recognised the efforts this year of its longest-serving member, Mr Stephen Skehill, with an award of Life Membership presented at a Council Dinner in Melbourne on 18 March 2004.

A member of the AIJA Council since 1989, Stephen also served as a member of the Board for 10 of those years (1991 to 2001) and was a Deputy President of the Institute for the period 2000-2001.

He joined the AIJA in his capacity as the then Deputy Secretary and then Secretary of the Commonwealth Attorney-General's Department, subsequently becoming Secretary to the Department. As a government member on Council, Stephen has taken an active role in fostering good working relations between government and the Institute and in encouraging recognition of those areas where the AIJA can work with government, and other legal agencies, in promoting positive reform.

He played a major part in many of the major projects that the Institute embarked upon in the 1990s playing a valuable role in the liaison with government within Australia and the Asia-Pacific region, generally.

## **COURSE, CONFERENCE AND SEMINAR PROGRAMMES**

The AIJA's Education programme consists of courses, conferences 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 the AIJA's Education Committee, convened by Justice John Byrne of the Supreme Court of Queensland.

All AIJA education programmes are conducted on a fee-paying basis, which requires registration fees to be set at a level that covers the Institute's costs of presenting the programme (other than our staff time, which is covered by the Institute's recurrent funding). The Institute also attempts to achieve a 20% profit on each education activity which is channelled to our Research Fund and used to fund research into judicial administration.

2003-2004 programmes included:

- **6th AIJA Masters' Conference, Perth, 18-19 September 2003**

Held in association with the 2003 Annual AIJA Conference, the biennial Masters Conference was hosted by the Supreme Court of Western Australia and attended by representatives of all Australian jurisdictions that have the office, plus two representatives from New Zealand.

Over 1½ days, delegates discussed a range of topics in relation to their work including summary judgment applications, insolvency and corporations law, security for costs and dealing with litigants in person. The conference also heard from Professor Ian Scott, UK judicial administration expert, who gave a presentation on the recent case management reforms in that country, operating as a result of the pre-trial procedure established under new civil procedure rules.

The conference provided an opportunity for delegates to exchange reports on the role of the Master in different jurisdictions, including changes to their role and powers and developments in relation to case management and the use of technology.

- **'New Challenges, Fresh Solutions' 21st AIJA Annual Conference, Fremantle, 19-21 September 2003**

This year's annual conference program attracted over 150 delegates to Fremantle, to discuss a wide-ranging number of issues related to judicial administration. The conference had a particular focus on current challenges and issues facing the court system.

Conference sessions included:

- The Mind and the Law — A Keynote address by Professor Allan German
- The Courts & Corporate Conduct
- Therapeutic Justice
- The Docket System - the way to go?
- Reducing Re-offending - new initiatives in Europe
- Litigants in person
- Aboriginal Customary Law
- Court Governance: can justice be measured?
- Courts & the Profession - are we in charge?

Papers from the conference are available on the AIJA website at [www.aija.org.au](http://www.aija.org.au).

- **13th AIJA Oration in Judicial Administration "The Centenary of the High Court: Lessons from History" delivered by the Hon Murray Gleeson, AC, Chief Justice of Australia, Melbourne, 3 October 2003**

2003 was the centenary of the High Court of Australia, and to mark the occasion the AIJA invited the Chief of Australia, The Hon Justice Murray Gleeson AC to deliver the Thirteenth AIJA Oration in Judicial Administration. The Chief Justice's address *The Centenary of the High Court: Lessons from History* was delivered to an audience of over 150 members of the judiciary, the profession and the public, in the Banco Court of the Supreme Court of Victoria, Melbourne on Friday, 3 October 2003, the Court where the first sitting of the High Court was held.

The Oration has been published in hard copy format and is also available on the AIJA website at [www.aija.org.au](http://www.aija.org.au).

- **National Judicial Orientation Programme, Sydney, 13-17 October, 2003**

This year, the AIJA, the Judicial Commission of New South Wales and the National Judicial College of Australia combined to deliver another judicial orientation program for recently appointed judges. This course has been run since 1994 and is open to judges from both Australia and neighbouring countries.

It is designed to introduce participants to a number of aspects of the task of judging, and an important part of the programme is the opportunity for participants to learn from the experience of senior judicial officers.

The National Judicial College has now assumed direct responsibility for the course. However, at its request, the AIJA will continue to provide input and expertise into future judicial orientation programs to be conducted by the College.

