

# Annual Report 2013



The Australasian Institute of  
Judicial Administration Incorporated

for the year ended 30 June 2013

## **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 Mark O'Regan KNZM**

President, Court of Appeal of New Zealand and New Zealand representative

#### **President Elect**

#### **The Hon Justice Michelle May**

Family Court of Australia

#### **Deputy President**

#### **Mr Laurie Glanfield AM**

Director, Department of Attorney General and Justice, New South Wales

#### **Members**

#### **Justice Jenny Blokland**

Supreme Court of the Northern Territory

#### **Hon Justice Malcolm Blue**

Supreme Court of South Australia

#### **Her Honour Judge Gillian Braddock**

District Court of Western Australia

#### **Mr Andrew Bridgman**

Secretary for Justice and Chief Executive, Ministry of Justice, New Zealand

#### **Dr Andrew Cannon AM**

Deputy Chief Magistrate, South Australia

#### **Mrs Anne Coghlan**

Deputy President - General Victorian Civil & Administrative Tribunal

#### **Mr Chris Craigie SC**

Commonwealth Director of Public Prosecutions

#### **Mr David Curtain QC**

Barrister, Victoria

#### **Magistrate Peter Dixon**

Magistrates Court of Tasmania

#### **Mr Grant Donaldson SC**

Solicitor General's Office

#### **Professor Arie Freiberg AM**

Monash University

#### **The Hon Justice Bob Gotterson**

Court of Appeal, Queensland

#### **Mr John Gunson**

Partner, Gibney & Gunson, Solicitors, New South Wales

#### **The Hon Justice Ian Gzell**

Supreme Court of New South Wales

#### **Magistrate Annette Hennessy**

Magistrates Court of Queensland

#### **His Honour Judge Peter Johnstone**

Children's Court of New South Wales

#### **The Hon Justice Susan Kenny**

Federal Court of Australia

#### **Professor Kathy Mack**

Flinders University, South Australia

#### **The Hon Justice Robert Mazza**

Supreme Court of Western Australia

#### **Her Honour Judge Christine Mead**

Federal Circuit Court of Australia

#### **Mr Dan O'Gorman SC**

Barrister, Queensland

#### **The Hon Justice Steven Rares**

Federal Court of Australia

#### **Mr Norman Reaburn**

Director, Legal Aid Commission of Tasmania

#### **The Hon Justice Richard Refshauge**

Supreme Court of the Australian Capital Territory

#### **Ms Jane Reynolds**

Manager – Victoria/Tasmania Family Court of Australia & Federal Court of Australia

#### **Mr Steven Stevens**

Principal, Stenas Legal, Victoria

#### **The Hon Marilyn Warren AC**

Chief Justice, Victoria

#### **Mr Roger Wilkins AO**

Secretary, Commonwealth Attorney-General's Department

#### **Papua New Guinea Representative**

#### **The Hon Justice Gibbs Salika CSM OBE**

Deputy Chief Justice, Papua New Guinea

## **SECRETARIAT**

### **Executive Director**

Professor Greg J Reinhardt

### **Executive Secretary**

Ms Delwyn Gillan

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

Ms Heather Sevald

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

Ms Kathy Jarrett

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

Ms Mary Young

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**PRESIDENT'S MESSAGE**  
**The Hon Justice Mark O'Regan**

Significantly, in this my second and final year as AIJA President and my final year on Council, there are several other members of Council on the point of retirement. These members have given valuable service to the AIJA over many years.

Dr Andrew Cannon AM retired during the year as a member of Council, a member of the Board of Management and as Convenor of the Education Committee. Andrew has been a member of Council since October 2000. His contribution to the activities of the AIJA, particularly in the area of education, has been outstanding. Andrew attended his last meeting of Council on 1 June 2013 when a presentation was made to him. Council has since resolved that life membership be conferred on Dr Cannon.

