



The Australian Institute of  
Judicial Administration Incorporated

**The Australian Institute of Judicial Administration Incorporated**

Twelfth AIJA Oration in  
Judicial Administration

# **THE PEOPLE'S COURT - INTO THE FUTURE**

Delivered by

Mr Ian L Gray  
Chief Magistrate of Victoria

at

The Banco Court, Supreme Court of Queensland  
George Street, Brisbane  
Friday 22 June 2002

**Twelfth AIJA Oration in  
Judicial Administration**

**THE PEOPLE'S COURT – INTO THE  
FUTURE**

**Delivered by**

**Mr Ian L Gray  
Chief Magistrate of Victoria**

**at**

**The Banco Court, Supreme Court of Queensland  
George Street, Brisbane  
Friday 22 June 2002**

Orders for this publication should be sent to:

The Secretariat  
AIJA  
Level 1, 472 Bourke Street  
MELBOURNE VIC 3000  
Australia

Telephone: (61 3) 9600 1311  
Facsimile: (61 3) 9606 0366

Website: [www.aija.org.au](http://www.aija.org.au)

The AIJA is an incorporated association associated with Monash University. Its main functions are the conduct of professional skills courses and seminars for judicial officers and others involved in the administration of the justice system, research into various aspects of judicial administration and the collection and dissemination of information on judicial administration. Its members include judges, magistrates, legal practitioners, court administrators, academic lawyers and other individuals and organisations interested in improving the operation of the justice system.

The AIJA Secretariat, which has been in operation since February 1987, is funded substantially on a composite government funding basis through the Standing Committee of Attorneys-General.

Published 2003 by the  
Australian Institute of Judicial Administration Incorporated  
Level 1, 472 Bourke Street  
MELBOURNE VIC 3000  
Australia

ISBN 1 875527 370

## FOREWORD

The AIJA is pleased to present the published version of the Twelfth AIJA Oration in Judicial Administration presented by the Mr Ian Gray, Chief Magistrate of Victoria on Friday 13 September 2002.

The Institute's Oration programme is designed to identify current issues in and heightened awareness of judicial administration. Details of previous Orations are:

- 1989     ***Judicial Independence***  
The Right Honourable Sir Ninian Stephen AK GCMG GCVO KBE
- 1990     ***A Consumer's Perspective of the Courts***  
Professor Thomas W Church, Department of Political Science, State University of New York at Albany
- 1991     ***Complex Fraud Trials - Reducing Their Length and Cost***  
Mark Weinberg QC, Former Commonwealth Director of Public Prosecutions
- 1992     ***The Appeal Process***  
The Right Honourable Lord Oliver of Aylmerton, Lord of Appeal in Ordinary, 1986-1992
- 1993     ***The Role of the Courts at the Turn of the Century***  
The Honourable Sir Anthony Mason AC KBE, Chief Justice of Australia
- 1994     ***The Courts and the Public***  
The Right Honourable Sir Ivor Richardson, Court of Appeal of New Zealand
- 1996     ***The Constitutional Centenary and the Australian Courts***  
Professor Cheryl Saunders AO, Deputy Chair, Constitutional Centenary Foundation
- 1997     ***Professional Training of Judges and Public Prosecutors in France***  
Monsieur le Juge Marcel Lemonde, Court of Appeal of Versailles
- 1998     ***Human Rights and the Judicial Role***  
Madam Justice Rosalie Abella, Court of Appeal for Ontario, Canada
- 2000     ***Constitutions and Courts***  
The Rt Hon Dame Sian Elias GNZM, Chief Justice of New Zealand
- 2001     ***The Judiciary in Federation Centenary Year – Good News, Bad News, No News***  
The Hon Justice Michael Kirby AC CMG, High Court of Australia

Mr Gray's Oration emphasises the importance of the Magistrates' Courts in the administration of justice and the challenges confronting the magistracy. It provides a valuable critique of the work of the magistrates and identifies matters of future direction in that work.

