

## NEW AIJA COUNCIL MEMBERS

The AIJA is pleased to present the first newsletter for 2020.

Following the recent Council meeting, two new members of Council have been appointed:

- The Hon Justice Peter Applegarth, Supreme Court of Queensland, has been appointed to the Judicial Members' category, filling the vacancy created by the retirement of the Hon Justice Robert Gotterson AO from the AIJA Council, and
- The Hon Justice Jenni Hill, Supreme Court of Western Australia, has been appointed to the Judicial Members' category, filling the vacancy created by the retirement of the Hon Justice Lindy Jenkins from Council.

The AIJA welcomes Justice Applegarth and Justice Hill to the Council, and extends its thanks to Justice Gotterson and Justice Jenkins for their service to the AIJA over the years.

## RETIREMENT OF GREG REINHARDT

Members will recall that in the 2019 Annual Report, I referred in my Executive Director's report to the fact that I am to retire 31 March 2020. I noted that this was not an easy decision, but it was prompted by the fact that, by that stage, I will have completed 23 years in the role of Executive Director, and the time has come pass the baton to someone else who can no doubt provide new insights in to judicial administration and the future of the AIJA.

At the February meeting of Council, I was formally thanked for my contribution to the AIJA.

I would like to record my thanks to Dr Liz Richardson, IFCE Officer, Ms Mary Young, AIJA Librarian and Ms Liz Porter, AIJA Media Officer, for their considerable work over many years. Their efforts have been very much appreciated and valued. More recently, Zak Gaddie has worked on a number of tasks in relation to the work of the AIJA, which is also gratefully acknowledged.

In the week leading up to 31 March 2020, there is considerable work being undertaken in relation to the move of the AIJA Secretariat to Sydney.

A farewell dinner is planned for June 2020.

*Greg Reinhardt, Executive Director, AIJA*

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## AIJA MEMBERSHIP

The Secretariat would like to ask all members who have not renewed for 2019-20 (either [via the website](#) or [by requesting an invoice from the Secretariat by emailing \[aija@aija.org.au\]\(mailto:aija@aija.org.au\)](#)) to do so as soon as practicable. If you would like to check whether your membership is current or not, [please email the Secretariat](#). If you did not receive emails or a letter reminding you to renew it is likely your membership has lapsed.

## NEW AIJA MEMBERS

The AIJA Council is pleased to welcome the following as a new members of the AIJA:

Mr Paul Vincent, Director Forensic Services, Vincents Brisbane

The Hon Justice Frances Williams, Supreme Court of Queensland

## UPDATE OF CHILD WITNESSES' BENCHBOOK

The updated of the Child Witnesses' Benchbook is long overdue. Dr Annie Cossins, Associate Professor, UNSW, who carried out the last update of the benchbook, has successfully completed a further update, which is being currently edited by Jacqueline Giuffrida, La Trobe University. The updated version of the benchbook will be uploaded to the AIJA website, either at the end of March or in early April 2020.

## GUIDELINES FOR JUDICIAL MENTORING

The AIJA has developed guidelines in conjunction with the National Judicial College. It is proposed that these guidelines be presented to the Council of Chief Justices for endorsement.

## INTERNATIONAL CONSORTIUM FOR COURT EXCELLENCE

Dr Liz Richardson continues to develop a number of initiatives in relation to the International Framework for Court Excellence (IFCE). The most recent IFCE newsletter (as well as previous editions) can be accessed on the website: <http://www.courtexcellence.com/news>



The Australasian Institute of  
Judicial Administration Incorporated

## PRESIDENT'S COLUMN

### NEW EXECUTIVE DIRECTOR

Amid the gloom of the current Covid-19 crisis, there is some good news. I am delighted to inform our members of the appointment of **Alison MacDonald** as the new Executive Director of the AIJA. She will commence her duties on 4 May 2020, hopefully (depending on the current Government health restrictions) from the AIJA's new offices in Sydney. Alison is replacing our long serving Executive Director, Professor Greg Reinhardt AM, whose retirement was announced last year.

Alison has a combined Arts/Law degree and has an extensive senior executive management experience in professional and member based organisations. She joins the AIJA directly from Chartered Accountants Australia and New Zealand (CAANZ) where she was the NSW Regional Manager. She has a wealth of experience in good governance, stakeholder and member engagement, project development and creating a positive working environment.