Mrs Anne Coghlan, Deputy President - General of the Victorian Civil and Administrative Tribunal, has acted as Tribunals representative over many years and has provided great assistance in relation to the organisation of the Tribunals Conference, first, as an AIJA annual event, then as an event convened jointly by the Council of Australasian Tribunals and the AIJA. Mr John Gunson has been actively involved in the Indigenous Justice Committee, as has Magistrate Annette Hennessy. John is to be thanked particularly for his assistance in organizing funding for Indigenous representatives at AIJA Indigenous conferences. Both Mr Gunson and Magistrate Hennessy have also been involved in the AIJA's work in Timor Leste. Both will retire at the Annual General Meeting in October.

Mr Norman Reaburn, Director of the Legal Aid Commission of Tasmania is also to retire at the Annual General Meeting in October. His work in liaison with Legal Aid Authorities and as a member of the AIJA Membership and Communications Committee has been highly valued.

A former President of the AIJA, the Hon Justice John Byrne AO RFD of the Supreme Court of Queensland, was awarded life membership at the AIJA in September 2012. It should also be noted that Justice Byrne was honoured with the Award of an Officer in the Order of Australia in the Queen's Birthday Honours in June 2013.

It was pleasing to me personally that, during my Presidency, a major educational event should take place in New Zealand, namely, the Asia Pacific Courts Conference - The Pursuit of Excellence and Innovation in Courts and Tribunals, in Auckland in March 2013.

For those who did not have the opportunity to hear Mr Justice Geoffrey Ma, Chief Justice of Hong Kong, deliver the 19<sup>th</sup> AIJA Oration in Judicial Administration on "Hong Kong and the People's Republic of China: the continuity of the common law tradition", the opening event of the conference, I would commend the Chief Justice's Oration to you which is available on the

AIJA website. This is the first occasion on which a speaker from the Asian region has delivered the AIJA Oration.

The Auckland conference provided the vehicle for the launch of a second version of the Framework for Court Excellence. The Framework has been rewritten, with considerable input from AIJA Deputy President, Mr Laurie Glanfield AM, with a view to producing a document with simpler language. A shorter version of the Framework has also been prepared which might be used in developing countries. I extend my thanks to Laurie for what is a large and difficult task involving liaison with the Consortium partners for the Framework and a great deal of attention to detail. As at June 2013, the International Framework for Court Excellence was being used in 42 jurisdictions and 21 different countries. The Framework now provides an important part of court administration in a number of Australian jurisdictions as well as in New Zealand. The experiences in a number of jurisdictions were the subject of presentations at the Auckland conference and I commend the conference papers to members. They are available on the AIJA website.

Other AIJA educational activities are identified elsewhere in this report and discussed. I thank all of those involved in the organisation of those events and presenters for their efforts.

This year has seen the publication of three significant reports, namely, *Exploring Civil Pre-Action Requirements: Resolving Disputes Outside Courts*, *Judicial Workload: Time, Tasks and Work Organisation* and *Australian Courts: Serving Democracy and its Publics*. The AIJA Project and Research Committee, convened by President Elect, Justice Michelle May, has worked tirelessly in relation to the AIJA's research programme. It supervises a number of projects and has under consideration at any given time a number of important research proposals.

One question which has arisen in relation to AIJA research is the actual publication of that research. There is a considerable expense associated with the production of hard copies of AIJA publications and their delivery to members. The Committee and Council have under consideration other means of ensuring the delivery of high quality research and its delivery to members.

During the year there has been input given by the AIJA to the need for civics education as it affects the work of courts and tribunals. A submission was made to Australian Curriculum, Assessment and Reporting Authority (ACARA) in relation to this aspect of civics education.

The AIJA Membership and Communications Committee, chaired by Justice Robert Gotterson, has been actively seeking to promote new members for the AIJA. Initiatives during the year include the creation of a retired members category and a category for court librarians.

My thanks go to the Secretariat and to Professor Greg Reinhardt for their ongoing work during the year.