The Hon Justice Peter Underwood AO  
President  
The Australian Institute of Judicial Administration  
August 2003

## **INTRODUCTION**

I chose the title of this paper before I had read a recent article by John Willis, 'The Magistracy: The undervalued workhorse of the court system'.<sup>1</sup> In it, he uses the term 'the people's court' - a term I have always thought uniquely fitting for Magistrates' Courts. It is a term I have always used with affection but it is not an original of mine.

Like John Willis, who describes Magistrates' Courts as 'more accessible to the general community', and like others who remind us that Magistrates' Courts are 'eighty per cent people and twenty per cent law', I have always felt, as a sitting Magistrate in the Northern Territory and in Victoria, that there is a unique, robust and close connection between the Magistrate and the people - all of those in the passing parade of humanity through the Court. There is a particular appeal for me in the immediacy of the eyeball to eyeball justice that we do as Magistrates. We preside over a 'court of the people'.<sup>2</sup>

## **WHAT IS THE PEOPLE'S COURT?**

The People's Court is many things. It is a 'modern' court of justice; it is 'accessible', procedurally straightforward rather than technical and complicated, a court of high professional standards, and increasingly a court where there is a structure of supports and services for offenders, victims and witnesses. It is, at least in the major urban centres, a court with an ever increasing use of such things as video conferencing and various information technology and support systems.

Above all it is the Court to which the people come - hundreds of thousands of them each year across Australia, where summary justice is done, day in day out in a huge variety of cases, where we come face to face with ordinary people and their ordinary and extraordinary problems. It is the Court where we are daily exposed to the richness, the sadness and the complexity of the human condition.

## **HOW HAS THE LANDSCAPE CHANGED?**

Change is inevitable in any institution and Magistrates' Courts are large institutions. Twenty years ago they were very different. The pattern of the day was for the magistrates to rattle through the big lists, often by lunchtime, and deal with the criminal caseload by way of a limited number of dispositions - imprisonment, fines, probation and bonds. Relatively speaking, the day then was 'nasty, brutish and short'. Things were much simpler. There was little or no technical support for the courts and an extremely limited range of services for court users.

It was of course an era that produced many fine magistrates whose wisdom, practicality and good humour were hallmarks of how to do good justice in the high volume, hurly burly of the People's Court. I remember well the weekly radio program, 'Lawyers Guns and Money' and its award to the 'Beak of the week'. The monotonously regular winner of that award was the former

---

<sup>1</sup> Willis John; "The Magistracy: The undervalue workhorse of the Court System", Law in Context, Special Issue - Vol. 18, No. 1. p. 129.

<sup>2</sup> Magistrate Jim Swanson 'Court Craft' – paper delivered to the 2001 Annual NSW Magistrate's Conference.

Chief Magistrate of Victoria, the colourful and popular John (Darcy) Dugan. These days it is a lot more serious, sentencing is more complex and in Victoria, at least, many of the simpler or routine offences have gone the way of on the spot fines.

The last ten to twenty years have seen dramatic changes. Apart from the inevitable jurisdictional increases for magistrates there has been a paradigm shift in sentencing. The growing realisation that crudely punitive sentencing is not a reliable way of dealing with recidivism has led to the introduction into courts of various modes of therapeutic and restorative justice.

In Victoria, magistrates are assisted by a range of services. Almost all have been introduced over the last five years. They include:

- A Bail Advocacy Program - provided by a Bail Co-ordinator funded by the Department of Human Services and based at the Melbourne Magistrates' Court. In the year 2001-2002, this service assisted in providing bail support (such as accommodation) for 370 individuals who otherwise would probably have been remanded in custody.
- The Criminal Justice Diversion Program - operating statewide, under which offenders intending to plead guilty to minor charges can, with the agreement of the police informant, be given the option of accepting 'diversion' away from the normal stream of criminal prosecutions. The purpose of the program is to:-
  - Prevent re-offending, avoid a criminal record, assist in rehabilitation, utilise community resources for appropriate counselling or treatment and ensure that appropriate reparation is made to victims (almost always a condition of any diversion plan). For the year July 2001 to June 2002, 3,456 people were placed on Diversion plans.
  - CREDIT Scheme (Court Referral for Evaluation of Drug Intervention and Treatment), which provides early intervention, usually at the first mention or remand hearing, for offenders assessed as suitable to enter into the program as a basis for release on conditional bail.
- An Aboriginal Liaison Officer
- A Disability Co-ordinator - assisting with bail and sentence program or referral supports for those with disabilities - often including serious psychological disabilities and problems. In the year 2000-2001 there were 400 referrals by Magistrates to this service.
- Juvenile Justice Court Adviser who averages 140 clients per month.
- Community Correctional Services Court Adviser. In the year 2000-2001, 784 assessments were made for community based orders.
- Forensic Psychiatric Nurses. In the year 2000-2001 there were 1082 client contacts and 785 reports written for Magistrates.

