



AIJA NEWS

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The Australian Institute of

Judicial Administration Incorporated

Newsletter of the Australian Institute of Judicial Administration Inc
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AIJA Charts Future Directions



AIJA President,
Justice Peter Underwood

A renewed focus on research and communication are the keystones of a new strategic plan recently finalised by the AIJA Council.

Council has also welcomed the advent of a number of new bodies providing judicial education. In light of that development, the

AIJA will shift its education focus to specifically targeted, rather than generic, programmes that involve a range of stakeholders in addition to judicial officers.

In the course of its discussions, Council reconfirmed the overriding objective of the Institute, to promote excellence in the administration of justice throughout Australia and its surrounding region. Council also confirmed the Institute's commitment to the following key values:

- Integrity of the justice system
- Equality of access to justice
- Independence of the judiciary

The new AIJA Strategic Plan identifies the following key result areas:

- Undertake research projects and education to improve the administration of, and access to, justice
- Work with courts, governments and other agencies to influence policy and promote excellence in the administration of justice in Australia and the Asia/Pacific region
- Disseminate information about the administration of justice and the work of the AIJA among courts, tribunals the legal profession, government and the public
- Promote develop and maintain membership of the AIJA

Specific projects in relation to these areas will be developed by three Standing Committees:

Research and Project Committee, chaired by Justice Bob Nicholson

Education Committee, chaired by justice John Byrne
Communication Committee, chaired by Ms Megan Greenwood

The plan will guide the activities of the AIJA over the next three years. It will be reviewed and updated annually to reflect the changing environment and emerging challenges.

As a first stage, AIJA President, Justice Peter Underwood has written to the heads of all Courts and Tribunals asking them to discuss with their judicial officers and members, projects that they think the AIJA should undertake. The response has been excellent and the ideas filtered back to the committees for assessment and action.

THE CENTENARY OF THE HIGH COURT: LESSONS FROM HISTORY

AIJA ORATION

To mark this year's Centenary of the High Court of Australia, the AIJA invited the Chief of Australia, The Hon Justice Murray Gleeson AC to deliver the Thirteenth AIJA Oration in Judicial Administration.

The Institute's Oration programme is a series of public lectures designed to identify current issues in, and heighten awareness of, judicial administration.

Chief Justice Gleeson delivered his address "The Centenary of the High Court: Lessons from History" to an audience of over 150 members of the judiciary, the profession and the public, who packed into the Banco Court of the Supreme Court of Victoria, Melbourne on Friday, 3 October 2003, the same Court that accommodated the first sitting of the High Court 100 years ago.

In an inspiring address the Chief Justice examined aspects of the foundation and growth of the Court, its work, and its influence, that are of enduring importance. His Honour emphasised that maintenance of public confidence in the Court was in large measure, dependent upon the Court basing its decisions on legal reasoning.



Chief Justice Gleeson joins guests for drinks in the Supreme Court Library

The Chief Justice's speech can be found on the AIJA website at <<http://www.ajja.org.au/onlinepub.htm>>.

AIJA ANNUAL CONFERENCE

'New Challenges, Fresh Solutions'

The AIJA held its 2003 annual conference in Fremantle, Western Australia on 19-21 September this year. Close to 160 delegates attended the conference which began with a fascinating insight into "The Mind And The Law" by consultant psychiatrist Professor GAllen German.

Professor German's topic was one of a range of issues, designed to stimulate discussion and thought about current challenges facing the court system. The conference also included sessions on:



Annual Conference Steering Committee Convenor, Judge Mary Ann Yeats, with Professor German and Justice Peter Underwood at the Opening Reception

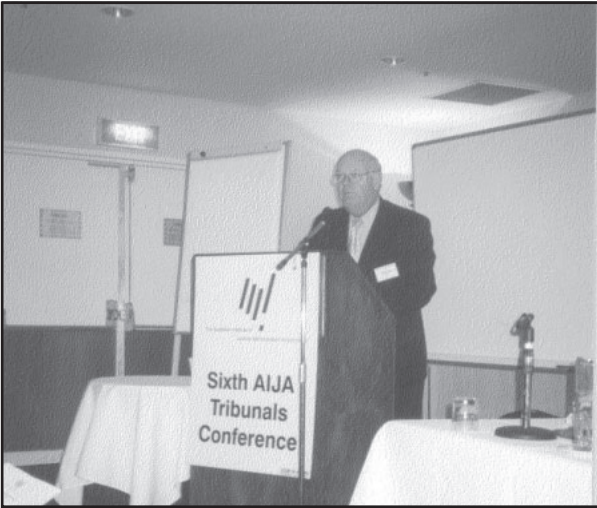
- The Courts & Corporate Conduct
- Therapeutic Justice
- The Docket System - the way to go?
- Reducing Re-offending - new initiatives in Europe
- Litigants in person
- Aboriginal Customary Law
- Court Governance: can justice be measured?
- Courts & the Profession - are we in charge?