*The Hon Justice Mark O'Regan KNZM  
President, AIJA*



## REPORT FROM THE EXECUTIVE DIRECTOR

### Professor Greg Reinhardt

In last year's report I referred to the significance of the interaction between the administration of justice and social science in relation to the AIJA's work. An example of this is the Conference on "Doing Justice for Young People – Issues and Challenges for Judicial Administration in Australia and New Zealand" held in Brisbane from 23-25 August 2012. A full report in relation to the conference appears elsewhere in the Annual Report. Significantly, also, the conference raised issues of importance to Government, in particular, the role which Education Departments might assume in relation to some of the problems encountered and discussed at the conference. I have written to all Attorneys-General in relation to this.

It is also of interest that conferences such as the Family Violence Conference held in October 2009 continue to promote work in the area of the administration of justice and family violence. I would like to acknowledge the work initiated and undertaken by Dr Andrew Cannon AM, Deputy Chief Magistrate of South Australia and AIJA Board and Council member, those within his Court, and representatives of all courts in Australia and New Zealand for their efforts in harmonising Family Violence Restraining Orders. It is likely that this will be part of a broader project on the production of a Family Violence Bench Book which has been on the AIJA research agenda for some time pending completion of a number of government inquiries and reports.

The AIJA's Child Witness Bench Book has been updated and is a useful point of reference both for judicial officers and for the practising profession.

I attended the workshop on Evaluating Judicial Performance conducted under the auspices of the International Institute for the Sociology of Law (in collaboration with the Academy of the Social Sciences in Australia) and under the sponsorship of the National Center for State Courts (NCSC) in Oñati, Spain from 9-10 May 2013. Papers from that conference will be published and will provide a valuable insight, both from a comparative law viewpoint and more importantly, from the viewpoint of improving the work of courts and judges.

There has been discussion within the AIJA Council in relation to the apparent poor appreciation of courts and their work in Australia and New Zealand. This extends, indeed, to the whole polity. I was reminded of this by a very useful presentation made by the Chief Justice of Guam, the Honourable Robert Torres, at the Asia Pacific Courts Conference in March who spoke of the work undertaken by the Courts in that country in civics education as it relates to the courts. Fortuitously, the Australian Curriculum, Assessment and Reporting Authority (ACARA), as part of its development of the National Curriculum for schools, has asked the AIJA to provide input in relation to civics education as it affects the work of courts and tribunals. A submission has been made to ACARA which emphasises the importance of civics education in relation to courts and tribunals. Naturally, questions of resources will dictate the extent to which this can be accommodated in the school curriculum,

I have been involved, along with Justice Michelle May, the incoming AIJA President and Council member Chief Justice Marilyn Warren AC, in the work of the Asia Pacific Judicial Educators. A meeting of that group was held in late October 2012 and a number of significant issues

affecting the work of judicial education bodies in Australia, New Zealand, Papua New Guinea and Singapore were discussed. That work is ongoing and will be continued at a further meeting in November 2013 in the course of the International Judicial Educators' (IOJT) Conference.

At my request, the AIJA Council has under consideration the question of how best to deliver AIJA research to members. There is support for the ongoing production of hard copies of AIJA research and distribution to members, however, consideration will be given to the production of electronic versions of research which can be made available to members. Council appreciates that members enjoy receiving hard copies of reports (three have been produced this year) but this naturally comes at a cost. Some AIJA research is published in the *Journal of Judicial Administration*.

A full report on the AIJA's educational and research activities will be found elsewhere in the report.

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

*Professor Greg Reinhardt*  
*Executive Director, AIJA*

## **COUNCIL**

The AIJA is governed by its Council, which has 29 elected and appointed members. They are drawn from a broad spectrum across the field of judicial administration, including representatives of the judiciary (including the magistracy), tribunals, court administrators, the legal profession, academia and government service. In addition to attending four regular Council meetings each year, all Council members are expected to serve on at least one Committee. A list of Council members as at 30 June 2013 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 is currently held by Justice Mark O'Regan KNZM.

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 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 2013, the members of the Board of Management were Justice Mark O'Regan KNZM, AIJA President, Justice Michelle May, President Elect and Convenor of the Project and Research Committee, Mr Laurie Glanfield AM, Deputy President, Dr Andrew Cannon AM, Convenor of the Education Committee, Justice Bob Gotterson, Convenor of the Membership and Communications Committee and Justice Robert Mazza.