Versions of some or all of these services exist in other States and Territories. They are developments the courts can be proud of.

In some areas the focus has shifted from in-court solutions. In Victoria, routine motor vehicle offences, the less serious street offences and many by-law offences which attract on the spot fines, are processed electronically in our computer court (PERIN). In the year 1994-1995, 370,336 cases were processed, and in the year 2000-2001, 661,234 cases. The figure for the year just completed is expected to exceed 750,000.

Drug related crime has grown dramatically, and the domestic violence or intervention order jurisdiction has become part of the core work of Magistrates, as has crimes compensation.

In many ways the Magistrates' Courts have become an intersection point for people and families in crisis. The services I described above have been developed (often on the initiative of the courts themselves), to meet the very clear demand seen in the Magistrates' Courts to deal with people whose criminal offending is inextricably bound up with their social, personal and medical (often drug related) problems.

In this regard, I will say a little more about the Criminal Justice Diversion Program. It commenced as a pilot in 1997 and it is now supported by legislation in the form of amendments to the Magistrates' Court Act.

It applies to minor or low level (usually first), offenders who are prepared to admit their offence and agree to the conditions of a plan. A Diversion Co-ordinator speaks to the victim, seeks their agreement to the proposed diversion of the offender and then prepares a plan after discussion with the offender. The magistrate's approval is sought and, if given, the matter is taken into court and dealt with informally, often with the magistrate sitting at the Bar table with the offender and the offender's representative. The matter is adjourned to enable the conditions of the plan to be fulfilled. Ultimately if the conditions are met the offender is discharged.

The conditions of a diversion plan usually include a formal apology to the victim, unpaid community work, various forms of counselling and often a contribution to the Court Fund. The charge and outcome do not appear on a police record.

Schemes such as this can enhance the reputation of courts in the community. In my opinion, the public is likely to consider justice done in this way, to be sensible, practical and fair, particularly where there is a transparent engagement of the victim in the process.

The Magistrates' Court of Victoria, through the work of some senior magistrates and the Disability Co-ordinator, has also played a key role in the development of a strategy to deal with some of those offenders whose multi-dimensional problems are most difficult to the point of intractable and, when unaddressed, lead them into the criminal justice system. We have called them 'Complex Care' cases. After the problem was highlighted by the court, the Department of Human Services in Victoria has initiated a project called the 'Responding to People with High and Complex Needs Project'. The Department's literature describes the background as follows:-

'Over the past few years there have been concerns raised by service providers, clinicians, carers, the Office of the Public Advocate, police, magistrates and others on the difficulty of providing services to a group of people who have high and complex needs. The Department of Human Services have commenced a Statewide project to develop and implement strategies to respond to people with extremely complex needs.

The group of people often considered to have complex needs includes those children, adolescents and adults that may experience various combinations of mental illness, intellectual disability, acquired brain injury, physical disability, behavioural difficulties, family dysfunctions, drug and/or alcohol misuse. They often require a service response that is unable to be met or sustained within existing service frameworks. Program areas to be included are DisAbility, Mental Health, Drug Treatment Services, Housing, Child Protection, Juvenile Justice, Aged Care and Corrections.

