



**Centre for Democratic Institutions**

**Australia–Philippines Judicial Cooperation:  
Judicial Study Tour**

25 March – 1 April 2001

Sydney

Following discussions with Chief Justice Michael Black of the Federal Court of Australia and Chief Justice Hilario G. Davide of the Supreme Court of the Philippines in early 2000, the Centre for Democratic Institutions embarked on facilitating a program of judicial cooperation between the two countries and their senior judiciary.

The first year of the Judicial Cooperation Program comprised four distinct activities and the second year of the program will involve three activities:

- The visit by 6 Philippine judges
- The visit of Mr Ernest Schmatt, Director NSW Judicial Commission, to the Philippines
- The visit of Livingston Armytage to the Philippines for further judicial training.

The Study Tour by six judges from the Philippines to examine aspects of Australia's judicial system took place from 25 March – 1 April 2001. The program was funded by CDI and scheduled by the Federal Court of Australia and CDI. A special thanks goes to Justice Bryan Beaumont and his staff for their exhaustive efforts to accommodate the delegates.

Discussions during Justice Beaumont's visit to Manila last year determined that the Philippine judges would like to view the handling of commercial issues in the Federal Court. Consequently the delegation sat in on a wide range of commercial cases, usually related to and following a briefing on the Federal Court's handling procedures for specialised areas of law. Over the week the delegates learned about the following aspects of the Federal Court: case management and the docket system, the panel system for handling specialised areas of federal law, the protocol and mechanics of videoconferencing in court, the 'self-administering' structure of the Federal Court and its implications for the handling of justice, and some innovative court procedures prominent amongst which was the 'hot-tub' method of expert evidence collection.

The delegates viewed some 7 hours of court proceeding and discussed these and other issues with Justices and Registrars at length over the five days.

The evaluation of the program undertaken by the participants indicated that they were very happy with all aspects of the program, felt unanimously that they had gained a great deal from the visit and were encouraging of the extension of the program to their judicial colleagues in the Philippines, and the benefits that would flow to the Philippines.



## ***Program***

### **Day 1 - March 26**

- 9.15 Welcome to the Federal Court  
Justice Bryan Beaumont
- 10.00 Introduction to the Australian Justice System  
Briefing on case to be viewed in following session
- 11.00 Hearing with Justice Emmett  
Case: John Brown vs Tax Commissioner
- 2.15 Hearing with Justice Emmett (cont)  
Case: John Brown vs Tax Commissioner
- 3.30 Briefing with Justice Beaumont
- case management and general court conduct
  - the Federal Court's docket (case allocation) system
  - Federal Court's 'special panel' system
- 4.40 Briefing with Justice Santow of the Supreme Court of NSW
- 'The Takeover Panel' and its activities relating to commercial takeovers

### **Day 2 - March 27**

- 9.15 Briefing with Justice Emmett - on a native title case involving various indigenous groups and the Queensland government.
- 9.30 Hearing with Justice Emmett  
This session of proceedings was undertaken using videoconferencing technology, linking the courtroom in Sydney with a Federal Court room in Queensland.
- 11.00 Briefing with Warwick Soden  
Registrar and Chief Executive of the Federal Court  
Mr Soden gave a comprehensive briefing, including:
- corporate history of the Federal Court
  - details of 'self-administering' arrangements
  - role of registrars
  - planning and strategic activities
  - workflow and management arrangements
- 2.00 Briefing with Justice Gyles - on a case involving a dispute between a pooled-investment manager and National Mutual.
- 2.15 Hearing with Justice Gyles

- 3.15 Hearing with Justice Hill - involving taking evidence from expert witnesses using the 'hot-tub' method.
- 4.30 Briefing with Justice Gyles  
Justice Gyles met with the delegation again to discuss the conduct of the session they had been sitting in on.
- 4.45 Briefing with Justice Beaumont  
Justice Beaumont recapitulated the issues covered during the day and answered any general questions.

### **Day 3 - March 28**

- 9.30 Briefing with Justice Beaumont - outlining the day's activities
- 9.45 Hearing with Justice Beaumont  
The delegation sat in on this Directions Hearing on an internal union dispute, regarding an executive appointment.
- 10.15 Hearing with Justice Emmett
- Two cases were heard here, the first between a company which manages retirement villages, and its occupants.
  - The second was between a refugee and the Department of Immigration.
- 10.45 Briefing with Justice Lindgren
- Justice Lindgren discussed at length the Intellectual Property Panel (the specialist grouping which deals with IP cases), its role and composition - giving many interesting copyright and 'moral rights' examples.
  - He also discussed the conventions regarding the make-up of specialist panels within the Federal Court.
- 11.30 Briefing with Ms Margaret Quinn, Senior Deputy Registrar, and John Matthieson, NSW District Registrar
- Ms Quinn and Mr Matthieson elaborated on the role of registrars and the limits of their powers.
- 2.15 Visit to the Australian Law Reform Commission  
Briefing with Professor David Weisbrot, President of the Commission
- Prof Wiesbrot explained the role of the Commission in Australia, its main achievements and its most recent and comprehensive research publication.

### **Day 4 - March 29**

- 9.30 Visit to the NSW Judicial Commission  
Briefing with Mr Ernest Schmatt, Director and Mr Murali Sagi, Information Systems Manager covering:
- Four main tasks of NSW Judicial Commission:
  - innovative Sentencing Information System developed in-house by the Judicial Commission - a world benchmark.

- 2.15 Briefing with Justice Sackville
- The individual docket system
  - Case management techniques
  - Awarding costs, setting time limits, consulting with the parties
- 3.30 Videoconference link-up with Chief Justice of the Federal Court, Michael Black
- Chief Justice Michael Black warmly welcomed the visitors
  - He explained the rationale behind the system of panels
  - He expressed the wish that the next delegation visit the Federal Court in Melbourne
- 4.00 Session in E-Court
- Lodging documents electronically
  - Pilot cases under Justice Tamberlin
- 5.15 Drinks in Justice Beaumont's chambers
- Former Chief Justice Sir Gerard Brennan participated along with many Federal Court judges.

## **Day 5**

- 10.00 Federal Court Library Tour
- With special emphasis on internet resources
- 11.30 Law Courts Library Tour
- A tour of the library's physical holdings
- 3.00 Briefing and farewell with Justice Beaumont
- Focus on taking evidence from expert witnesses and other issues

## ***Participants***

Justice Reynato Puno	Supreme Court, Manila
Judge Rafael Lagos	Lucena City
Judge Isaias Dicdican	Cebu City
Judge Sixto Marella	Makati City
Judge Abraham Borreta	Baguio City
Prof Cesar Villanueva	Associate Dean, Atteneo Law School