Delegates also enjoyed Western Australian hospitality at the opening reception at Government House on Friday 19 September, and a delicious conference dinner in the surrounds of Fremantle's new Maritime Museum on the Saturday evening.

Papers from the conference can be found on the AIJA website at <<http://www.ajja.org.au/ac03/program.htm>>.

The 2004 AIJA Annual Conference will be held in Sydney on **17-19 September 2004**.

AIJA TRIBUNALS' CONFERENCE



Justice Murray Kellam opens the 6th AIJA Tribunals' Conference

Over 150 tribunals members and staff attended the 6th AIJA Annual Tribunals Conference, held in Sydney on 5-6 June 2003. The conference is designed to provide an opportunity each year for tribunal members and staff to discuss current issues relevant to their work.

Over one and a half days, delegates considered and discussed a range of topics, including:

- Recent decisions of interest to their work
- Statements of Reasons for Decision
- Tribunal independence
- Developing Benchbooks for Tribunals
- Tribunals' power to control their own procedures and requirements of procedural fairness

The proceedings included a review of the development of the Council of Australian Tribunals

(COAT) since its inauguration last year. Delegates heard a report from each local chapter on COAT activities and focus.

Delegates also heard about recent developments in administrative tribunals in Malaysia and Singapore.

The AIJA is pleased to announce that the next AIJA Tribunals' conference will be held in Brisbane, 10-11 June 2004. Further details will be advised to members and posted on the AIJA website - www.aija.org.au.

6th AIJA MASTERS' CONFERENCE

The 6th AIJA Masters' Conference took place in Perth on 18-19 September 2003. Held in association with this year's Annual AIJA Conference, the Masters' Conference was hosted by the Supreme Court of Western Australia and opened by the Chief Justice of Western Australia, The Hon David Malcolm AC.

The conference was attended by representatives of all Australian jurisdictions which have the office, plus two representatives from New Zealand.

Over 1½ days, delegates discussed a range of topics in relation to their work including summary judgment applications, insolvency and corporations law, security for costs and dealing with litigants in person.

The conference also heard from Professor Ian Scott, UK judicial administration expert, who gave a presentation on the recent case management reforms in that country, operating as a result of the pre-trial procedure established under their new civil procedure rules.

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

The conference noted the introduction in the New Zealand Parliament of legislation designed to provide security of tenure for Masters. The use of fixed contract appointments for Masters' appointments in New Zealand has been an issue in relation to which the conference had expressed concern in the past. Delegates resolved to write to the Chief Justice in New Zealand in support of this legislation.

The conference also noted the successful outcome to the superannuation surcharge case in relation to judge's superannuation and the considerable efforts by Master Kathryn Kings in support of that case. Delegates expressed their thanks to her.

The AIJA would like to express its appreciation to Master Sanderson and the staff of the Western Australian Supreme for their efforts in hosting the conference.

ANNUAL GENERAL MEETING AND COUNCIL ELECTIONS

PRESIDENT-ELECT AND DEPUTY PRESIDENT

Following this year's AGM, Council elected a President-Elect and one Deputy President who will each serve for a period of twelve months. They are Justice John Byrne of the Supreme Court of Queensland (President-Elect) and Mr Laurie Glanfield, Director General of the New South Wales Attorney-General's Department (Deputy President).

JOHN BYRNE



John has been a Judicial member of the AIJA Council since February 1998 and a Board member since March 2002. He was elected a Deputy President of the AIJA at the September 2002 AGM and chaired the organising Committee for the 2003 AIJA Annual Conference.

John chairs the Institute's Education Committee and is also the AIJA representative on the Consultative Council of the National Judicial College.

LAURIE GLANFIELD



Laurie joined the AIJA Council in October 1995 and has been a Board member since October 1997.

He is also Secretary to the Standing Committee of Attorneys-General and a Council member of the National Judicial College.

Laurie has served as a member of the Institute's Membership Committee and has also participated in the organising committees for several of its major conferences.

NEW COUNCIL MEMBERS

ARIE FREIBERG



Professor Arie Freiberg has recently been appointed to Council to replace Professor Stephen Parker, in the Academic Members category on Council. Arie will take over from Stephen as Dean of Law at Monash University early in 2004.