The presenting factors that characterise this target group are a combination of all the following:

- Having multiple and complex presenting problems.
- Having high and complex needs that are not met or sustained by existing services.
- Having challenging behaviours that place the individual at high risk to self, service staff and/or the community.
- Chronic or episodic behaviours and/or conditions that require long-term service responses.
- Requiring a service response from two or more DHS program (or criminal justice) areas.
- Having a specific need for which there is no current service system response, and/or require a current tailored funding package (usually at high cost).
- Many of these people commit criminal offences and appear in Court.
- Additional characteristics of this group may include:
  - An inability or unwillingness to engage with the service system
  - Multiple service usage without resolution of issues
  - Being homeless or at risk of homelessness
  - A history of family dysfunction and/or abuse
  - A history of transience
  - Contact with the criminal justice system
  - Social isolation and/lack of supports
  - High level and ongoing supervision is required<sup>3</sup>.

The coal face of the criminal justice system is more and more frequently confronted with defendants who have fallen through the cracks in the social welfare net, who have committed criminal offences and who are often in custody. They pose a particular challenge for magistrates, even though today we have at our disposal a reasonably flexible range of sentencing options.

---

<sup>3</sup> 'Responses to People with High and Complex Needs Project', Department of Human Services, Victoria. Brochure (May 2002).

## JUDICIAL CONDUCT

The Chief Justices of Australia have recently released their '*Guide to Judicial Conduct*'. It deals briefly with judicial behaviour in court. It says:-

It is important for Judges to maintain a standard of behaviour in Court that is consistent with the status of judicial office and does not diminish the confidence of litigants in particular and the public in general in the ability, the integrity, the impartiality and the independence of the Judge. It is therefore desirable to display such personal attributes as punctuality, courtesy, patience, tolerance and good humour.

A Judge must be firm but fair in the maintenance in the decorum, and above all even-handed in the conduct of the trial. This involves not only observance of the principles of natural justice, but the need to protect a party or witness from any display of racial, sexual or religious bias or prejudice. Judges should inform themselves on these matters so that they do not inadvertently give offence.<sup>4</sup>

These propositions, however trite they may seem, are nonetheless worth repeating. Our courts are very much judged on the behaviour of judicial officers in court - our courtesy, or lack of it, our patience, our good humour, our efficiency and our common sense. The reputation of our courts is precious and requires constant nurturing and maintenance. I commend the *Guide to Judicial Conduct* to all magistrates.

## EFFICIENCY AND ACCOUNTABILITY

Much has been said and written about efficiency, outputs, performance standards, performance indicators, accountability, and so on. As Justice Ronald Sackville has observed<sup>5</sup>, 'performance standards imply that performance is capable of being assessed and therefore measured. It is here that a conflict has emerged between courts and judges, on the one hand, and what Chief Justice Spiegelman has called the 'new public management'.

As Sackville notes, the Chief Justice has vigorously argued that 'the reliance by the new public management on quantitative measurement carries with it serious dangers. This is because an emphasis on 'outputs' which are measurable as distinct from outcomes, which involve matters of judgment has significant distorting effects. Concentration on outputs which are readily measurable and less costly to monitor, gives an inappropriate significance to considerations of efficiency over those of effectiveness'.<sup>6</sup>

I don't know any judge or magistrate who would disagree with that.

To return to Justice Sackville:

These warnings about the dangers associated with the inappropriate use of

---

<sup>4</sup> The Council of Chief Justice of Australia, Australian Institute of Judicial Administration, *Guide to Judicial Conduct* (2002) p. 15.

<sup>5</sup> 'From Access to Justice to Managing Justice: The Transformation of the Judicial Role', *Journal of Judicial Administration* (2002), Vol. 12, p. 5.

<sup>6</sup> *Ibid* p.

quantitative performance standards are very powerful. In particular, any attempt by the Executive Government to make courts 'accountable' by linking resources to quantitative performance standards may well threaten core judicial functions. Yet care must be taken not to throw the baby out with the bathwater. One reason why the Executive Government may be prone to rely on inappropriate measures of judicial performance is that the courts themselves have done so little to develop worthwhile measures of workload and output.

It is undeniable that many aspects of judicial work cannot be reduced to simple (or even sophisticated) quantitative benchmarks. But such benchmarks can be very useful, for example, in determining whether a court is acting effectively to minimise avoidable delays or costs in litigation. Despite calls for co-ordinated efforts to collect comparable statistics in order to identify best practices among courts, very little has been done to achieve this objective.

