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ARTICLES

Do Juries Understand the Criminal Standard of Proof of Beyond Reasonable Doubt?

– *Andrew Hemming*

The High Court has stated that it is both unnecessary and unwise for a trial judge to seek to explain to the jury the meaning of “beyond reasonable doubt”, on the ground that the phrase is well understood in the community. This article respectfully disagrees with the High Court’s position and argues that Victoria has taken the appropriate course in enacting ss 63–64 of the *Jury Directions Act 2015* (Vic). However, it is contended that both ss 63 and 64 can be improved by removing the requirement that an explanation of the phrase “proof beyond reasonable doubt” may only occur in response to a direct or indirect jury question. The argument is developed in the context of a number of sexual assault cases where the guilty verdicts have been overturned on appeal. 103

Maximising the Pivot to Online Courts: Digital Transformation, Not Mere Digitisation

– *Vicki Waye, Joe McIntyre, Jane Knowler, Anna Olijnyk, Collette Snowden, Ben Martini, Gaye Deegan and Jasmine Palmer*

This article examines the potential to advance digital transformation within Australian Magistrates’ Courts, thereby enhancing access to justice and the efficiency of court services. It argues that, to date, technology has largely been used to “digitise” existing practices, rather than to fully embrace the opportunity presented by an inherently digital environment. Further, a shift has occurred as a result of the “COVID-19 pivot”, with greater receptiveness to more expansive and transformative uses of technology by courts. This research investigated the feasibility, scope and character of an online dispute resolution system for residential tenancy bond disputes. This article builds on the experience of this project to argue that key lessons can be applied more generally to improve users’ experience of online courts and tribunals, and to deliver just outcomes more efficiently online, in reduced timeframes and with cost savings for all participants and the legal system. 126