He is currently Head of the Department of Criminology, and Deputy Dean of the Faculty of Arts at the University of Melbourne. Arie is a long-standing contributor to AIJA education programs, particularly in the area of sentencing.

TIM GOODES



Also joining Council is a new Court Administrator member from South Australia, Tim Goodes. Tim has been the Sheriff of the Courts Administration Authority, since 2000.

He holds a Masters in Policy and Administration from Flinders University and has also held a number of other management

positions in law and justice agencies in South Australia.

IAN GOVEY



Mr Ian Govey, Deputy Secretary, Civil Justice & Legal Services Group, of the Commonwealth Attorney-General's Department joins the AIJA Council as a member in Government Service.

Ian has been employed in the Department since 1991, in the areas of corporate law reform, and as head of the office of Legal

Services Co-Ordination.

He replaces the Departmental Secretary, Mr Robert Cornall on Council.

CHRISTINE TRENORDEN



Another new judicial appointment to Council is Judge Christine Trenorden, of the District Court of South Australia and the senior judge (Presiding Member) of the Environment, Resources and Development Court. She was appointed in 1993.

Christine is also a Deputy Presiding Member of the Equal Opportunity Tribunal in South Australia. She also chairs the Community Relations Committee of the State Courts Administration Council, which has responsibility for drafting for approval, and implementing, the Courts' Community Involvement Plan.

CHRISTINE WHEELER



Replacing Justice Chris Steytler of the Western Australian Supreme Court is Justice Christine Wheeler, also from that court. Christine was appointed to the bench in October 1996.

She was admitted in 1980 and served as an Assistant Crown Solicitor from (1984-1988). From

1988 -1994 she held the positions of Senior Assistant Crown Solicitor & Senior Assistant Crown Counsel. In 1994 she became the first woman in WA to be appointed as a QC.

Thanks to Retiring Council Members

The AIJA Annual General Meeting was held in Perth on Sunday September 2003, following the AIJA Annual Conference. It was marked by the retirement of 3 members of Council - Robert Cornall, Maurie Stack and Chris Steytler.

AIJA President, Justice Peter Underwood expressed appreciation on behalf of Council to each of them for their significant contributions to the work of the Institute.

SEED FUNDING FOR RESEARCH ON JUDICIAL ADMINISTRATION

The AIJA is interested in working with academics to develop proposals for research projects. It is offering financial assistance to provide an incentive for academics to prepare ARC grant applications in areas of AIJA interest. Broad areas of research identified as relevant to judicial administration are:

- the proportional use of judicial resources for optimum practical effectiveness and efficiency; and
- public perceptions and understanding of the justice system.

Included in these broad areas are:

- the examination of the relationship between the principles of adjudicatory independence and administrative accountability;
- a comparative analysis of reforms in the justice system in other jurisdictions;
- performance measurement, including the creation of best practice models for the introduction of bench-marking and yardstick competition models in the courts;
- proportionality, namely, the proportion of the value of claims expended on legal costs and the expenditure of court resources to “meet the instances and areas of greatest need”;
- access to justice.

Inquiries and applications for funding should be directed to:

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Email: Gregory.Reinhardt@law.monash.edu.au*

National Judicial Orientation Program 13-17 October 2003, Sydney



Participants & faculty members Judicial Orientation Program 2003

Last month, the AIJA, the Judicial Commission of New South Wales and the National Judicial College combined to deliver another highly successful judicial orientation program for recently appointed judges. At the request of the newly formed Judicial College, which is now responsible for national judicial education, the AIJA will continue to provide input and expertise into future judicial orientation programs to be conducted by the College.

AIJA MEMBERSHIP

AIJA Membership is open to judges, magistrates, members of tribunals, practitioners, graduates in law or jurisprudence, researchers in law reform and related agencies, court administrators, law librarians, and others with an interest in judicial administration.

In each edition of AIJA News we publish a list of our most recent members. This appears opposite. Members receive free copies of the AIJA research publications, AIJA New, our Annual Report and advance notice of AIJA courses, conferences and seminar and discount registration rates

If you are interested in becoming a member of the Institute, please contact Mrs Heather Sevald at the AIJA Secretariat, Tel: (61 3) 9600 1311 Fax: (61 3) 9600 0366, or email: heather.sevald@law.monash.edu.au

AUSTRALIAN CALENDAR OF JUDICIAL EDUCATION ACTIVITIES

A national calendar of all conferences and seminars for judicial officers and tribunal members is now being kept by the National Judicial College. It includes details of programs by the College, the NSW Judicial Commission, the Victorian Judicial College, the AIJA, the Judicial Conference of Australia and others.

