

**The 4th International Conference on the
Training of the Judiciary**

**Sydney
29 October 2009**

Closing Address

by

The Honourable Wayne Martin
Chief Justice of Western Australia and
Chair, National Judicial College of Australia Council

As a former barrister, at the conclusion of a case I am accustomed to providing all the reasons why the court should find in favour of my client. I hope after this conference, I do not have to persuade this august judicial panel gathered in Sydney that we have had a wonderful conference.

I am very pleased to speak at the closing session of this conference on behalf of the Council of the National Judicial College of Australia, and on behalf of the various organisations involved in judicial education in Australia, including the Judicial Commission of New South Wales, the Judicial College of Victoria, the Australian Institute of Judicial Administration, and the Federal and State courts of Australia, who have combined together to assist in the hosting of this conference. For the Australian participants, this has been a unique opportunity to meet and exchange views with judicial educators from around the world.

The conference has more than fulfilled our expectation that we would all benefit from the opportunity to share experiences and make contacts with people working in this field in other countries.

The success of an international conference of this size depends very much upon the good will and efforts of many people.

First, I would like to thank Dr Levin, the IOJT executive, including Professor Cirmy, and Judge Yigal Mersal, and the IOJT secretariat. They all work tirelessly to keep the international organisation functioning and in organising the IOJT conferences.

Secondly, I would like to acknowledge our many speakers, who have given so freely of their time and expertise in preparing presentations for the conference. In an effort to cover as many topics as possible, we had to schedule many sessions to run concurrently. Often I was spoilt for choice, almost all the time I found that there were three sessions running concurrently and I wanted to go to all of them. If, like me, you missed sessions that you wished to attend, we are putting the papers and powerpoints on the NJCA website. There will be a link to the NJCA website from the IOJT website.

The third group of people I need to thank are those who work behind the scenes at the conference. They are:

- The staff from DC Conferences who handled the organisation and administration of the conference, including in particular Diana Crebbin, Leigh Metham, Kate Crawford, and Rachel Roberts. In my view, they have done a brilliant job. They came to us highly recommended and rightly so.
- I would also like to express my profound appreciation to the staff of the NJCA secretariat who applied enormous effort to the organisation of the speakers and the running of the sessions, including in particular Jane Avent, Anne O'Connell and John McGinness. John's natural humility has prevented him drawing any attention to the extraordinary personal role which he has played in the development and administration of this conference, and without his extraordinary capacity and effort, this conference simply would not have been the same, so I would like to especially thank him.
- I would also like to thank the staff of Audio Advice, who handled the audio visual aspects of the conference.

- I would also like to thank the staff of Conference Interpreter Services who provided our simultaneous translation during the course of the conference - it was very successful, despite the best efforts of a number of rapid speakers.

So on behalf of all who attended the conference, I would like to express our appreciation and thanks to all whose hard work made this conference the success that it was.

I would also like to thank you all as delegates. You have come from far and wide, often at considerable effort and expense. In many cases this would not have been possible without the assistance of some vital organisations who I would also like to thank, in particular Lenfest, and Tony Cotter, who organised that assistance, and AusAID. Australia is a long way from most places in the world. We get used to travelling from Australia to those places over long distances, so we know all about the pleasures of long air flights. We are very grateful for your efforts to come all the way to Sydney. Without the contribution of everyone who attended, we would not have derived the benefit of the global interaction we have all enjoyed over the last four days.

I am sure we have each drawn many thoughts and ideas of great value which we will take away from this conference. For me, one overriding impression which I gained was that despite the many differences in the countries and the legal systems from which we come:

- whether we be civil law or common law;
- whether we be developing or developed countries;
- whether we be large or small, geographically or demographically;
- whatever language we speak

despite all these differences, the issues which we face in common are so many more, and so much more important, than the issues which are peculiar or specific to our own countries.

I am a novice to judicial education - indeed to judging. Almost everyone here has more experience in both fields than I do. This gathering has opened my eyes to the profound significance and enormous potential of judicial education to make a major contribution to the enhancement of the rule of law around the world.

The safety, stability, economic prosperity and welfare of the 6 billion or so people who inhabit this planet depend in large part upon the effective operation of the rule of law. So this is no small enterprise in which we are jointly engaged. It is an enterprise which is of great importance to the increasingly global community.