After initially working as a solicitor, Alison developed a wide range of policies and programs at the Law Societies of NSW and of England and Wales before taking on business development with two law firms and a major accounting firm. In her role as Regional Manager CAANZ since 2013, she oversaw all programs for its 32,000 membership including the development and promotion of professional development programs. In this role she has worked closely with the NSW Council, committees and member panels.

Since 2014, Alison has also been a member of the New South Wales Professional Services Panel for the Winston Churchill Memorial trust.

With a reputation as an effective leader, communicator and strategic thinker the Board is confident Alison will make a significant contribution to the work of the AIJA.

### RELOCATION OF THE AIJA OFFICES TO SYDNEY

As members may be aware, the Board decided last year to relocate our office to Sydney. I am pleased to inform you that we negotiated a memorandum of understanding with the Law Society of New South Wales. The AIJA's new office will be located on Level 12 of the Society's building at 170 Phillip Street, Sydney, in the heart of Sydney's legal precinct.

The Law Society has agreed to provide the AIJA with a range of support services, including accounting and IT, that will complement our accommodation in its premises.

Last year the Board considered the AIJA's financial position and developed a plan to restructure its operations with a view to securing its ongoing viability. The AIJA has had no increase (not even in line with CPI) of its Government funding in the last 10 years. Moreover, our overhead costs had increased and we incurred significant losses in the last few financial years.

The new relationship with the Law Society will assist the AIJA in the long term reduction of our overheads and, the Board anticipates, the development of mutually supportive activities. While the AIJA valued its long relationship with Monash University, changes in circumstances have led

to our need to move. The University has been very cooperative during this period of transition and the Board is grateful to it for its long term support and collaboration.

## **OUR EXISTING STAFF**

The move to Sydney has meant that we had to say farewell to our long-serving existing 3 loyal staff, Liz Richardson in charge of supporting the International Framework for Court Excellence, Liz Porter, our media officer and Mary Young, our librarian. Each has made significant, individual contributions to the AIJA over many years. The Board and Council each expressed its appreciation to them for their work and dedication. We wish them well in their future careers. Our newest staff member, Zak Gaddie, who is studying law, has also enthusiastically helped in reorganising the membership database and supporting Greg in his work for which he is also to be thanked.

## **GREG REINHARDT AM**

During the transition to his retirement, Greg has been very cooperative in preparing for the changeover, exemplifying his dedicated service to the AIJA over the last 23 years. As this will be the last newsletter that goes out to you under his stewardship, I wish to record formally the great debt that the AIJA and the Australian, New Zealand, Papua New Guinean and Oceanic legal systems owe him for his many years of dedicated service to improving judicial and tribunal administration and education. At its meeting on 22 February 2020, the Council passed by acclamation a vote of thanks to Greg for his service to the Institute.

## **THE PROCESS OF CHANGE**

All members of the Board under both our immediate past President, the Hon (now retired) Justice (Bob) Gotterson AO and myself spent many hours considering how best to position the AIJA for its future. In particular, our long serving Deputy President, Laurie Glanfield AM, has done an enormous amount of work in securing the memorandum of understanding with the Law Society, the recruitment of a new Executive Director and the relocation of our offices from Melbourne to Sydney.

Until our new office is up and running, you can contact the AIJA by emailing us at [aija@aija.org.au](mailto:aija@aija.org.au).

*Steven Rares, President, AIJA*

## **MAKE A GIFT — SUPPORTING THE AIJA**

The Australasian Institute of Judicial Administration (AIJA) is an approved Research Institute for the purposes of the *Income Tax Assessment Act 1997* (Cth). In addition to supporting our work, a donation to the Research Fund will facilitate research by the AIJA relating to judicial and court administration. Donations of \$2 or more are tax-deductible for Australian tax payers: ABN: 13 063 150 739. Your support will be gratefully received and acknowledged.