## **LIFE MEMBERS**

The AIJA award of Life Membership is given to members or others in the judicial administration community who are judged to have made a significant contribution to the AIJA's work or to the administration of justice generally. This year Life Membership was awarded to the Hon Justice John Byrne AO RFD.

## **CONFERENCE AND SEMINAR PROGRAMS**

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

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

2012-2013 programs included:

**Doing Justice for Young People - Issues and Challenges for Judicial Administration in Australia and New Zealand - Brisbane, 23-24 August 2012**

The conference was attended by 118 delegates, topics discussed were:

- A Case of Injustice – 17 year olds in Queensland’s adult prisons
- A Formulaic Approach Does Not Meet a Child’s Best Interests - Attachment; Child Development and Age Appropriate Contact
- A Systematic Review of Literature Relating to Problem-Solving Youth Courts
- Addressing the connection between Aboriginal and Torres Strait Islander over-representation in the child protection and criminal justice systems
- Adolescent Violence in the Home- The Missing Link in Family Violence Prevention and Response
- African Youth and the Justice System: Do the courts play a special role?
- Alcohol and the harm to others: family violence, child protection and youth justice
- Bail and remand for juveniles in Australia: Key findings from a national research project
- Breaching Bail - A young person's perspective
- Challenges and considerations for working with young victims in Restorative Practice
- Challenges in the assessment and sentencing of young people who have committed sexual offences
- Child and Juvenile Victims in the Justice System
- Child Inclusive Conferences: An Early Voice for Children in Family Law Proceedings
- Child protection - legal dilemmas and legitimacy problems
- Child Protection Law and Practice in the NT and Implications for the Court
- Creating Better Futures – Perspectives on Youth Justice
- Critical or a nonsense?" How children's lawyers define children's participation in court proceedings
- Cross-over Kids in Victoria - Problems for the Criminal Division of the Children’s Court of Victoria in taking an integrated approach to young people with multiple issues
- Custodial models in NSW from remand to pre-release
- Equal Shared Parental Responsibility - Six years of applying the presumption - What difference has it made?
- Evidence informed child protection practice where there is family violence – current reforms, challenges and future directions
- Hearing children's views in family court proceedings
- How Australians might encounter forms of modern slavery
- Ignition© - SYC's Recipe for Success
- In whose best interests? Balancing the scales in cases of sibling sexual abuse
- Innovative Approaches of the Children’s Court and Child Protection to Sexual Offending and Abuse
- Juvenile Fitness for Trial in Queensland
- Key issues facing culturally, linguistically and religiously diverse families in the Australian child protection system’: key considerations for law enforcement authorities and legal practitioners
- Key Messages from the 2011 Inquiry and Human Rights audit of the ACT Youth Justice System
- Magistrates’ Perspectives on the Criminal Division of the Children’s Court of Victoria
- Managing Online Payback on Indigenous ‘Facebook’
- Online Child Grooming and the Law Enforcement Response
- Online Social Media, Young People, and the Judicial System
- Oral language competence, young offenders, and the law
- Partnerships to intervention: A multi-systems team approach to the management of high risk and complex youth who engage in sexually abusive behaviour
- Public support in NSW for restorative justice initiatives
- Recent Amendments to the Family Law Act relating to family violence

- Sexting and Australian Teenagers: Finding an Appropriate Legal Response
- The challenge for Youth Justice: Responding to the needs of vulnerable young people whose life journey includes the inadequate care provided by their birth and state parents
- The impact of family violence on parenting capacity and child development
- The 'Most Parsimonious' Explanation: Relationships Between Brain Injury and Offending in Juvenile Justice
- The neuropsychological profiles of youth exposed to early traumatic stressors and alcohol in utero-implications for their capacity to engage in judicial procedures
- The neuropsychological profiles of youth exposed to early traumatic stressors and alcohol in utero-implications for their capacity to engage in judicial procedures
- The Tasmanian Youth Justice Specialist Magistrate Pilot
- When what is (a) right isn't the law
- Where's the logic? – Assessing the program logic for four Aboriginal and Torres Strait Islander youth crime prevention, early intervention and diversion programs
- Young people transitioning from Out-of-Home Care in Victoria: Strengthening interagency collaboration, leaving care plans and post-care support services for dual clients of Child Protection and Youth Justice

