

# JOURNAL OF JUDICIAL ADMINISTRATION

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## ARTICLES

### **Judicial appointments: A discussion paper** – *Justice Ronald Sackville*

In Australia, changes are occurring in the manner in which judicial appointments are made. Although developments have been uneven, Commonwealth and State Governments more frequently advertise for expressions of interest in judicial positions and conduct formal interviews of candidates. These developments prompted the Judicial Conference of Australia to request the preparation of a discussion paper describing the practices followed in Australia and identifying options for reform. ....117

### **Proportionality in Australian civil procedures: A preliminary review** – *Susan Campbell*

This article summarises the findings of a literature review, commissioned by the Australian Institute of Judicial Administration, on the current status of the principle of “proportionality” in Australian civil litigation systems. The project revealed first, that “proportionality” is a concept so widely used across the Anglo-Australian legal system that it has no specific meaning. Second, while “proportionality” has become a significant factor in the new English *Civil Procedure Rules*, it has not yet been expressly adopted in Australia. ....144

### **Children giving evidence of sexual offences in criminal proceedings: Special measures in Australian States and Territories** – *Nicky Friedman and Margaret Jones*

The problem of child sexual assault has gained significant public recognition in the past two decades. For children and young people who are complainants in sexual offence proceedings, the experience of giving evidence in criminal proceedings can be difficult and cause further anxiety and stress. In recognition of this the various jurisdictions in Australia have responded with legislative and procedural reforms designed to make it easier for these witnesses to give evidence. These measures include prohibitions and limitations

on attendance at committal hearings, admission of videotaped statements of the child as evidence-in-chief, pre-recording of evidence at pre-trial hearings, giving evidence from outside the courtroom by closed-circuit television, and restrictions on cross-examination by unrepresented accused. In some overseas jurisdictions intermediaries are used in court proceedings to translate the lawyers' questions into child-appropriate language. This article gives a brief overview of some of the main legislative and procedural measures that have been introduced in Australian jurisdictions to make it easier for child complainants to give evidence. ....157

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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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