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## ARTICLES

### **Thirty Years Is Long Enough: It Is Time to Create a Process That Ensures Covert Recordings Used as Evidence in Court Are Interpreted Reliably** – *Helen Fraser*

This article outlines a number of serious problems arising from the handling within the legal process of covert recordings used as evidence in criminal trials. These problems relate specifically to four key areas, namely: translation of material in languages other than English, transcription of indistinct English, attribution of utterances to speakers and “enhancing” of poor quality audio. The paper traces the problems back to the landmark High Court judgment of Butera 1987, and attributes them to insufficient understanding within the judiciary of well-established but counterintuitive findings of linguistic science regarding factors that affect the reliable interpretation of recorded speech. Several possible solutions to the problems are canvassed, and it is recommended that the most promising way forward is via enhanced communication and collaboration between law, law enforcement and linguistic science. .... 95

### **On Public Opinion Discourse: Justice Applications** – *Pamela D Schulz OAM and Andrew J Cannon AM*

The justice system and the work of the judiciary continue to evolve as the media landscape changes. Public opinion is now in the new the public square in cyberspace as part of the network society and courts need to respond to that. This article focusing on media and communication theories provides an explanatory basis on which the justice system, the judiciary, and legal practitioners can identify what and how the media landscape and its concomitant effects shape public thinking. From the relational fear discourses and the attraction of repulsion to the spiral of silence and major discourse analysis elements this major article explores media and communications theory and practice from a justice perspective. It leads to ways in which the guardians of meaning, the justice system led by the judiciary and legal scholars can identify and be responsive and relevant to current issues of concern and how best to communicate them. The challenge for the justice system is to maintain and attract confidence in its work. This is so that ongoing support will ensure modern democracies will fund and sustain one of the major ways in which communities can be assured that their best interests are at the forefront of thinking within justice and the rule of law. .... 105

### **Right Here Waiting For You: The New Social Media Chapter in the Australian Guide to Judicial Conduct** – *Marilyn Bromberg*

The courts have existed for hundreds of years. Social media has existed for less than two decades. When the two collide there is potential for negative repercussions upon the public’s confidence in the judiciary. This article considers the chapter on social media that was included in the third edition of the Australian Guide to Judicial Conduct, which was recently published. It argues that the chapter is necessary and may help to improve the public’s confidence in the judiciary. This is likely the first scholarly article to consider the third edition of the Australian Guide to Judicial Conduct, and in particular the new social media chapter. .... 123