Courts should not be surprised if the Executive Government publishes and seeks to make use of inadequate or misleading statistics when the courts are content to do much the same thing. Doubtless there is little practical value in comparing, for example, 'non-appeal matters finalised' across different courts without any attempt to take account of the nature and complexity of different 'matters'. Yet the courts themselves present data relating to the disposition of widely divergent 'matters' without distinguishing between different categories of cases.<sup>7</sup>

I agree with these observations. Magistrates' Courts, like all others, must strenuously protect their independence and, at the same time, continue to improve their overall efficiency. We should never accept a framework of standards that dictate performance measurements according to speed or throughput. However, we have no alternative but to identify and promote acceptable methods of calculating the resources required to run our courts and assisting in the formulation of appropriate budgets.

## **THE STATUS AND STANDING OF MAGISTRATES**

Magistrates deal with roughly ninety per cent of all cases in Australian courts. They play a fundamentally important role in the Australian court system. It is beyond argument that magistrates are part of the judiciary. This is a theme that has been often repeated - as recently as last October by the Chief Justice of the High Court in his 'State of the Judicature - 2001' address. In 1990, Justice Thomas of the Queensland Supreme Court had this to say on the point:-

I take it to be clearly established that the magistracy is here to stay as a primary and clearly identifiable sector of the Australian Judiciary.<sup>8</sup>

Surely the proposition has been a given, at least since then.

The nature of the case load of magistrates is of course different from that of judges in County, District and Supreme Courts. One is a high volume court; the others are not. The overall pressures on magistrates are different but no less than those on judges. In many ways the

---

<sup>7</sup> Ibid p.

<sup>8</sup> Thomas, J quoted by Willis in "The Magistracy: The undervalued work-horse of the Court system", op cit.

pressures on magistrates are greater. The lists are often long and when they are the pressure can be relentless. Magistrates' terms and conditions should reflect these realities and should be determined as a package. The remaining strands of the umbilical cord linking magistrates with the public service should be severed.

The jurisdictions of all courts have continued to expand. Adjustments and realignments of jurisdiction as and between courts will continue to occur. This issue is again on the agenda in Victoria. Currently Victorian magistrates exercise a civil jurisdiction of up to \$40,000.00 or more by consent. This is modest. There is a very strong argument that it should go up to at least \$100,000.00. There are many Magistrates' Courts these days with very substantial civil litigation experienced barristers and solicitors. They are eminently capable of handling a far greater civil jurisdiction.

In Victoria the criminal jurisdiction of magistrates is limited by a dollar value ceiling placed on a long list of crimes including, robbery, burglary, theft, criminal damage and deception. The value per offence which currently limits the summary jurisdiction of magistrates to hear and finally determine these matters is \$25,000.00. In this day and age \$25,000.00 is a not a large sum. In my view, both jurisdictions are due for a substantial increase. Magistrates have the professional capacity and experience to readily handle such increases. After all, in neither jurisdiction does the dollar value of the offence, in any sense, equate to its legal complexity.

Whatever should be the relativities in salary as between judges and magistrates, there is no good reason why magistrates' leave, superannuation or pension entitlements, and other terms and conditions should any longer be different from those of judges. On the contrary.

## **SPECIALIST COURTS**

A perennial topic of debate about courts is whether there should be more specialist courts. Magistrates are and should remain, in my view, highly competent generalists. Inevitably, many are also very skilled specialists in particular areas of law or particular jurisdictions. Given the geographic spread of the Magistrates' Courts and the need to give local access to justice, there are very good reasons to preserve and build on the combination of generalism and specialisation.

It has recently been suggested in Victoria that a specialist Crimes Family Violence (Domestic Violence) Court might be a good idea. It is ultimately a matter of policy for Government but I do not agree with the proposal. These cases arise throughout the State, and throughout all States and Territories. They call for easy access to efficient determination by a qualified judicial officer. Regionally located magistrates provide this service. It is difficult to imagine a more efficient system.