Donations can be made on the AIJA website: <https://aija.org.au/support-aija-research/>

## **ANNOUNCEMENTS FROM OTHER ORGANISATIONS THAT MAY INTEREST AIJA MEMBERS**

The following announcements have been received from other organisations, and have been included as they share interests with the AIJA's area of work:

### **MASTER OF LAWS (JUDICIAL STUDIES) IN SINGAPORE**

A new Master of Laws (Judicial Studies) programme has been announced by the Judicial College of Singapore and the Singapore Management University. It has the following distinct features:

- First of its kind in the region
- Higher judicial learning for judges by judges
- Advanced substantive law modules and judgecraft
- Management and innovation modules
- Judge and professorial faculty
- Practicum with the Singapore Judiciary
- Opportunity to undertake empirical judicial research that will benefit the home jurisdictions of candidates
- Full-time or extended duration
- Entry to a new and growing alumni network of judges

More information about the Master of Laws in Judicial Studies can be found online at <https://law.smu.edu.sg/llm/home>. There are also six (6) full tuition-only scholarships for international candidates funded by Jones Day and Lee Foundation available for application: <http://law.smu.edu.sg/llm/fees-scholarships>.

### **TLRI FINAL REPORT—JURORS AND SOCIAL MEDIA**

The Tasmanian Law Reform Institute recently released Final Report 30 on Juries, Social Media and the Right of an Accused to a Fair Trial. The report recommends improved education for jurors to stop inappropriate use of social media and internet during criminal trials. A key recommendation is for improvements to the training and information that prospective jurors receive at the courthouse before they are chosen as jurors; and the directions that jurors are given by the judge once they are chosen to sit on a trial.

It concludes that education by Tasmanian courts is key to ensuring jurors understand why they are being asked to limit their internet use and to encourage self-regulation during the period of the trial for the benefit of the accused, and the justice system more generally.

Jurors' online activity is largely undetectable and unquantifiable. However, the TLRI's wide-ranging research and community consultation on this topic shows there is a widespread perception that juror misconduct of this kind is prevalent in Tasmania. Such a perception is just as capable of undermining public confidence in the criminal justice system.

The right to a fair trial necessitates a system that provides an accused person with many protections. That system relies on jurors being impartial and returning a verdict based solely on the evidence presented within the courtroom.

The report author, Ms Jemma Holt, concluded that jurors who conduct research outside the trial process, intentionally or unintentionally read news or social media commentary about the trial, or who publish about the trial on social media, can undermine these protections.

However, there is no way of effectively segregating jurors from the wider online community because of the prevalence of internet-connected smartphones. Many people are, nowadays, so used to continuously sharing their life online and accessing information via the internet, that it takes some energy and effort to break these habits. Many jurors simply don't appreciate the consequences of such behaviour in the context of their role and obligations as a juror.

It is for the courts to adapt to meet these new challenges.

The report can be found at <https://www.utas.edu.au/law-reform/publications/completed-law-reform-projects> under the tab 'Juries & Social Media'.

An animated explainer video is available at [https://youtu.be/XD\\_NN0XQhNA](https://youtu.be/XD_NN0XQhNA)

This project was funded by a grant from the Law Foundation of Tasmania.

For more information, please contact the TLRI on (03) 6226 2069 or [law.reform@utas.edu.au](mailto:law.reform@utas.edu.au).

## **NATIONAL JUDICIAL COLLEGE (USA) POLL—AI DECISION MAKING**

A recent poll by the United States' National Judicial College has shown that judges are sceptical that AI can make decisions more fairly than they can – with 65% of the 369 Judges surveyed expressing their doubts that AI can be better than human judges in bail and sentencing decisions.

The consensus among the majority seemed to be that AI could be a useful tool for combatting bias, but it should never completely replace a judge's discretion.

"Human intelligence has been underrated," wrote one judge anonymously, as was most often with the 162 judges who left comments. The judge said it "requires more than an educated guess from a computer" to know, for instance, whether a defendant has a drug or alcohol addiction and if that person is truly engaged in treatment. But another judge saw some promise for AI as a reminder or trigger to be on alert for bias.

"Many of the programs contain a bias due to past decisions," wrote John Johnson, a property tax judge in the United Kingdom. "This leads low-income defendants and people of color to be overrepresented in past arrests and criminal history given the reality of past justice system practice."

Among judges more hopeful about AI, one mentioned studies showing that AI can be as effective or more effective than judges at estimating flight risk in bail hearings, even when the judge has more information at hand than the machine. Another judge wrote, "If Facebook and Amazon can figure out what I want to buy next, AI should be able to produce algorithms to reduce bias on a judge's part...."

The full report on the poll can be accessed here: <https://www.judges.org/judges-remain-skeptical-on-whether-artificial-intelligence-can-make-decisions-more-fairly-than-they-can/>