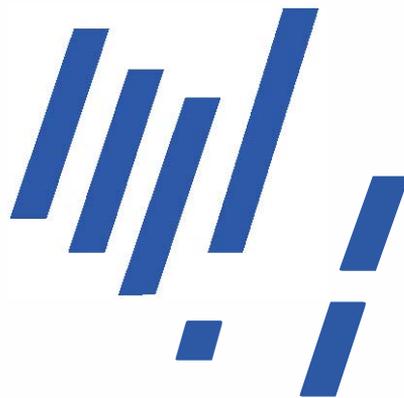


# Annual Report 2015



The Australasian Institute of  
Judicial Administration Incorporated

for the year ended 30 June 2015



## PATRONS

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

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

## COUNCIL

### President

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

### President Elect

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

### Deputy President

**Mr Laurie Glanfield AM**  
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**  
Ministry of Justice, New Zealand

**His Honour Judge Philip Burchardt**  
District Court of Western Australia

**Mr Michael Colbran QC**  
Barrister, Victoria

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

**Mr David Curtain QC**  
Barrister, Victoria

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

**Mr David Fredericks**  
Attorney General's Department, Australian Capital Territory

**Professor Arie Freiberg AM**  
Monash University

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

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

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

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

**Mr Paul Mabey QC**  
New Zealand

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

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

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

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

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

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

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

**Ms Jane Reynolds**  
Manager – Victoria/Tasmania  
Family Court of Australia & Federal Court of Australia

**Mr Steven Stevens**  
Principal, Stenas Legal, Victoria

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

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

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

**Mr Roger Wilkins AO**  
Secretary, Attorney-General's Department,  
Australian Capital Territory

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

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

## SECRETARIAT

### **Executive Director**

Professor Greg J Reinhardt

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

Ms Kathy Jarrett

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

Ms Liz Porter

### **Executive Secretary**

Ms Delwyn Gillan

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

Ms Liz Richardson

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

Ms Mary Young

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

Ms Heather Sevald

### **Secretariat Office**

Ground Floor, 555 Lonsdale Street

Melbourne, Victoria, 3000

**T:** (61 3) 9600 1311

**F:** (61 3) 9606 0366

**W:** [www.aija.org.au](http://www.aija.org.au)

**E:** [aija@monash.edu](mailto:aija@monash.edu)

### **Public Officer**

Mr Grahame Delaney

14 Rymill Place

MAWSON ACT 2607

### **Auditors**

Mr Henry Perlen

Agostinelli Perlen

Level 2, 200 Lygon Street

CARLTON VIC 3053



## PRESIDENT'S MESSAGE

### The Hon Justice Michelle May

This is my second, and final, report to members. I would like to say, at the outset, how much I have enjoyed my term as an officer of the AIJA, as a Council member, Board member, convenor of the Project and Research Committee and most recently President.

Last year at the Annual General Meeting held on 4 October 2014, I noted the retirement of Mr Steven Stevens as a member in the Professional Members' Category. I extend my thanks to him for his considerable work over six years for the AIJA. Mr Paul Mabey QC was nominated for election in the Professional Members' Category by the New Zealand Bar Association and replaced Mr Stevens. The practising profession in New Zealand now joins the other New Zealand representatives on the AIJA Council. During the year, at the Council meeting held on 28 February, two vacancies were filled on Council, namely, Justice Julie Ward of the Court of Appeal, New South Wales, replaced Judge Gillian Braddock as a member in the Judicial Members' Category and Judge Nicholas Manousaridis of the Federal Circuit Court replaced Judge Philip Burchardt as a member of Council in the Judicial Members' Category.

Judge Braddock's position as convenor of the Indigenous Justice Committee has been assumed by Justice Jenny Blokland. I thank Jenny for taking on the position as convenor of that Committee.

#### **Life Membership**

Council has resolved to award life membership to Justice Patrick Keane AC. This will be awarded at the Council dinner following the AIJA Oration given by Fr Frank Brennan SJ AO.

Justice Keane was appointed to Council in September 2006. He became a member of the Board of Management on 13 October 2007, Chair of the AIJA's Project and Research Committee and a Deputy President. From 1 March 2010 until 10 September 2011 Justice Keane was AIJA President.

