

Symposium Program

Friday 21 August 2026

8.00am	Registration, Tea and Coffee
8.30am	Welcome and Opening Remarks
Presenters	Chief Justice Helen Bowskill, Chair, NJCA Program Advisory Committee, <i>Supreme Court of Queensland</i> Chief Justice Laura Stein, <i>Supreme Court of South Australia</i>
8.45am	Session 1: Keynote Address - What Courts Need to Understand about Human Memory
Presenter	Professor Barbara Spellman, <i>University of Virginia</i>
Session Rationale	Behavioural science can explain and critique many of the rules of evidence inherited from the common law tradition, and this has been a core focus of Professor Spellman's academic work. In this keynote address, Professor Spellman will open the symposium by explaining what Australian courts need to understand about human memory.
9.30am	Session 2: The Neurobiology of Memory
Chair	Justice Sam Doyle, <i>Supreme Court of South Australia</i>
Presenter	Professor Richard Bryant, <i>University of New South Wales</i>
Session Rationale	Neuroscientific research has revealed the unique ways in which experiences are encoded in the brain, while psychological studies have documented phenomena such as dissociation, fragmentation and delayed disclosure that frequently characterise the testimony of trauma survivors. What is memory? How does it work? What is encoding? This session will explore errors in recall, confidence—accuracy illusions, and the impact of factors such as stress and delay on reliability in legal settings.

10.15am Morning Tea

10.45am Session 3: Trauma and Memory Phenomena

Chair Judge Kate Hughes, *Federal Circuit and Family Court of Australia*

Presenters Professor Richard Bryant, *University of New South Wales*
Dr Loraine Lim, *Loraine Lim Psychology*

Session Rationale The adoption of a contemporary understanding of trauma as the mental, emotional, psychosocial and physical impact on an individual's experience is a relatively new development in the justice system. The sensations imprinted during the trauma may be experienced not as memories, but as disruptive physical reactions in the present. This session will explore the broad categories of psychological trauma and resulting sub-categories and their interplay with memory.

11.30am Session 4: Memory Malleability, Suggestibility and False Memories

Chair Justice Katrina Banks-Smith, *Federal Court of Australia*

Presenter Professor Ullrich Ecker, *University of Western Australia*

Session Rationale Our understanding of the psychological and cognitive processes about how information is stored and retrieved from memory has expanded in recent years. Facts can be 'excluded' by normal frailty and the passage of time, as well as by traumatic incidents, both past and present. This session will address the nature of false memories and their legal implications

12.15pm Lunch

1.00pm Session 5: Interviewing, Memory and Ethical Boundaries	
Chair	Magistrate Jay Pandya, <i>Magistrates Court of South Australia</i>
Panel	Professor Martine Powell, <i>Griffith University</i> Mr Mark Steele SC, <i>7 Wentworth Selborne</i> Dr Celine van Golde, <i>University of Sydney</i>
Session Rationale	In this session, the panel will explore the mechanisms by which false details can be implanted, the use of suggestive questioning, and strategies to reduce errors in investigations.
1.45pm Session 6: What is “Good” Memory? What Can/Should Courts Rely On?	
Chair	Chief Justice Helen Bowskill, <i>Supreme Court of Queensland</i>
Panel	Professor Jane Goodman-Delahunty, <i>University of Newcastle</i> Professor Ullrich Ecker, <i>University of Western Australia</i> Professor Mark Nolan, <i>Charles Sturt University</i>
Session Rationale	This session will apply the insights from the previous session to judicial and other legal decision-making, where the judgment by the tribunal of fact is inevitably made under conditions of uncertainty and imperfection. This panel discussion will explore misconceptions about memory, and the kinds of flaws in memory which are, or are not, ‘red flags’ in terms of reliability. It will consider, in a practical sense, the kinds of questions that elicit reliable memory, and the triggers of accurate recall. It will also discuss ways in which memory can be carefully ‘handled’ to protect it. This practical session will be beneficial to investigators and lawyers, as well as to judicial decision-makers and others who oversee decisions made by others, such as jurors.

2.45pm

Session 7: What Psychology can Offer Law – a US Perspective

Chair

Justice Glenn Martin AM, *Supreme Court of Queensland*

Presenter

Professor Barbara Spellman, *University of Virginia*

Session Rationale

Legal proof is a human cognitive process, and unless courts understand the psychology of memory, perception, reasoning, and decision-making, they cannot reliably determine the truth. This can be achieved by:

- Better education for judges and lawyers about cognitive science
- Evidence-based interviewing and investigative practices.
- Improved jury instructions that reflect psychological realities
- More rigorous standards for expert evidence

3.45pm

Closing Remarks

Chief Justice Helen Bowskill, Chair, NJCA Program Advisory Committee, Supreme Court of Queensland

4.00pm

Day One Close

6.00pm for
7.00pm

John Doyle Oration and Dinner 2026

Symposium Program

Saturday 22 August 2026

8.30am Tea and Coffee

9.00am Session 8: Event Repetition and Memory

Chair	Justice Katrina Banks-Smith, <i>Federal Court Australia</i>
Presenters	Dr Celine van Golde, <i>University of Sydney</i> Family violence and family law: cycles of abuse, and the episodic memory failure that comes from schema-based encoding of repeated harm. Professor Mark Nolan, <i>Charles Sturt University</i> Criminal proceedings: persistent sexual offences and coercive control, and the way in which event repetition collapses episodic detail into generic memory. Professor Jane Goodman-Delahunty, <i>University of Newcastle</i> Civil proceedings: Historical/institutional abuse/class actions — long-delayed claims, event-repetition trauma, recovered memory, and the role of therapeutic intervention on memory over decades.
Session Rationale	Many of the most difficult memory problems in litigation arise not from a single event, but from repeated, similar events over time — the so-called 'event repetition' problem. This session addresses the scientific realities and their practical consequences across three areas.

10.30am Morning Tea

11.00am Session 9: Children's Memory, Trauma and Suggestibility

Chair	Justice Jim Henry, <i>Supreme Court of Queensland</i>
Presenter	Professor Martine Powell, <i>Griffith University</i>
Session Rationale	Participants will develop practical skills in evaluating child witness evidence against the science of children's memory, suggestibility, and trauma responses.

12.30pm

Lunch

1.30pm

Session 10: Judicial Notice, the Trial Judge's Advantage and *Fox v Percy*

Moderator

Justice Sam Doyle, *Supreme Court of South Australia*

Panel

Chief Justice Laura Stein, *Supreme Court of South Australia*

Justice Rowena Orr, *Supreme Court of Victoria*

Justice Mark Livesey, *Supreme Court of South Australia*

Judge Lisa Dunlop, *District Court of South Australia*

Session Rationale

This session will consider the implications of memory science for the roles of both trial and appellate judges. An understanding of the science helps us to see how and why memories may be unreliable, and what may or may not indicate unreliability. To what extent can, or should, judges rely upon their own understanding of these matters? To what extent can, or should, they draw on what they 'know' from the science without hearing expert evidence? To what extent can, or should, they provide juries with assistance? Given the difficulties in assessing the reliability of human memory, what are the implications for a trial judge's 'advantage' and appellate judges' deference? Is it time to revisit the rationale for that deference?

3.00pm

Closing Remarks

Chief Justice Lucy McCallum, Chair, NJCA Council,
Supreme Court of the Australian Capital Territory

3.15pm

Symposium Close