



Building capacity for free access to law in Asia

First AsianLII Conference, 23-25 February 2009 Sydney, Australia

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Public Conference: Free Access to Law in Asia

PROGRAMME

Tuesday 24 February 2009

Faculty of Law, University of New South Wales, Kensington

Time	Opening (Room G02)	
8.00-9.00	Registration	
	Formal Welcome and Opening	
9.00-9.45	<ul style="list-style-type: none"> • <i>Chair: Prof Graham Greenleaf, UNSW, Co-Director AustLII</i> • <i>Conference Welcome – Prof David Dixon, Dean of the Law Faculty, UNSW and Prof Jennie Lang, Pro-Vice Chancellor (International), UNSW</i> • <i>Official Opening – Hon. Robert McClelland, Attorney General of Australia</i> 	
09.45-10.45	<p>Plenary Session 1 – Free access to law in Asia: The state of play Chair: Daniel Rowland, Senior Advisor, Law and Justice, AusAID</p> <p>An overview of the state of free access to law and its implications for the rule of law across 28 jurisdictions in Asia, from Afghanistan to Japan, and from Mongolia to Timor Leste. Followed by a discussion of the major trends in the growth of, and impediments to, the development of free access to law in Asia compared with other parts of the world.</p> <ul style="list-style-type: none"> • Justice Michael Moore, Federal Court of Australia 'Free access to law and the development of the rule of law in Asia' • Prof Graham Greenleaf, UNSW: 'Free Access to Law in Asia: The State of Play in 2009' 	
10.45-11.15	<i>Morning Tea</i>	
	(Room G02)	(Room G23)
11.15-1.00	<p>Challenges and opportunities in relation to free access to law in Asia</p> <p>Leaders in development of free access to law in Asia discuss the challenges that different countries face in freeing access to legal information.</p> <p><i>Chair: Dr Sarah Waddell, UNSW, Senior Researcher AustLII / AsianLII</i></p> <ul style="list-style-type: none"> • Prof Jaime N. Soriano, Exec Director, LawPhil Project, Arellano University School of Law, The Philippines 'Free access to law in Asia and the LawPhil project: Challenges and opportunities' • Ms Shamalie Gunawardana, (PowerPoint) formerly Director of LawNet Sri Lanka • Prof V C Vivekanandan, National Academy of Legal Studies & Research (NALSAR) University of Law, India 'The Indian Chimera' • Chintapun Dansubutra, Secretary, Thai Law Reform Commission, Thailand <p><i>Commentator: Assoc Prof Nakib Muhammed Nasrulla, Department of Law, University of Dhaka, Bangladesh.</i></p>	<p>User perspectives: Facilitating the use of free access to law sites in the community and legal profession</p> <p>How can legal information be accessed by the whole community as well as the legal profession? What are the challenges in training users if you don't have a training budget? How are free access providers in Asia and the Pacific meeting these challenges?</p> <p><i>Chair: Mariya Badeva-Bright, Head, Policy & Content, Southern African Legal Information Institute (SAFLII), South Africa</i></p> <ul style="list-style-type: none"> • Assoc Prof Anne Cheung, Co-Director, Community Legal Information Centre (CLIC), University of Hong Kong: 'CLIC for HK community legal information' • Julie Hulama, Legal Information Advisor, Law and Justice Sector Program, Papua New Guinea: 'Training free access users' • Lianne Forster Knight, Knowledge Manager, Mallesons Stephen Jacques 'Why and how law firms use free access law sites'.

