

JOURNAL OF JUDICIAL ADMINISTRATION

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ARTICLES

Investing in the judiciary – *The Hon John Doyle AC*

Australia is fortunate to have a sound judicial system. A competent and independent judiciary is an essential requirement of a sound judicial system. Comprehensive and high-standard professional development programs will play an important part in helping Australia's judiciary maintain its high standards. The need for such programs has been neglected. The National Judicial College of Australia was established to meet unmet needs for professional development. Unless Australia's governments fund the College adequately, and provide funding to courts to enable them to participate in the College programs, the College will not be able to meet the needs that it was established to meet. One of the tasks of the College is to persuade Australia's governments that an investment in professional development for the judiciary is in the interests of the community.5

The role of judges in assisting jury comprehension – *Jonathan Clough*

This article examines a number of ways in which trial judges may assist jurors to understand the legal and factual issues in a criminal trial. It is based on preliminary research conducted for the Australian Institute of Judicial Administration in relation to its proposed research into communication between judges and juries in Australia and New Zealand. Subject to the overriding responsibility to ensure a fair trial, judges in both countries possess considerable latitude to adopt measures designed to assist jury comprehension. These include the provision of written materials such as summaries and flowcharts, providing copies of transcript and the use of multi-media. Authority for the use of such measures is found at common law, complemented by statutory provisions in a number of jurisdictions.16

Reforming Queensland's tribunals: Procedural reform to realise the rhetoric – *Fleur Kingham*

The Queensland Attorney-General is currently considering reforms to Queensland's tribunals. The models under consideration include a

general administrative tribunal in the style of Victorian Civil and Administrative Tribunal and groupings of tribunals with similar or related jurisdictions. Regardless of which model is adopted, a key potential benefit of tribunal reform is procedural reform. To realise that benefit, tribunal objectives need to be clearly articulated and embedded in procedural design. This article proposes a set of generic objectives for tribunals that respond to the claims often made about the advantages of resolving a matter within a tribunal setting. It also outlines a generic set of procedures designed to meet those objectives. Given the rationale for and rhetoric used in support of tribunals, the procedures are designed on the assumption that all parties are self-represented. The procedures place a stronger and more sustained emphasis on a resolution phase actively supervised by a tribunal member. They offer a range of options for identifying, narrowing and resolving the issues in dispute and for assisting parties to prepare for a hearing should that prove necessary.31

The role of consensual dispute resolution in tribunals – Kay Ransome

A large number of tribunals at the State and federal levels have ADR processes available to them as a means of dealing with their caseload. The introduction of ADR processes into courts and tribunals has largely been seen as a case-management tool. In tribunals most of these processes are conducted in-house. This article suggests that care must be taken to ensure that the institutionalisation of ADR does not affect the quality of the processes employed. To that end it is suggested that tribunals must adopt standards directed towards maintaining the quality and integrity of ADR processes.45

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5. Austin, n 4, p 56.

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6. Sheehy EA, Stubbs J and Tolmie J, “Defending Battered Women on Trial: The Battered Woman Syndrome and its Limitations” (1992) 16 Crim LJ 220.
7. Sheehy et al, n 6 at 221.

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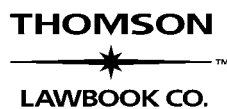
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