*Papers/presentations available can be found at*  
<http://www.aija.org.au/Youth%20Justice%202012/Programme.pdf>

### **6th Appellate Judges Conference - Brisbane, 13-14 September 2012**

This conference was attended by some 40 participants from a diversity of jurisdictions, topics discussed were:

- An Overview of the Appeals System in Canada
- Court Architecture and Appeals
- How can appeals be expedited
- Issues affecting judges in criminal matters
- Judgment Writing in an Appellate Context
- Managing Change in the Justice System
- News from the jurisdictions
- What can be learned from the Victorian experience discussed at the 2010 Appellate Judges' Conference.
- Working with Counsel in the Hearing of Appeals

### **18th AIJA Oration in Judicial Administration - 'Managing Change in the Justice System' - Brisbane, 14 September 2012**

The AIJA 18<sup>th</sup> Oration was given by Chief Justice Wayne Martin AC

*A link to the paper can be found at* <http://www.aija.org.au/Orations/Oration2012.pdf>

### **Australian Drug Court Conference, in association with the Australian Centre for Judicial Innovation- Melbourne, 9-10 November 2012**

This conference was attended by 140 participants, topics discussed were:

- Australian Drug Policy
- Case Management in Drug Courts Techniques and Nuances
- Closing Reflections: Where to from here?
- Drink Driving Courts
- Drug & Alcohol and Related Courts in Australia, Victoria, Western Australia and South Australia
- Drug Courts – Evidenced-Based Best Practice
- Family Drug Courts
- (In)Formalities in Drug Courts, an exploration of ethics for defence and prosecutions
- Managing co-occurring Mental Health & Substance Abuse
- Panel Discussion: Judicial Supervision in Drug courts
- Solution Focused Workshops
- Synthetic Drugs – The 'Undetectables'
- The Role of Judicial Supervision in Drug Court Performance
- TJ 747 – Drug Courts around the world. A new look at an old problem.

*Papers/presentations can be found at* <http://www.aija.org.au/Drug%20Crt%202012/Program.pdf>

**19th AIJA Oration in Judicial Administration - Hong Kong and the People's Republic of China: the continuity of the common law tradition - Auckland, New Zealand, 7 March 2013**

The AIJA 19th Oration was given by The Hon Mr Justice Geoffrey Ma, Chief Justice of Hong Kong

*A link to the paper can be found at <<http://www.aija.org.au/Orations/Oration2013.pdf>>*

**Asia Pacific Courts Conference - The Pursuit of Excellence and innovation in courts and tribunals – Auckland, New Zealand, 7-9 March**

This conference was attended by some 120 participants, topics discussed were:

- Engaging the public and user satisfaction through innovation - gaining and gauging public trust and confidence
- Implementing the IFCE as a holistic means for achieving excellence
- Improving access to justice through innovation
- Innovation in case management
- Innovative and effective ways to manage litigants in person
- Judging the performance of judges
- Justpal (Justice Sector Peer Assisted Learning Network) ([www.justpal.org](http://www.justpal.org))
- Measuring innovation
- Promoting innovative leadership and the role of leadership in planning innovation
- Public reporting of courts' performance - how is this best achieved
- Reforming justice – imperative to realign the 'rule of law'
- Successful leadership in times of crisis
- The Revised Framework for Court Excellence
- The role of information technology
- Ukraine court performance evaluation programs
- World Bank's justice reform

*Papers/presentations can be found at <<http://www.aija.org.au/Asia%20Pacific%202013/Program.pdf>>*