1.00-2.00	<i>Lunch</i>	
	(Room G02)	(Room G23)
2.00-3.20	<p>Law in Asian languages: Search engines and translations</p> <p>The multiplicity of languages in Asia creates numerous issues, both for individual country systems and for comparative law systems. What special issues are created by double byte encodings? What are the reasons for providing translations into English or other languages, and the issues involved?</p> <p><i>Chair: Prof Hajime Nishitani, Hiroshima University, Japan</i></p> <ul style="list-style-type: none"> • Prof Yoshiharu Matsuura, Nagoya University Graduate School of Law 'A Strategy for Global Sharing of Legal Information: More Structured Approach' • Philip Chung, UTS, Executive Director AustLII / AsianLII: 'AustLII's approach to an Asia-wide search engine' • Prof Toshiyuki Kono, Kyushu University, Fukuoka, Japan 'The 'TOMEIKA' (Transparency) project and its experience' 	<p>Free access providers and international agencies: shared goals and mutual support</p> <p>What types of access to law projects can best advance the aims of international and donor agencies? What factors are relevant to the funding of free access to law projects? How can international agencies best assist free access?</p> <p><i>Chair: Prof Andrew Mowbray, AustLII / AsianLII</i></p> <ul style="list-style-type: none"> • Daniel Rowland, Senior Advisor, Law and Justice, AusAID, Australia • Paul Holden and Terry Reid (PowerPoint), Pacific Liaison and Coordination Office, Asian Development Bank 'Commercial Law Reform in the South Pacific and the importance of PaCLII' • Maria Warren, Special Projects, Office of the Prosecutor, International Criminal Court, The Hague 'Preserving the legacy of International Courts & Tribunals' • Annelies Moens, External Relations Manager, AustLII 'Business Models for free-access LIIs' <p><i>Commentators: Shirani G. de Fontgalland</i>, Head of Criminal Law Section, Legal & Constitutional Affairs Division, Commonwealth Secretariat, London; Cate Sumner, Indonesia-Australia Legal Development Facility (IALDF)</p>
3.20-3.50	<i>Afternoon Tea</i>	
	(Room G02)	(Room G23)
3.50-5.10	<p>New content for free access in Asia</p> <p>What can free access to law provide beyond cases and legislation? Case studies on Asian examples of free access provision of community legal information, treaties, legal scholarship and other types of legal content.</p> <p><i>Chair: Shirani de Fontgalland, Commonwealth Secretariat</i></p> <ul style="list-style-type: none"> • Prof Hajime Nishitani, Hiroshima University, Japan: 'Issues in free access to treaties in Asia' • Prof Andrew Mowbray, (PowerPoint) UTS, Co-Director AustLII / AsianLII: 'LawCite – Issues for an international free access citator for cases and legal scholarship in dealing with Asian law' • Prof Graham Greenleaf and Philip Chung, 'Virtual Libraries and virtual databases of Asian law' <p><i>Commentators: Masoud Gerami</i>, Managing Director, Justis Publishing; David Mason, Director, Treaties Secretariat, Dept of Foreign Affairs and Trade, Australia [TBC].</p>	<p>Learning from experience: Developing countries & small jurisdictions</p> <p>Legal information institutes in the Pacific Islands, Africa and New Zealand have faced many of the problems experienced by those now establishing new free access systems in Asia. They will share their experiences, difficulties and successes.</p> <p><i>Chair: Assoc Prof Anne Cheung, Co-Director, Community Legal Information Centre (CLIC), University of Hong Kong</i></p> <ul style="list-style-type: none"> • Assoc Prof Donna Buckingham, Director, New Zealand Legal Information Institute (NZLII), Otago University, NZ 'Navigating the information stream – New Zealand and the principle of free access' • Lenore Hamilton, Director, Pacific Islands Legal Information Institute (PaCLII), University of the South Pacific • Tererai Mafukizde, Director, Southern African Legal Information Institute (SAFLII), South Africa <p><i>Commentators: A panel from developing Asian countries will ask questions.</i></p>
Conference Dinner (7pm)		

Public Conference: Free Access to Law in Asia
Wednesday 25 February 2009
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Time	Plenary Session (Room G02)	
09.00-11.00	Plenary Session 2 –Transparency in Decision Making: Challenges for the Judiciary Chair: The Honourable J J Spigelman AC, Chief Justice of New South Wales	
	<p>Senior judicial officials from Asia and Australia will discuss the role of free access to judicial decisions in developing the rule of law and transparency of judicial systems.</p> <ul style="list-style-type: none"> • Chief Justice Diana Bryant, Family Court of Australia – ‘RECOGNITION OF LAWS BY FOREIGN COURTS: THE ROLE OF ONLINE LAW’ Justice Dr Artidjo Alkostar (PowerPoint) Vice-Chief Justice, Supreme Court, Republic of Indonesia • Dr Dang Quang Phuong, Standing Deputy Chief Justice, Supreme People’s Court, Vietnam • Bapak Wahyu Widiana, Director General, Religious Courts, Republic of Indonesia <p><i>Commentators:</i> Cate Sumner, Lead Adviser (Judicial Reform & Access to Justice), Indonesia-Australia Legal Development Facility (IALDF); Rifqi Assegaf, Executive Secretary, Institute for an Independent Judiciary (LeIP), Indonesia.</p>	
11.00-11.30	<i>Morning Tea</i>	
11.30-12.30	(Room G02)	(Room G23)
	Recognition of laws by foreign courts: The role of online law Can Courts simplify the recognition of foreign laws in disputes by making use of free access online law resources? What standards would they need to meet? What should governments do to facilitate this? New developments will be presented. <i>Chair: Prof Graham Greenleaf, UNSW</i> <ul style="list-style-type: none"> • The Chair will outline developments from a meeting at the Hague in October 2008; • Chief Justice Diana Bryant, Family Court of Australia - The role that free access to judicial decisions plays in developing the rule of law and transparency of judicial systems – challenges for the judiciary • <i>Commentators:</i> Sandrine Alexandre and David Hughes, Permanent Bureau, Hague Conference on Private International Law (Hcch); Marjorie Todd, Office of Legislative Drafting and Publication, Attorney-General’s Department, Australia; Panel of representatives from Asian jurisdictions. 	Civil law countries in Asia: Challenges in providing free access to law Do countries influenced by the civil law tradition pose special issues for free access? <i>Chair: Chintapun Dansubutra, Secretary, Thai Law Reform Commission, Thailand</i> <ul style="list-style-type: none"> • Prof Amy Huey-Ling Shee, (PowerPoint) National Chung-Cheng University, Taiwan: ‘Building Capacity for Free Access to Law in Taiwan – Some Socio-Cultural Implications’ • Prof Amy Huey-Ling Shee (paper) • Cao Xuan Phong, Acting Deputy Director, Comparative Law Centre, Institute of Law Research, Ministry of Justice, Vietnam) • Aria Suyudi (Paper) Director, Indonesian Center for Law & Policy Studies (PSHK), Indonesia ‘Challenges and opportunities in free access to law in Indonesia’ • Aria Suyudi (PowerPoint) • <i>Commentator:</i> HE Samphy Phov, Director General, General Department of Research and Judicial Development, Ministry of Justice, Cambodia)

