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ARTICLES

Engaging Australian Family Law Judicial Officers as Research Participants: Reflections and Learnings – Georgina Dimopoulos

This article reflects on the author's experience of engaging judicial officers of the Australian family courts as participants in academic research on children's rights. The author sought to survey judicial officers of the Federal Circuit and Family Court of Australia and the Family Court of Western Australia about the United Nations Convention on the Rights of the Child 1989 in decision-making under Pt VII of the *Family Law Act 1975* (Cth). The article highlights the low level of engagement with the survey and examines three potential reasons for judicial officers' unwillingness or inability to participate: the subject matter of children's rights; the methodology and recruitment process; and the growing demands of the judicial role. The author concludes that the apparent "failure" of this project can be reframed as an opportunity to overcome the "unfortunate disjunction" between academia and the judiciary, by communicating more effectively the value of judicial participation in research.

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Space Mining: Why We Need a New Treaty and What Might It Look Like – Andrew J Cannon AM FAAL

In Situ Resource Utilization will not provide an adequate regime for commercial space mining. Once a proposed base creates a market there will be a rush to fulfil it. An unregulated rush will result in damage and conflict. We need to set the groundwork for space mining generally not only on the Moon but also on asteroids and eventually on other planets and moons. Responsible investors in a space mining project will want to know that there are legally enforceable rights against all comers, there is regulatory approval to minimise risk of liability for damage that is caused and that any competing rights such as the common heritage of mankind have been satisfied. The existing regime in space cannot provide any of those assurances. A new treaty will be necessary. This article discusses some of the aspects that the new treaty will need to cover.

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A Model Mental Health Court in the State of Queensland – Joseph Briggs and Russ Scott

In 1985, the Queensland Mental Health Tribunal became the first Superior court in the world established specifically to divert people with mental illness from the criminal justice system into care and treatment. In 2000, the Mental Health Court replaced the Tribunal. The Mental Health Court is unique in that a Supreme Court judge sits alone assisted by two senior clinicians. Rather than the adversarial approach, the Mental Health Court adopts an inquisitorial approach and is not bound by the rules of evidence. The accused person is not required to enter a plea and any matter is to be decided on the balance of probabilities. The Mental Health Court considers the reports of psychiatrists or psychologists who may then be cross-examined by counsel representing the parties. After cross-examination of the expert witnesses, the assisting clinicians may ask questions to clarify clinical issues to assist the Mental Health Court make a determination.

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