Justice Keane has provided significant service to the AIJA in his various roles within the AIJA and as a speaker at AIJA events, and to the administration of justice generally as Solicitor-General for Queensland, as a Justice of Appeal in Queensland and then as Chief Justice of the Federal Court of Australia. As Chief Justice of the Federal Court, Pat Keane presided over the implementation of the new Rules for that Court. He was appointed to the High Court in March 2013. He became a Companion in the order of Australia in the Queen's Birthday Honours list in 2015.

#### **International Framework for Court Excellence (IFCE)**

Deputy President and life member, Mr Laurie Glanfield AM, and Ms Liz Richardson, the IFCE's Officer within the AIJA Secretariat, have been active in the work of the Framework throughout the year both in promoting the implementation of the IFCE and in the preparation of a regular newsletter. Ms Richardson has also taken on the role of the therapeutic jurisprudence clearing house. She has a particular interest in therapeutic jurisprudence.

#### **Future Planning**

I am grateful to those members who responded to the questionnaire sent to members in relation to the AIJA's current activities and what might be done in the future. Those comments have been taken on board and there will be a planning day conducted by the AIJA Council in Sydney in late February 2016 to be facilitated by Ms Jo Kalowski which will look at the AIJA Strategic Plan and future directions. If any member of the AIJA has any further thoughts in relation to the work of the AIJA, could they please communicate these to the Secretariat. I would like to thank Justice Bob Gotterson, convenor of the Membership and Communications Committee and Board member for his contribution to the AIJA.

## CONFERENCES

### ***Cultural Diversity and the Law: Access to justice in multicultural Australia, 13-14 March 2015***

The AIJA with the Migration Council Australia co-convened a conference on cultural diversity in Sydney from 13-14 March 2015. The feedback from that conference has been very positive indeed. It provided an opportunity for Government, the judiciary, tribunal members and practitioners to confront the many and varied issues which affect those from culturally diverse backgrounds who come into contact with the justice system. For those who seek further information in relation to the programme for the conference you are invited to look at <https://www.cdlc.org.au>

The AIJA remains actively involved in the Migration Council Australia. One of the matters being looked at by the Council is the development of educational programmes for judicial officers and tribunal members on cultural diversity.

### ***Justice Without Barriers: Technology for Greater Access to Justice - 21-22 May 2015***

The AIJA has had an interest in technology as it affects the administration of justice over a number of years. It has conducted a number of significant conferences on technology.

This conference was an outstanding event for the AIJA. Jane Reynolds who is convenor of the Education Committee must be particularly thanked for its success.

The conference commenced with a presentation by Professor Richard Susskind OBE (by video-link from London) on the challenges of technology and what is happening in courts in relation to technology particularly in on-line dispute resolution.

The programme also included a session being a practical demonstration of video conferencing at multiple sites through the development of a virtual court. I would like to record my thanks to Professor David Tait of the University of Western Sydney for coordinating this valuable session on virtual court.

Significantly, the conference provided an opportunity to courts and tribunals to exchange information in relation to current developments in their jurisdictions. One of the outcomes of the conference, it is hoped, is the development of a clearing house in relation to technological developments in courts and tribunals.

Full details of the conference are to be found at:

<http://www.aija.org.au/index.php/past-aija-conferences-and-seminars/past-aija-programs/2010-conferences-and-seminars>

### ***Suggested Guidelines for Judicial Appointments***

This project has been underway for a long time. I wrote to members towards the end of June in relation to the suggested criteria for judicial appointments developed by the AIJA. Members subsequently will have received a publication in booklet format entitled "Suggested Criteria for Judicial Appointments". Thanks are due to Professor Greg Reinhardt, the Hon Justice Susan Kenny, Professor Kathy Mack and the Hon Justice Robert Mazza for their work in relation to the preparation of the suggested criteria. I am sure that this will be a useful resource.

I also wrote to members towards the end of June in relation to the AIJA's work on the development of an on-line Family Violence Bench Book. This is a very important project for the AIJA which will be undertaken by the TC Beirne School of Law at the University of Queensland. Further details appear later in the Annual Report. This project is receiving significant funding from the Attorney General's Department.

### ***Accessibility of Programmes for Indigenous Offenders (including the minimum sentence required for eligibility to enrol in such programmes).***

This project has had a difficult history but I am pleased to report that it is now on track under the stewardship of Dr Clarke Jones of the Australian National University. It is hoped that his report will be available towards the end of 2015.

The Project and Research Committee has been convened by Justice Rob Mazza and I thank him for his productive work. I am pleased that Justice Malcolm Blue will be the next Convenor. The research undertaken by the AIJA is regarded as of significance in Australia, New Zealand and other countries. Justice Steven Rares has also contributed to the work of the Board for which I thank him.