I can see no good reason for the removal of any particular jurisdiction from Magistrates' Courts. Some jurisdictions for example, Crimes Compensation have ebbed from, then flowed back to Magistrates' Courts, others have remained within specialist tribunals. Magistrates are highly trained professionals with the ability and generally speaking the desire to hear and determine matters in a variety of jurisdictions. I can see no reason why that should change.

## THE 'PEOPLE'S COURT' - THE POSITIVES

There is a major research project on foot at the moment, entitled 'The Changing Role of the Magistrates' Courts'.<sup>9</sup> The research is being conducted by Professor Kathy Mack of the Law School, Flinders University and Professor Sharon Roach Anleu of the Sociology Department at the same university. The first phase of the project 'has produced a national picture of the nature, size and operations of Magistrates' Courts in Australia ... 'between this year and the year 2004 the project will investigate three general research questions, and they are:-

- Who are the Magistrates?
- What is the everyday work of the Court? and
- What is the relationship between Magistrates' Courts and Social Services?'<sup>10</sup>

The resulting report promises to be interesting. The question 'Do you enjoy your job, your life, your work, your role as a Magistrate?' can be addressed in many ways. No doubt when that question is asked some of the old clichés will emerge, for example, 'The Magistracy is the forgotten arm of the Judiciary', or in John Willis' words 'The Magistracy - The undervalued work-horse of the court system.

But it is the positives, not the negatives of the work of magistrates that I wish to emphasise here. To borrow a theme from Justice Kirby who delivered this Oration last year, there is plenty of good news. Much of this good news is about recent innovations in our courts. John Willis makes the very interesting observation in the opening part of his article:-

Magistrates' Courts still tend to be seen as different from, and inferior to, other courts. This perception has had its advantages. Magistrates' Courts have been less bound by tradition and traditional ways and have been more responsive to changing needs and new demands placed on them. They have also been innovative in a number of interesting and important ways. This article explores some of these themes and in particular notes that, paradoxically, the very failure to acknowledge the contribution and status of Magistrates' Courts may well have been one of the major reasons for their efficiency and vitality.<sup>11</sup>

Willis is right. There is a vitality in our courts. It makes the work stimulating and interesting. We have varied judicial work, a good collegiate environment, an ever increasing jurisdiction, an expanding interaction with court users and various support services, increasingly sophisticated technical (including IT) support, an increasing range of sentencing options and the comfort of knowing that you can be readily corrected - if you do get it wrong.

For me, the first few years as a magistrate - having come from defence legal aid work, and then from the Northern Land Council in Darwin, were thoroughly enjoyable. There was a lot to learn and a steep curve, but at least I was in control of the process. I found judicial decision making to be intellectual liberating, freed as I was from the shackles of client instructions. It was

---

<sup>9</sup> 'The Changing Role of Magistrates' Courts'. Mack, K and Roach Anleu, S. Flinders University, paper presented to Association of Australian Magistrates Conference, Adelaide 8-10 June, 2002.

<sup>10</sup> Ibid.

<sup>11</sup> Willis, J. op cit. p. 129.

also the end of pre-court anxiety and the end of a row of in-trays, groaning under the weight of mountains of files, although I do have them again these days.

There is no doubt that the daily lot of magistrates can be stressful, particularly when the lists are long and the cases repetitious, but in my opinion we are fortunate. It is a good role, it is generally publicly respected, its status has increased (although it has some distance to go), and there is the daily interaction with the fascinating passing parade of humanity and the opportunity to do a measure of justice in dealing with the infinitely varying individual circumstances of those whose lives we often profoundly influence. In my opinion we are privileged to have this opportunity.

## **THE FUTURE**

Magistrates' Courts will continue to play the role of high volume workhorse courts disposing of a very high percentage of all court cases. Jurisdictions will be realigned and fine-tuned. New technologies will continue to be made available.

The demand for local access to justice will continue. Magistrates' Courts will continue to take justice to the people and will continue to respond to the demands for innovation and flexibility. They are uniquely equipped to do so.

Courts are reactive institutions. They react to demand. How to predict that demand is the difficult question. What will crime rates, dispute rates and so on be? A lot of very interesting work is being done on predicting emerging trends which will affect the way the courts work and what the caseload demand, and case load mix, is likely to be.