- **2nd AIJA Appellate Judges' Seminar, Sydney, 29-30 April 2004**

The first seminar organized by the AIJA for appellate judges took place in Melbourne in 2002, as a result of a suggestion by Sir Kenneth Keith, of the New Zealand Court of Appeal. As a result of the response to that event, the AIJA undertook to run a second seminar in Sydney this year, which was attended by over 30 judges from appeals courts in Australia, New Zealand, Malaysia, Brunei and Vanuatu.

The seminar which was hosted by the New South Wales Court of Appeal, provided an opportunity for participants to discuss a broad range of issues relating to their work, including case management at the appellate level, judgment writing, dealing with unrepresented parties, the use of extrinsic evidence in appellate cases and the interaction between appellate and intermediate courts.

The AIJA plans to run a further Appellate Judges Seminar in 2006. Details will be advised to members and posted on the AIJA website at [www.aija.org.au](http://www.aija.org.au).

- **7th AIJA Tribunals' Conference, Brisbane, 10-11 June**

A record number of 203 delegates attended this conference, which was held for the first time in Queensland. The conference was attended by delegates from all Australian states and territories, and by tribunal members from New Zealand and Malaysia.

On the theme of Tribunals: Improving Access to Justice the program covered a range of topics including:

- Tribunal independence
- Users perspectives;
- Comparative processes in mental health review tribunals;
- Eliciting and Evaluating Evidence
- Giving the decision
- Inquisitorial processes in tribunals
- Tribunals and ADR
- Ethics for tribunal members
- Developing benchbooks for tribunals
- Issues and needs of sessional tribunal members

Papers from the conference are available on the AIJA website at [www.aija.org.au](http://www.aija.org.au).

The AIJA also contributed to a number of other education projects run by other organisations. These included the Australasian Courts and Tribunals Administration Conference in Melbourne (2-3 October, 2003), a seminar on access and privacy in relation to electronic court records organised by Queensland University of Technology (6 November 2003), the Asia Pacific Judicial Educators Forum in Sydney (28 January -3 February 2004), two seminars on ADR and the courts organised by the Pacific Judicial in Fiji (19-21 April 2004) and Samoa (11-12 June 2004), and a lecture on 'The Growth in Tribunal Power' by Chief Justice Marilyn Warren, organised by the Victorian Chapter of the Council of Australasian Tribunals (COAT), in collaboration on with AIJA and Monash University Law School on 7 June 2004.

## 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. At its recent meeting in June, AIJA Council identified the following themes to guide the Institute's work over the next few years:

- Proportionality;
- Caseflow management, including ADR;
- Courts and the Public (including follow up on the implementation of the Parker report);
- Litigants in person;
- Diversionary programs;
- Indigenous cultural awareness;
- Information technology and the courts; and
- Uniform and harmonised procedure

Council will review these themes on a regular basis to ensure that new or emerging issues will need to be quickly accommodated.

- **Proportionality**

Proportionality — cost-effective justice? is to be the theme of this year's AIJA Annual Conference, to be held in Sydney on 17-19 September, 2004. That conference will also provide an opportunity for a report from researchers at Monash University currently undertaking a literature review for the AIJA on this topic.

- **Caseflow management, including ADR**

The AIJA Council has recently agreed to a request from the Australian Court Administrators Group that it reconvene regular meetings held to discuss comparative case management issues in Australia. The use of court-annexed ADR processes is now a common feature of many case management regimes and Council considered that ADR should be incorporated as part of this theme. The Institute is currently monitoring feedback to the recently released report for the AIJA and NADRAC by Associate Professor Kathy Mack, *Court Referral to ADR: Criteria & Research*. Kathy Mack will talk about that report's findings at a session at the forthcoming Annual Conference.

- **Courts and the Public**

The AIJA's research report on *Courts and the Public*, by Professor Stephen Parker, was published in 1998. Since that time, a number of courts have embarked on initiatives based on recommendations in the report and instituted other reforms designed to improve public access to the courts. The AIJA will be re-examining this area and following up those initiatives over the next few years.

- **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. The AIJA and the Federal Court of Australia are jointly hosting a forum on self-represented litigants to take place in Sydney on 17 September 2004, with the aim of bringing together courts and

tribunals for the purpose of identifying those initiatives and to promote an exchange of information on policy and strategies. The seminar will also explore the prospect of common future action, policy and strategies.

