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ARTICLES

Connecting with Victoria's culturally diverse communities: Enhancing public trust and confidence in courts and tribunals – *The Hon Chief Justice Marilyn Warren AC*

Victorian courts and tribunals serve an extraordinarily diverse community; connecting with all members of this community is vital to enhancing public trust and confidence in the judiciary. To ensure equal access to justice for all, courts and judges must be sensitive to the needs of, and challenges faced by, different cultural groups. This article provides an overview of some of the recent initiatives adopted by Victorian courts and tribunals and related bodies to better engage Indigenous and ethnically diverse Victorians. It concludes by canvassing some future challenges for the courts and highlighting the importance of ongoing judicial leadership and education in this area.

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From advocacy to collegiality: The view of experts of "concurrent evidence" and "expert conferral" in the State Administrative Tribunal – *Bertus de Villiers*

Australia plays a leading role in the way in which expert evidence is dealt with by the courts and tribunals. Key motivators for change are to find ways to properly access expert evidence, to utilise expert evidence to facilitate settlement of disputes or at least to reduce issues in dispute, and to create a less litigious atmosphere when dealing with expert evidence. Two important techniques that have been developed are "conferral of experts" prior to hearings and "concurrent expert evidence" during hearings. This article is based on the views of experts who have appeared in the State Administrative Tribunal of Western Australia about their experiences and perceptions of these two techniques. It appears that although there is room for improvement, the interviewees show strong support for these techniques and feel that their ability to give evidence as well as to engage with other experts are strengthened by same.

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Known unknowns: The overarching obligations of self-represented parties – *Harlis Kirimof and Erik Dober*

In 2010, Victoria introduced the Civil Procedure Act 2010 (Vic) in an effort to stem the rising cost of litigation. The Act imposes on parties and their legal representatives a "paramount duty" and a number of "overarching obligations" that are designed to improve the efficiency of court process. Although the Act applies to self-represented parties, it does not differentiate between them and parties who are represented. It has no bespoke provisions that deal with self-represented parties. This article considers the application of the Act's obligation to self-represented parties and the manner in which hearings involving self-represented parties may be modified to improve their efficiency and fairness.

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Should Australian courts give more witnesses the right to Skype? – *Marilyn Krawitz and Justine Howard*

Millions of people use Skype, a common form of social media that permits people to talk to each other over the internet. Courts in Australia have permitted witnesses in at least a few instances to testify by Skype to date. This article examines whether Australian courts

should permit witnesses to testify by Skype more often. The article considers using videoconferencing, as opposed to Skype, and security issues associated with Skype. It also considers the impact that Skype may have upon considering witness credibility. Ultimately, it argues that Australian judicial officers may want to consider permitting witnesses to testify by Skype if testifying by videoconference is not possible, on a case by case basis. The authors believe that this is the first scholarly article in Australia to focus on the issue of witnesses testifying by Skype. 44