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

*The Hon Justice Michelle May  
President, AIJA*



## REPORT FROM THE EXECUTIVE DIRECTOR

Professor Greg Reinhardt

This year has seen a number of significant educational events which are outlined elsewhere in the Annual Report.

I would like to mention two of them, namely, Cultural Diversity and the Law: Access to Justice in multicultural Australia and Justice without Barriers: Technology for Greater Access to Justice.

Cultural Diversity and the Law: Access to Justice in multicultural Australia was a joint enterprise with Migration Council Australia. The AIJA has been involved from its inception in the Judicial Council on Cultural Diversity established under the auspices of the Council of Chief Justices to promote awareness of cultural diversity in courts and education and research in relation to these matters. Significantly, the conference which took place in Sydney on 13-14 March 2015 identified many of the key issues which relate to cultural diversity in courts, many of which will lead to further research. One of these is the way in which interpreting in courts can be improved for courts, interpreters and those from a background where English is not their first language. I am pleased to be one of the AIJA representatives on the Council. At the most recent meeting of the Council it was resolved that tribunals should form part of the work of the Council. This recognises the importance of tribunals in a wide range of dispute resolution.

Justice without Barriers: Technology for Greater Access to Justice took place in Brisbane on 21-22 May 2015. In many ways, whilst the AIJA has conducted technology conferences in the past, this was a first for the AIJA. It involved a direct video link from London by Richard Susskind OBE which formed the keynote address. It also involved a practical demonstration in video-conferencing in courts (a virtual court). This involved video conferencing at multiple sites into a logical 'virtual' court scene. It involved role play and a panel discussion involving the actors and a panel of experts. One of the outcomes of the conference it is hoped will be the development of a clearing house for technological developments in courts and tribunals. Discussion has been undertaken with Professor David Tait of the University of Western Sydney in this regard. Professor Tait was very much involved in the practical demonstration to which I have referred.

Programmes identified for next year include family violence (June 2016) and Indigenous justice (August 2016).

As many will be aware, I have a particular interest in Civics education. Sadly, it does appear that there is a lack of understanding of the work of courts and tribunals and their relationship with the other arms of government. This is clearly apparent in relation to discussion in the media in relation to matters such as sentencing and bail. The project being undertaken by Professor Kate Warner AM (Governor of Tasmania) and her team at the University of Tasmania on Public Perceptions of Sentencing is likely to be very informative in relation to these matters. I am pleased that Ms Liz Porter, the AIJA Media Officer is taking an active interest in the work of Court and Legal Industry Media Officers' and this group plays a very important role in ensuring the proper dissemination of the work which is in fact undertaken by courts and tribunals.

A report appears elsewhere in relation to Framework for Court Excellence in which the AIJA is very actively involved

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

*Professor Greg Reinhardt  
Executive Director, AIJA*

## **THE INTERNATIONAL CONSORTIUM FOR COURT EXCELLENCE (ICCE)**

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

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

The Secretariat, as part of its work, publishes regular ICCE newsletters, maintains IFCE related documents and policies, undertakes research for the ICCE Executive Committee, and, with the assistance of the NCSC, keeps the ICCE website up-to-date.

Recent activities of the Secretariat include:

- Publishing a version of the Framework developed by Laurie Glanfield, Deputy President of the AIJA and ICCE Executive Committee member, entitled International Framework for Judicial Support Excellence (IFJSE) for judicial support bodies who wish to implement the Framework but who are not a court or tribunal.
- Publishing ICCE newsletters in September 2014 (with reports from the Marshall Islands, Family Court of Australia, Federal Circuit Court of Australia, the US, District Courts of New Zealand and Singapore) and May 2015 (with reports from the Pacific Islands, Ukraine and feature articles from Chief Justice Marilyn Warren, Supreme Court of Victoria and Chief Justice Robert Torres, Supreme Court of Guam, both on the topic of leadership and culture change).
- Providing assistance to the State Courts of Singapore in promoting their conference entitled 'Judiciary of the Future' International Conference on Court Excellence to be held in Singapore on 27-29 January 2016. The Secretariat will also be working with the International Association of Court Administrators on their next conference to be held in Washington DC in 2017.
- Welcomed judicial officers on visits from China and the Judicial Service Commission of Kenya to discuss the IFCE.

## **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 2015 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 Mr Robert Pigou.