- **Diversionsary 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. A session at the forthcoming AIJA Annuals Conference will consider the impact and effectiveness of some of these initiatives and their implications for court resources. The AIJA is also considering several research proposals in this area.

- **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 Judge Mary Ann Yeats of the District Court of Western Australia.

This year the project contributed funding for a further seminar held by the South Australian courts in Adelaide on 27 November 2003, which examined a broad range of topics relating to the treatment of Aboriginal people in the court system and cultural awareness initiatives. The Committee also funded a day's training for Queensland Magistrates, held as part of the annual magistrates conference on 9 March 2004 and has approved funding for a further seminar for Victorian judicial officers to be held later this year.

The Committee has also been considering research into the evaluation of indigenous cultural awareness training and the evaluation of Aboriginal courts, in conjunction with the AIJA Project and Research Committee.

- **Information Technology and the Courts**

The AIJA's Technology for Justice project held its last biennial conference in 2004. With an end to the government funding for that project, the AIJA will continue its involvement in the area of court technology, both by continuing to monitor developments in the area and involving itself in education programs that address technology issues. In the forthcoming year, the AIJA will undertake a joint seminar with the Sir Zelman Cowen Centre for Continuing Legal Education, which will provide a practical update on developments in Court Technology. The Institute's 2005 Annual Conference, to be held in New Zealand, will also take technology in courts as its theme, but will focus more on policy, planning and issues associated with the use of technology in the justice system.

- **Uniform and Harmonised Procedure**

At its June meeting this year, AIJA Council noted the work being done, at national and state level, in relation to harmonisation of civil procedure and uniform rules both at Commonwealth and State level. A session discussing these developments will be held at this year's AIJA Annual Conference and the Institute will continue to monitor, and assist with, these initiatives, including providing ongoing support to the Council of Chief Justices Committee on Harmonised Procedures, chaired by Justice Kevin Lindgren.

## 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.

New projects approved by the AIJA Council during the past year include:

- a review of the literature on the topic of proportionality to be conducted by Professor Sue Campbell, Law School, Monash University; and
- a study of Inquisitorial Processes in Australian Tribunals to be conducted by Professor Robin Creyke, of the Australian National University. The project will undertake an exploration of the legislative indicators and best practice directions that ensure that a tribunal operates in an inquisitorial fashion, and what it means for a tribunal to operate in an inquisitorial fashion.

The AIJA is also considering a project on the experiences of child complainants of sexual abuse in the criminal justice system. As a precursor, the Institute is holding a seminar on this topic in Sydney on 30 July 2004.

Current research projects on hand include:

- **Jury Charges**

This project, approved by Council 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.

Work has been undertaken this year in scoping and developing the project, under the guidance of the Project Advisory Committee, with the assistance of the two researchers engaged for the project, Professor James Ogloff and Professor Warren Young. Application for an ARC linkage grant will be made later this year.

In the interim, the Committee has commissioned a paper from Dr Jonathan Clough, of Monash University Law School, on The Provision of Jury Aides in Australia and New Zealand. That paper will be published in a forthcoming edition of the Journal of Judicial Administration.

- **Court Governance**

This project, conducted by Dr Philip Williams, of Frontier Economics Victoria, is examining the potential conflict between the principles of judicial independence and accountability for resource management, the advantages and disadvantages of different models of external and internal governance and supporting mechanisms to enhance the capacity of court governance models to strike a balance between the different principles. A draft report is currently under consideration by the Project Advisory Committee and the report is due to be finalised in the latter part of this year.

- **Legal Thesaurus Project**

In October 2000 Council approved a proposal from the Research Committee for a project to construct a legal thesaurus. 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. A draft report is now under consideration by the Project Advisory Committee.

## **PUBLICATIONS**

In addition to its published reports from research projects, the AIJA issues a number of regular publications each year. This includes collections of papers from important conferences and seminars, the AIJA Oration and our newsletter, *AIJA News*. 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 (<http://www.ajja.org.au>).