Many speakers at this conference made the vital point that the independence of the judiciary, and the rule of law, depend critically upon public confidence. Our distinguished colleague, Justice Jan from Pakistan is living proof of this principle - it was the people of Pakistan who demanded the restoration of their judges when they were threatened by the government.

Public confidence will be enhanced if we, as judges, do our jobs well, and efficiently. If we are sensitive to the needs of the communities which we serve, and if we have the ability to effectively communicate with those communities, about what we do and why, we can be confident of their support. This is why judicial education is so important.

That brings me to another overriding and truly joyous impression (and judges do not get the opportunity to say "joyous" very often), but it is a real joy to sense the depth of mutual support, co-operation, collaboration and international goodwill that exists in the field of judicial education. Everyone here is, I am sure, committed to the global cause, and is willing to do what we can to help each other. There is a tangible sense in this room that the things which unite us are much greater than the things which divide us, and that augers very well for the future.

I am especially pleased to see that willingness to assist as an Australian, because another overwhelming impression I have gained from this conference is that we in Australia have a lot to learn in this field, and we can learn a lot from the embarrassingly large number of countries, rich and poor, small and large, who are so much further advanced in this field than we are.

Like many countries here, we have been overwhelmed by the support and encouragement and expertise offered by our Canadian colleagues, especially the ubiquitous George Thomson, and of course Canada is not the only country freely and generously imparting its expertise in this area. The US, the UK, France and others provide much assistance to international colleagues.

I have heard many conversations and dialogues during the informal gatherings over breakfast, lunch, coffee and dinner, which I am sure will lead to interchange programmes and collaboration between institutions to the mutual benefit of all. The internet is a very powerful medium for continuing communication and collaboration.

In a sense this conference has been a bit like a matchmaker or dating agency, encouraging people to forge unions that will be blessed with progeny in the form of faculty, programmes and judges better equipped and trained to deal with a rapidly changing world.

I am an incurable optimist and I sincerely believe that having had the opportunity to host this conference, and expose so many Australian judges to international trends and developments, there will be a great boost to judicial education in this country. I am confident that with the assistance of the international community, we will soon bridge the gap between our relatively small and new organisations, and the older and bigger representations represented here, and develop the expertise and human resources to enable us to make a real contribution to the enhancement of judicial capacity, and the rule of law, in our region of the world.

Looking back over the last four days, I am staggered by the breadth of ground we have covered in such a short time. Chief Justice French got us off to a good start with his global overview, and the particular focus which he placed upon the importance of social context training.

For me, one of the themes which emerged through many addresses, for example, that given by Judge Jean-Francoise Thony of the French National School for the Judiciary, is the drift away from teaching technical skills and substantive law and toward teaching human skills and people management.

Human skills are universal, they are not jurisdiction specific. They are related to the common humanity which we have all shared since our

ancestors climbed down from the trees and walked on two legs instead of four. So we can easily share our learning experiences in these areas.

It is hard to think of an aspect of the philosophy or practice of judicial education which has not been covered by this conference. I have already mentioned the relationship between judicial education and judicial independence, so well addressed by our panel of distinguished Chief Justices - Chief Justice Michael Black, Sir Albert Palmer, and Chief Justice Al Mahmood.

I am sure I speak for all when I acknowledge and admire the remarkable fortitude, courage and resolve shown by Chief Justice Al Mahmood in staying and contributing so much to this conference, despite the personal tragedy which was suffered in Iraq, by many of his personal staff, at the hands of terrorists on the eve of our conference. That is the courage and resolve that is needed to triumph over terrorism. It has been a great pleasure and a privilege to have had such an outstanding judicial leader as Chief Justice Al Mahmood at our conference.

We also addressed training needs at different points in the work life expectancy of judges, from initial training to revitalisation for longer serving judges. We covered the benefits and the burdens of the IT revolution, and in the context of distance education we placed particular emphasise on skills based, experiential learning.

We covered the judicial education programmes and policies in many different countries. There are 48 represented at our conference.

There were many specific training issues addressed, including training in respect of:

- case management
- judicial leadership
- quality management and assessment
- alternative dispute resolution
- social context
- listening and reading and judging
- fundamental rights
- networks for training
- evaluating courses
- evaluating judicial performance

No stone was left unturned.

It has been a great pleasure for me personally to meet so many experienced judicial educators from so many different countries. I very much look forward to seeing all of you again, when next we meet in 2011, or hopefully before then.