Under a special provision in the AIJA Rules, Council has also granted observer status on Council to the Papua New Guinea judiciary, another country with which the Institute has close ties. The current PNG

representative is Justice Gibbs Salika KBE CSM OBE, Deputy Chief Justice of the Supreme Court of Papua New Guinea.

### **BOARD OF MANAGEMENT**

Supervision of the day-to-day management of the Institute is the responsibility of the AIJA Board of Management. The Board consists of the President and two Deputy Presidents, or the President Elect and Deputy President, together with the convenors of the AIJA's three Standing Committees – the Education Committee, the Project and Research Committee and the Membership and Communications Committee. The Board can also co-opt other members of Council to serve on the Board.

As at 30 June 2015, the members of the Board of Management were the Hon Justice Michelle May, AIJA President, Mr Laurie Glanfield AM, Deputy President, the Hon Justice Robert Mazza, President Elect, the Hon Justice Bob Gotterson AO, the Hon Justice Steven Rares and Ms Jane Reynolds.

### **CONFERENCE AND SEMINAR PROGRAMMES**

The AIJA's education programme includes conferences, workshops, lectures and seminars designed for judges, magistrates, tribunal members, court administrators, lawyers and others with an interest in judicial administration. It includes regularly scheduled events and additional seminars and conferences on particular topics. The programme is overseen by Ms Jane Reynolds, Manager, Family Court of Australia and Federal Circuit Court of Australia who is the current convenor.

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

2014-2015 programmes included:

#### **7<sup>th</sup> Appellate Judges Conference, 11-12 September 2014, Brisbane**

The conference was attended by 40 delegates. Topics discussed were:

- The Approach of Intermediate Appellate Courts to Decisions of Other Intermediate Courts.
- Problems and Issues Confronting Appellate Benches
- Comparative Constitutional Law and the Kable Doctrine
- Telecommunications and Intellectual Technology – the Challenges Provided for Appeal Courts
- Bailment in Roman Law and the Common Law
- News from the jurisdictions

## **20th Oration in Judicial Administration 22 September 2014, Brisbane**

The Oration *'The Jackson Reforms and Civil Justice'* was delivered by The Right Honourable the Lord Dyson, Master of the Rolls and Head of Civil Justice, England and Wales.

The link to the Oration is: <http://www.aija.org.au/Orations/Oration2014.pdf>

## **AIJA Australasian Court Administrators' Conference 'Promoting More Effective Relations Between Judges and Court Staff', 23 September 2014, Sydney**

The conference was attended by 48 delegates. The theme of the conference was suggested by the Hon John Doyle AC, former Chief Justice of South Australia. The sessions were designed for interactive discussion and that the role of the speaker be to stimulate those discussions, topics discussed were:

- The Court Administrator: Roles, Functions, Relationships and the Future
- Governance: The Exploration of the roles of judicial officers and court administrators and how the relationship may be improved and enhanced
- Succession Planning in Court Administration
- Panel Discussion involving Court Registrars and Chief Executive Officers on the Relationship Between Judges and Court Administrators

Papers available can be found at <http://www.aija.org.au/acag2014/Program.pdf>

## **AIJA Public Information Officers' Conference, 23-24 October 2014, Melbourne**

The conference was attended by 44 delegates. Topics discussed included:

- Research, interviewing jurors to see if judges' verdicts match the views of ordinary people
- The court reporter – an endangered species? When will the courts respond to the new 'downsized' media environment with their own media reports?
- Anonymisation of judgements. Would a national protocol work? What are the difficulties? Should more courts be doing this?
- Social media policies one year on. What's working, what's not?
- Jurors and social media. Can we stop jurors Googling? Or should we assume they will - and attack the issue from that point?
- Suppression orders in the post Jill Meagher case/post Wikileaks legal world. Is the Open Courts Act working? Is there a solution to the "Derryn Hinch problem"? The disparities between states in numbers of suppression orders issued. Are suppression orders more ineffectual than ever because of social media?
- Research report-back: Professor Patrick Keyzer, La Trobe University, Victoria, discuss their research project on jurors' use of social and digital media.