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

- **‘Court Referral to ADR: Criteria and Research’ Assoc. Professor Kathy Mack**

This report, was the outcome of a project undertaken as a joint endeavour by the AIJA and the National Alternative Dispute Resolution Advisory Council. The project set out to analyse criteria or factors on which courts and tribunals can base decisions to refer a dispute to ADR and it identifies a number of practical steps a court can take to develop a valid program of referral to ADR. The report is also available to download from the NADRA website at [www.nadrac.gov.au](http://www.nadrac.gov.au)

- **‘The Centenary of the High Court: Lessons from History’ 13th AIJA Oration, The Hon Justice Murray Gleeson, AC, of the High Court of Australia Chief Justice of Australia.** This address, delivered by the Chief Justice for the Institute to mark the centenary of the High Court in October 2003, was published this year in hard copy format. It examines aspects of the foundation and growth of the High Court, its work, and its influence, including the maintenance of public confidence in the Court. The address is also available to download from the AIJA website.

- **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.

## **COMMUNICATIONS**

The development of the AIJA s new Strategic Plan last year identified the need for a renewed focus on the AIJA delivers information about it self, its services and projects, to members, non-members and stake-holders generally.

To take on this challenge, a new committee was formed, convened by AIJA Board Member, Megan Greenwood, CEO and Principal Registrar of the Supreme Court of New South Wales.

The Committee major focus this year has been the development of a new Communications Strategy for the Institute. As a preliminary task, the Committee, with the assistance of a number of AIJA Council Members under a survey to examine perceptions and expectations of the AIJA, which has provided a great deal of valuable information.

The Committee would welcome ideas and suggestions from members about ways in which the AIJA can improve its communication and liaison. Please feel free to contact the Secretariat if you would like to contribute.

## **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 programmes.

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 September.

## **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 an excellent range of services, and the AIJA is, grateful for the assistance provided to it by the Law School, 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 2004 was 1034 (1069). 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 (figures for the previous year are shown in italics)

<b>MEMBERSHIP</b>	<b>By State/Territory</b>	<b>MEMBERSHIP</b>	<b>By Category</b>
New South Wales	<b>271</b> ( <i>286</i> )	Judges	<b>370</b> ( <i>373</i> )
Victoria	<b>260</b> ( <i>278</i> )	Magistrates	<b>83</b> ( <i>88</i> )
Queensland	<b>118</b> ( <i>117</i> )	Tribunal Members	<b>93</b> ( <i>78</i> )
South Australia	<b>89</b> ( <i>100</i> )	Court Administrators	<b>82</b> ( <i>89</i> )
Western Australia	<b>98</b> ( <i>87</i> )	Legal Practitioners	<b>153</b> ( <i>159</i> )
Tasmania	<b>37</b> ( <i>39</i> )	Academics	<b>53</b> ( <i>53</i> )
Northern Territory	<b>18</b> ( <i>21</i> )	Librarians	<b>18</b> ( <i>16</i> )
Australian Capital Territory	<b>47</b> ( <i>50</i> )	Corporate	<b>82</b> ( <i>81</i> )
Overseas	<b>96</b> ( <i>91</i> )	Trial Members	<b>25</b> ( <i>53</i> )
<b>TOTAL</b>	<b>1034</b> ( <i>1069</i> )	Others	<b>75</b> ( <i>79</i> )
		<b>TOTAL</b>	<b>1034</b> ( <i>1069</i> )

## LOCAL CHAPTER - SOUTH AUSTRALIA

The membership of the Local Chapter is stable at 89.

The chapter has continued to host seminars on issues of local interest in relation to judicial administration. In December Judge Landerkin from Canada delivered a most thoughtful speech on expanding judicial methods of resolving disputes under the title of Judicial Dispute Resolution with commentary from Judge Christine Trenorden, Ian Nosworthy and Andrew Cannon. Once the e- lodgement system in the Supreme and District Courts in on line, it is intended to hold a seminar on the use of technology by courts.

The AIJA is organising a national seminar on court responses to domestic violence issues. There is a possibility this will be in Adelaide early next year. The local chapter has hosted previous seminars by Judge Mandamin from Canada on Sentencing Circles and Associate Professor Kathleen Daly on Restorative Justice: Theory meets reality, the way forward . It does indeed, as the Magistrates Court is now commencing a pilot Adult Conferencing program. Once research evaluating it is available this line of seminars will continue.

The Magistrates Court is undertaking a major reform of civil enforcement processes later this year and this will be explored at an information session at an appropriate time.

Government has made substantial changes to personal injury litigation in South Australia following on from the Ipp and Neave reports. Also a committee has been convened to investigate whether courts should change the ways they manage expert evidence in personal injury matters. The AIJA may be able to do useful work in this developing area.

## **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](mailto: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 programmes.