**AIJA Workshop on Interpreters in Courts and Tribunals -Sydney, 5 April 2013**

This conference was attended by 31 invited participants from most jurisdictions and from amongst interpreters. Several recommendations were made, namely:

- Heads of Jurisdictions consider issuance of Practice Directions or Protocols on working with interpreters.
- Practical training programs be provided to judges, magistrates and lawyers about the role of the interpreter in court.
- Interpreters be provided with minimum material before a hearing so that they can properly prepare for the interpreting task in a case
- Courts and Tribunals give attention to court room design, set up and the placement of
- Courts and Tribunals provide interpreters with a room to attend before or between hearings to either prepare for a case or gain respite before the next sitting.
- A peer support or other support system be implemented to assist interpreters to review performance and improve.
- Selection and accreditation of interpreters be reviewed to ensure that interpreters assigned to courts and tribunals have the professional expertise to manage legal language and process.
- The status of the interpreter in the court room be clarified (officer of the court; court appointed expert; contracted consultant; or other.

The recommendations have been conveyed to heads of jurisdiction.

**8th Court Librarians' Conference - Sydney, 17 May 2013**

This conference was attended by 34 participants.

**AIJA Public Information Officers' Conference - Social Media and the Courts- Sydney 13-14 June 2013**

This conference was attended by 39 participants.

### **Other Education Activities**

During the past year, the AIJA also contributed to a number of other education events run by other organisations including the National Judicial Orientation Program convened by the National Judicial College of Australia and the Tribunals Conference organized by the Council of Australasian Tribunals with the assistance of the AIJA from 6-7 June 2013..

### **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 2012-2015 which identifies several themes to guide the AIJA's activities:

- ❖ Cost of litigation
- ❖ Innovating for the future, including simplification and harmonization of civil, criminal and appellate procedure and caseload 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.

### **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 Michelle May, 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 had under consideration the possible harmonisation of rules in relation to service out of Australia and commercial arbitration. Recommendations have been made to the Council.

The sub-committee of the Council of Chief Justices continues to monitor the harmonised rules adopted throughout Australia as the result of its work.

The establishment of the sub-committee was the result of initial work undertaken by the Institute and it is represented on this sub-committee by its Executive Director, Greg Reinhardt.

- **Proportionality**

In December 2011, the AIJA published research on proportionality as it affects litigation in the area of family provision or testators' family maintenance. Professor Prue Vines, Law School, the University of New South Wales and colleagues from that University conducted this research published under the title "*Bleak House Revisited? Disproportionality in Family Provision Estate Litigation in New South Wales and Victoria*". The Institute will consider further empirical research on proportionality as it affects such litigation.

- **AIJA History Project**

A project to write a history of the AIJA has been undertaken by Dr James Waghorne, at the Australia Centre, the University of Melbourne.

An Advisory Committee chaired by the Hon Justice Susan Kenny, with Professor Stuart Macintyre AO, History Department, the University of Melbourne and the Hon Robert Nicholson AO, has met regularly to monitor progress.

The history will be published in the second half of 2013.

- **Jurors and Expert Evidence**

The AIJA has previously published work on the reaction of judges and magistrates to expert evidence. Professor Ian Freckelton and Dr Jacqui Horan are involved in further work, supported by the AIJA with an Australian Research Council grant, which will look at the reaction of jurors and the practising profession to expert evidence. Most of the empirical research has been conducted and the research is likely to be published in the first half of 2013.

- **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*.

Dr Troy Allard, co-director, Justice Modelling at Griffith Key Centre for Ethics Law Justice and Governance completed the report. After review by the Project and Research Committee and the Council it was agreed that further work should be undertaken. Dr Adam Tomison, Director, Australian Institute of Criminology is currently engaged in this work. Some difficulty has been encountered in obtaining relevant information from correctional bodies. This now appears to be resolved and Dr Tomison should be able to proceed with his work.

- **Research for a Glossary of Technology Terms for Use by Judicial Officers**

The AIJA Project and Research Committee, after consultation with the AIJA Council, decided not to proceed with this project having regard to the resources required by the project.