## **6th International Association for Courts Administration (IACA) Conference, 24-26 September 2014, Sydney** (this was an event organised by the International Association for Courts Administration with assistance and input of the AIJA)

The conference was attended by 233 delegates, topics discussed were:

- International Perspectives on Access to Justice & the Empowerment of Women Affected by Family/Domestic Violence
- The Court Administrator: Roles, Functions, Relationships and the Future
- Access to Justice for Vulnerable Groups
- Governance: The Exploration of the roles of judicial officers & court administrators and how the relationship may be improved and enhanced
- Improving and Measuring Access and Efficiency in Courts – Moving beyond the quantitative data
- Judicial Performance, Evaluation and Change Management in Courts
- Key Court Performance Indicators in a Developing Country Context: Presenting to the Public
- Building and Sustaining Public Confidence: Transparency & Communication Strategies in Courts
- Supporting Access to Justice Through Legal Advice, Support and Information
- Technology and Courts: The Use of AV and Digital Technology
- Courts working with Multicultural Communities: Access to Justice and the Use of Interpreters

- Technology & Courts: Automating paper-based systems and Improving Services to Judges, the Courts and the Public
- Alternate Dispute Resolution Practices
- Balancing Security and Access through Courtroom Design
- Applying the Principles of the International Framework for Court Excellence to Enhance Public Confidence in Courts
- Governance: Court Administrators, the Judiciary and the Delivery of Justice

**Cultural Diversity and the Law: Access to justice in multicultural Australia, 13-14 March 2015, Sydney**  
(in conjunction with the Migration Council Australia)

The conference was attended by 153 delegates, topics discussed were:

- The Changing Shape of Society
- Open and Accessible Courts: Community Engagement, Public Education and Awareness
- Court Management and Leadership: Enhancing Public Trust and Confidence in Courts and Tribunals
- Working with Interpreters
- Access to Justice: Tracking your Performance
- Ethics and Family Violence
- Community Sector Perspectives on Access to Justice
- Justice, Security and Terrorism
- Recognition and Reconciliation with Indigenous Australians
- Representing Culturally Diverse Clients: Ethics and Obligations
- Judging in a Multicultural Society
- Representing Indigenous Clients

Papers/presentations available can be found at <http://www.aija.org.au/Cultural%20Diversity%202015/Program.pdf>

**Justice without barriers: technology for greater access to justice, 21-22 May 2015, Brisbane**

The conference was attended by 169 delegates, topics discussed were:

- Technology developed in Queensland used in 60 per cent of the world's digitised courtrooms.
- E-filing and the application of an electronic court file (ECF) and the potential for the role of the ECF for case management
- Drivers for Technology and Access to Justice in Courts and Tribunals
- Online Learning for Judicial Officers: An overview of the National Judicial College's Online Decision Making Program
- Technology and Discovery: How effective are new tools designed to save time and cost
- Opening up new horizons for video-conferencing in court: a practical demonstration (*a demonstration of virtual court, facilitated by Professor David Tait of the University of Western Sydney*)
- Change management and how the integration of technology into courts requires active management of cultural and procedural change
- On-line dispute resolution
- The Use of Technology in the Supreme Court of Victoria
- Integration of Technology Within Court and Tribunal Buildings
- The benefits for self-represented litigants of electronic information and services and the possible access advantages and risk factors for these litigants
- Working effectively with juries and the use of electronic communications
- Interpreting in the Age of Technology
- Sharing technology – panel discussion

Professor Richard Susskind OBE gave the opening presentation from London on the topic of technology as it affects courts and the administration of justice.

Papers/presentations available can be found at <http://www.aija.org.au/Crt%20Tech%202015/Program.pdf>

**Symposium: Access to Justice - taking the next steps** (in conjunction with The Australian Centre for Justice Innovation at Monash University (ACJI) **26 June 2015, Melbourne**

This Symposium was designed to provide an opportunity to discuss the Productivity Commission's Report on Access to Justice

The Symposium was attended by 30 delegates. Panel discussions included:

- Issues with Timeliness
- Legal Aid/Legal Centres
- Costs, Processes and Access to Justice
- Future Directions

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

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

### **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 Mazza, has met regularly throughout the year. The Research Fund consists of profit earned on AIJA conferences and seminars.

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

- **Harmonisation of Court Rules**

The Sub-committee of the Council of Chief Justices has proceeded with work in relation to the harmonisation of rules in relation to service out of Australia and commercial arbitration. In October 2014 the Sub Committee appointed a new chair Justice Nye Perram of the Federal Court of Australia replacing Justice Arthur Emmett of the Court of Appeal, New South Wales. It 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 the initial work undertaken by the Institute and it is represented on this Sub committee by the 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 Project and Research Committee has resolved, with the concurrence of the AIJA Council, that priority be given to work on the project 'Why do some civil cases end up in a full hearing?' This work is being undertaken by the Australian Centre for Justice Innovation (ACJI). The project will touch upon matters relevant to proportionality.