To view the calendar see the College's website at www.njca.anu.edu.au.

AIJA CONFERENCE, COURSE AND SEMINAR PROGRAMME 2004

2nd AIJA Appellate Judges' Seminar

- 29-30 April 2004, Sydney

7th AIJA Tribunals Conference

- 10-11 June 2004, Brisbane

AIJA Annual Conference

- 17-19 September 2004, Sydney

If you are a member of the AIJA and your membership is financial, you will automatically receive information about AIJA conferences and seminars as it becomes available. Up-to-date information is also available on the AIJA web site at www.aija.org.au

Overseas Conferences

A list of overseas conferences likely to be of interest to AIJA members is now published on the AIJA Website at <http://www.aija.org.au/OSHYPE.htm> or contact the AIJA Secretariat on Tel: (61 3) 9600 1311 or Fax: (61 3) 9600 0366.

NEW MEMBERS

Ms Leigh Baker, Deputy Registrar, Consumer, Trader & Tenancy Tribunal, NSW

Mrs Melanie Bartlett, Anti-Discrimination Tribunal, Tasmania

Ms Lois Boswell, Consumer, Trader & Tenancy Tribunal, NSW

Ms Rieteke Chenoweth, Consumer, Trader & Tenancy Tribunal, ACT

Ms Annabel Clayton, Residence Appeal Authority, New Zealand

Mr Guy Cumes, Consumer, Trader & Tenancy Tribunal, NSW

Ms Debra Duncan, The Workers Compensation Regulatory Authority (Q-Comp), Queensland

Mrs Joan Dwyer, Administrative Appeals Tribunal, Victoria

Federal Court of Australia, Principal Registry

Mr Ian Govey, Deputy Secretary, Civil Justice & Legal

Services Group, Attorney - General's Department, ACT

Mr Mick Grimson, Industrial Relations Commission of New South Wales

Ms Tricia Harper, Mental Health Review Board, Victoria

Ms Margaret Harrison-Smith, Administrative Review Council, Australian Capital Territory

Mrs Deborah House, Workers Compensation Commission, New South Wales

His Hon Judge Marshall Irwin, Chief Magistrate, Queensland

Mr Andrew Jack, Professional Services Review, Australian Capital Territory

Mr Bruce Kelly, Courts Administrator & Sheriff, ACT Law Courts and Tribunals

Mr Niall Kennedy, Success Technologies, Victoria

Mr Paul Kildea, Administration Review Council, Australian Capital Territory

Mrs Kerrie Leotta, Barrister, New South Wales

Ms Dianne Linnane, Vice President, QLD Industrial Relations Commission

Mr Ross Maxted, Barrister, Victoria

The Hon Justice Robert McDougall, Supreme Court of New South Wales

Mr Neil McKellar, Dispute Resolution Services Ltd, New Zealand

Mental Health Review Tribunal, New South Wales

Migration Review Tribunal, New South Wales

Ms Karen Moore, Attorney-General's Department, Australian Capital Territory

The Hon Justice Stuart Morris, Supreme Court of Victoria

Ms Joanne Muller, Chairperson, Psychologists & Physiotherapists, New South Wales

Ms Dianne Murphy, Retail Shop Leases Registry, Queensland

Master David Newnes, Supreme Court of Western Australia

Mr John Orange, Dispute Resolution Services, New Zealand

Assoc Professor Margaret Otlowski, Faculty of Law, University of Tasmania

Mr Sandy Persi, ACT Mental Health Tribunal

Mr Jeffrey Plunkett, Executive Officer, Office of the DPP, WA

The Hon Justice John Priestley, High Court of New Zealand

Psychologists Registration Board of Victoria

Mr Derek Pullen, Dispute Resolution Services Ltd, New Zealand

Mrs Catherine Rheinberger, Anti Discrimination Tribunal Tasmania

Mr Dean Saunders, The Workers Compensation Regulatory Authority (Q-Comp), Queensland

Dr Jocelyne Scutt, Anti-Discrimination Commissioner, Tasmania

Ms Miranda Slaughter, The Workers Compensation Regulatory Authority (Q-Comp), Queensland

Mr Andrew Soden, Legal Aid Review Panel, New Zealand

Ms Bronwyn Springer, Mental Health Review Tribunal, Queensland

Ms Vicki Stewart, Magistrate, Western Australia

Mr Alexander Tandy, Managing Registrar, Tribunals, ACT

Ms Jill Toohey, Administrative Appeals Tribunal, New South Wales

Mr Andrew Walter, Legal Aid Review Panel, New Zealand

Mr Robert Wenck, Member, Queensland Land Court