- **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 in relation to an Australian Review Council Linkage Grant in relation to “Interpreters in Court: Witness Credibility with Interpreted Testimony”. Her research continues. She participated in the Workshop on Interpreters in April which is referred to elsewhere in the report.

- **Investigating the Practices of Mediators at VCAT (the Victorian Civil and Administrative Tribunal)**

Ms Kathy Douglas, RMIT University and Ms Becky Batagol, Monash University proposed this project and AIJA Council approved a small grant for funding necessary research.

The project concerns the practice of mediators at the Victorian Civil and Administrative Tribunal (VCAT) and considers mediator perceptions of procedural justice and best practice in mediation.

The project has collected data from 16 mediators at VCAT which data has been analysed. Further work is being undertaken by the researchers.

- **Twenty years of the Judicial Review Act 1991 (Qld)**

The researchers, Dr Peter Billings and Dr Anthony Cassimatis have been engaged to review that Act and like legislation in light of 20 years of operation.

Their report is to be published in the November issue of the *Journal of Judicial Administration*.

- **Public Perceptions of Sentencing**

Professor Kate Warner

- **Enhancing Public Confidence in Tribunal Independence**

The AIJA has approved financial assistance for this project which is jointly sponsored with the Council of Australasian Tribunals (COAT)

The research is to be undertaken by Professor Pamela O’Connor of Monash University. Her report will be published in the latter part of 2013.

- **Judge Alone Trials**

Council has accepted a proposal for research by Dr Fiona Hanlon for research on Trial by Judge Alone. Her report will be published in the February issue of the *Journal of Judicial Administration*.

- **Access to justice in the Magistrates’ Court: Examining the experience of regional and Rural Victoria**

Dr Lucinda Jordan

- **Access to Legal Information – A Pilot Study**

Dr Lisa Toohey

- **Juries and Justice: How do Juries deal with Inadmissible Evidence**

Proposal from Diane Sivasubramaniam

## **MEMBERSHIP AND COMMUNICATIONS**

The AIJA Membership and Communications Committee was formed as a result of the strategic planning process in 2005. In May 2010 the AIJA Council conducted a planning day to review the activities of the Institute.

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 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 2012-2015. These documents are available on the AIJA website.

## **PUBLICATIONS**

Each year, the AIJA issues a number of publications. This year they included three published reports from research projects.

- Exploring Civil Pre-Action Requirements: *Resolving Disputes Outside Courts* by Professor Tania Sourdin
- Judicial Workload: Time, Tasks and Work Organisation by Professor Kathy Mack, Professor Anne Wallace and Professor Sharyn Roach Anleu
- Australian Courts: Serving Democracy and its Publics by various authors

## **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 publications, and general information about the Institute's work, is available on its website <[www.aija.org.au](http://www.aija.org.au)>.

#### **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 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 programs.

The Institute's accounts are now annually audited by Mr Henry Perlen of Agostinelli Perlen Chartered Accountants. 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 2013 was 731. The membership was made up as follows:

MEMBERSHIP	By State/ Territory	MEMBERSHIP	By Category
New South Wales	176	Judges	300
Victoria	168	Magistrates	49
Queensland	122	Tribunal Members	50
South Australia	58	Court Administrators	27
Western Australia	69	Legal Practitioners	86
Tasmania	30	Academics	36
Northern Territory	10	Librarians	17
Australian Capital Territory	28	Corporate	79
Overseas	70	Others	32
		Retired Judicial Officers	30
		Government Officers	25
<b>TOTAL</b>	<b>731</b>	<b>TOTAL</b>	<b>731</b>

## 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  
Ground floor, 555 Lonsdale Street  
MELBOURNE VIC 3000  
Telephone: (03) 9600 1311, Facsimile: (03) 9606 0366  
Email: [gregory.reinhardt@monash.edu](mailto:gregory.reinhardt@monash.edu)

## WEBSITE

The AIJA website is located at [www.aija.org.au](http://www.aija.org.au) and provides information about the Institute and its research and education programs.