12.45-1.45	<i>Lunch</i>	
1.45-3.15	(Room G02)	(Room G23)
	Parallel Sessions	
	<p>Common law and South Asian countries: Comparing free access Jurisdictions influenced by the common law tradition have particular information needs, particularly concerning case law, the role of precedent, citation histories of cases, and the influence of decisions from other common law jurisdictions. This session will discuss these and other issues common to jurisdictions in the common law world. <i>Chair: Lenore Hamilton, Director, PacLII</i></p> <ul style="list-style-type: none"> • Jocelyne Scutt J, High Court of Fiji 'Issues in ensuring transparency in courts in the Pacific' • Prof Ranbir Singh Paper 1, Vice-Chancellor, National Law School University, Delhi • Prof Ranbir Singh Paper 2 • Dr Yubaraj Sangroula (Paper) Executive Director, Kathmandu School of Law, Nepal • Dr Yubaraj Sangroula (PowerPoint) <p><i>Commentators: Dr May Fong Cheong, Former Dean University of Malaya and Assoc Prof Doreen Weisenhaus, University of Hong Kong.</i></p>	<p>Cost effective court room technologies for developing countries (Moot Court) A discussion of funding and strategies concerning low-cost and sustainable court room technologies for developing countries, including the factors (and costs) in building a computerised courtroom (or Moot Court in a law school) (limit of 30 participants). <i>Chair: Prof V C Vivekanandan, NALSAR University of Law, India</i></p> <ul style="list-style-type: none"> • Elizabeth Miller (Paper) Assoc Director – eCourts, Potter Farrelly & Assocs, Australia • Elizabeth Miller (PowerPoint) • Thanuja Mendis, Network Manager, Merrill Legal Solutions, Australia 'Cost effective court room technologies for the developing countries – Sri Lankan Experience' • Michael Jose, Group Manager, Courtroom Technology, NSW Attorney-General's Department, Australia <p><i>Commentator: Maria Warren, International Criminal Court (formerly Chief of Information and Evidence, Office of the Prosecutor, International Criminal Tribunal for Rwanda)</i> <i>Questions - A panel from Asian countries</i></p>
3.15-3.30	<i>Afternoon Tea</i>	
3.30-5:00	Parallel Sessions: Choice of Workshops	
	<p>Workshop 1 - Asia-wide free access legal research techniques (UNSW Law Lab 111) Participants will be guided through a hands-on approach to systematically finding legal information (legislation, case law, scholarship, treaties etc) on any subject from any country in Asia – and how to expand this to global searching. Each participant will have computer access (limit of 30 participants). Presenter: Prof Graham Greenleaf (AustLII Co-Director)</p>	<p>Workshop 2 - Sustainable Courtroom & Moot Court Technologies (Moot Court) Continuing the previous session on court room technologies with demonstrations of many of the technologies that can and should be included. Issues of low costs and sustainability in developing countries will be a major focus. No individual computer access (limit of 30 participants). Presenters:</p> <ul style="list-style-type: none"> • Elizabeth Miller, Assoc Director – eCourts, Potter Farrelly & Assocs, Australia • Michael Jose, Group Manager, Courtroom Technology, NSW Attorney-General's Department, Australia
5:00-5:30	Concluding Plenary Session (Room G02)	
	<p>Announcements and Panel Discussion 'Where next for free access to law in Asia?' A panel of speakers will reflect on what needs to be done to develop sustainable free access to law to world's best practice across Asia over the next five years, <i>including Justice Dr Artidjo Alkostar (Indonesia), Dr Dang Quang Phuong (Vietnam), Prof Ranbir Singh (India), Prof Yoshiharu Matsuura (Japan), Prof Jimmy Soriano (The Philippines) and Shamalie Gunawardana (Sri Lanka)</i> (Chair: Prof Graham Greenleaf, AustLII)</p>	