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ARTICLES

The Inclusion of Ex-prisoners on Juries – *Anthony Gray*

This article considers legislation in each Australian State and Territory which bans or restricts ex-prisoners from serving on juries. While there are some arguments in favour of such restrictions, the counter-argument is that such restrictions undermine the notion that juries are “representative” of society, and contradict our notions of rehabilitation and that a person who has been released from prison has “served their debt to society”. The High Court has found that a restriction on prisoners from voting may in some cases be unconstitutional, because it interferes with the constitutionally required system of representative government. This article asks whether, by way of analogy, restrictions on ex-prisoners from participating on juries may be unconstitutional, because they interfere with the constitutionally required system of representative juries. There are real analogies between the act of voting and the act of jury service in a democratic system of government, making that comparison apposite. 59

Opportunities and Challenges for Open Justice in Light of the Changing Nature of Judicial Proceedings – *Sharon Rodrick*

This article identifies several ongoing, recent or anticipated changes to the way in which judicial proceedings are conducted and evaluates them in terms of their likely capacity to either enhance the principle of open justice or present challenges for the principle into the future. They include the increased emphasis on the written word, the use of virtual spaces and emergent use of big data to assist in judicial decision-making. This article affirms the responsibility of courts to ensure that they remain open and transparent and offers some suggestions as to how they might do so in the light of these changes. 76

Intermediate and Final Courts of Appeal: Chalk and Cheese? – *Justice Susan Glazebrook*

This article examines whether there are substantive differences between judgment writing in intermediate and final courts of appeal. It concludes that any differences are structural, rather than related to function. Final courts have fewer cases and thus more time for consideration. And final courts are just that – final. As to function, most cases reaching a final court will have passed through an intermediate court of appeal. This means that both levels of court share responsibility for safeguarding the rule of law and for developing the law where this is appropriate. And all levels of court in the system share the primary function of doing justice between the parties according to law. 98