- **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.

All empirical research has been conducted and the results of that research will now be available towards the end of 2015 or early in 2016 and be published by Oxford University Press. The publication of the research by Oxford University Press is a significant development which is likely to give greater authority to the research.

- **Accessibility of Programmes for Indigenous Offenders**

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

The work is now being undertaken by Dr Clarke Jones, Research Fellow, ARC Centre of Excellence in Policing and Security, School of Regulation, Justice and Diplomacy at the Australian National University

Funding for the research has been made available by the Commonwealth Attorney-General's Department and the result of the research is expected in the early part of 2016.

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

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

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

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

- **Public Perceptions of Sentencing**

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

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

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

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

- **Why do some civil cases end up in a full hearing? Formulating litigation and process referral indicia**  
This work is being undertaken by Professor Tania Sourdin and a team of researchers at the Australian Centre for Justice Innovation (ACJI). The work is to be completed in December 2015.
- **Juries and Justice: How do Juries deal with Inadmissible Evidence**  
Dr Diane Sivasubramaniam (Psychological Sciences and Statistics, Swinburne University) and others received seed funding to support an ARC Discovery Project on juries and justice: How do juries deal with inadmissible evidence?  
The research has been completed and was published in the April 2015 issue of the *Journal of Judicial Administration* (JJA).
- **Online National Family Violence Bench Book**  
This important research is being undertaken, with funds provided by the Commonwealth Attorney, Professor Heather Douglas and a team of researchers at the University of Queensland. An Online National Family Violence Bench Book was recommended by the Australia Law Reform Commission and by the New South Wales Royal Commission on Family Violence.
- **Court Referred ADR**  
This research, being conducted by Dr Nicky McWilliam, involves interviews with judges in relation to court referred ADR. The research is now well advanced.
- **Seed Funding for Family Report Writing**  
This research is being undertaken by Associate Professor Rachael Field, Queensland University of Technology Ms Zoe Rathus AM and Dr Samantha Jeffries, Griffith University and Expert consultant Dr Cate Banks.
- **Seed Funding for a pilot project on Improving Sentencing Processes through the provision of Aboriginal Pre-Sentencing Reports**  
This research is being undertaken by Dr Thalia Anthony of the University of Technology, Sydney.

## MEMBERSHIP AND COMMUNICATIONS

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

The Committee's terms of reference are to:

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

- Involve members in AIJA activities by:
  - seeking ideas for, or opinions about, AIJA projects;
  - forming interest groups; and
  - holding specific conferences and workshops.

The Committee is convened by AIJA Board and Council member Justice Robert Gotterson AO of the Court of Appeal, Queensland.

This Committee has been very active during its existence, developing a position statement on the AIJA's role, the revision of the AIJA's media protocol, the formulation of policy in relation to corporate membership, the upgrading of the AIJA website and the formulation of the AIJA Strategic Plan for 2012-2015. These documents are available on the AIJA website.

### **JOURNAL OF JUDICIAL ADMINISTRATION**

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

Information about recent publications, and general information about the Institute's work, is available on its website <http://www.aija.org.au/JJA/JJA%20Abstracts.pdf>

### **AIJA INFORMATION COLLECTION**

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

### **AIJA FUNDING AND ACCOUNTS**

The AIJA receives the major part of its funding from contributions by all Australian Governments through the Law, Crime and Community Safety Council (LCCSC) (*formerly Standing Council on Law and Justice (SCLJ)*). This is supplemented significantly by the Institute's income from membership fees. The AIJA Research Fund is constituted by means of a 20% contribution levied on its education programmes.

The Institute's accounts are now annually audited by Mr 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 2015 was 699 The membership was made up as follows:

MEMBERSHIP	By State/ Territory	MEMBERSHIP	By Category
New South Wales	160	Judges	290
Victoria	162	Magistrates	48
Queensland	138	Tribunal Members	40
South Australia	51	Court Administrators	29
Western Australia	63	Legal Practitioners	87
Tasmania	26	Academics	31
Northern Territory	11	Librarians	19
Australian Capital Territory	25	Corporate/Sponsor	55
Overseas	63	Others	32
		Retired Judicial Officers	49
		Government Officers	18
		Student	1
<b>TOTAL</b>	<b>699</b>	<b>TOTAL</b>	<b>699</b>