In Victoria, a 'Justice Vision Workshop' was held late last year at which a discussion took place in relation to predicted trends that are most likely affect developed countries, and by implication, their primary institutions including courts. These were identified as:-

- An aging population;
- Increasing globalisation and its effects on national boundaries, cultural identity and political decisions;
- The far reaching effects of new technology advances;
- Greater individualism and personal mobility;
- Continuing social, cultural, economic and education inequities;
- An increasingly uncertain and unpredictable employment patterns;
- A more demanding society with higher expectations;
- An increasing emphasis on the importance of community;
- An increasing divide between the information rich and the information poor; and
- The rise of the knowledge economy and the rising importance of continuous innovation and lifelong learning.

Courts were invited to participate in this workshop and did so.

On the 8<sup>th</sup> July this year, the front page of the Melbourne Sun Herald carried the heading - a banner heading 'New Justice'. The story described the work being done as part of the development of a 'Justice Statement' and the 'Courts Strategic Directions Project'. The Attorney-General was quoted in the article as saying 'its huge ... everything is on the table'.

The courts have been invited to play an active consultative role in the Courts Strategic Directions Project. A working party has been established to discuss objectives, principles and appropriate strategic directions for courts over the next ten years. Inevitably the topics of discussion include jurisdictional boundaries, and the critical issue of external court governance. Ultimately of course the tough and abiding issue is resourcing. The debate does not stop there. Other issues on the table for discussion include specialised courts, part time magistrates and judges, judicial training, appointment policy, the unification of registries and many others.

This project presents a valuable opportunity for a contribution of ideas by courts. In my opinion opportunities such as this should be seized with enthusiasm. They do not come around very often.

And there is more good news. Last Friday in Shepparton we launched the Victorian Koori Court. About a month before, in Queensland the Murri Court was launched. South Australia has had its Nunga Court for some years, New South Wales 'circle sentencing' at Nowra and so on. All have a similar purpose - to make Court proceedings more understandable, less alien, less technical and to involve Aboriginal people directly in the running of the Court.

In Victoria, the Koori Court has been legislated as a division of the Magistrates' Court. A Courtroom at Shepparton has been modified, the bench lowered and an oval table installed where the bar table formerly stood. The intention is that those involved in the proceedings, including the Magistrate, a senior Aboriginal person or 'Elder', the prosecutor, the defence representative, a local Aboriginal Justice Worker and Community Correctional Services staff will all sit at the same table and deal with the cases with relatively little formality. The Magistrate retains the sole power to sentence and the Sentencing Act has not been amended to create any additional sentencing options. However sitting in that Court will be a very different and challenging experience for magistrates.

Our Drug Court commenced operations a few months ago. It too has been legislated into existence as a division of the Magistrates' Court. As with other Drug Courts in Australia the magistrate's role is a very different one from the traditional role. The magistrate passes sentence and then, as part of a team, including drug clinicians, prosecutors, defence counsel, Correctional Services Staff and others, review the progress of the offender between Court hearings - the offender having been released on a Drug Treatment Order.

These innovations point the way to the future. Magistrates' Courts are likely to remain at the forefront of innovations such as these. Working in these new courts presents challenges, opportunities and I encourage magistrates to embrace them with enthusiasm. There is nothing necessarily sacrosanct about the way the courts have done their work in the past. Courts will continue to be expected to adjust their procedures and practices in the future.

For magistrates who sit in these 'new' courts there will be particular professional satisfactions and of course some added pressures and strains.

Our Koori Court and Drug Court are pilots of limited duration. They will be evaluated in due course and it remains to be seen how successful they are. But I have no doubt that, whatever the success or otherwise of these particular initiatives, governments and the community will expect the Magistrates' Courts in Australia to maintain their flexibility and to embrace appropriate innovations, many, but not all, of which will be supported by legislation.

However, as enthusiastically as I have spoken of innovation and change, let me finish with a note of caution. The People's Court above all is a court of justice. Justice is the touchstone, the golden thread, the lodestar. The Peoples' Court, like any other, will only continue to have the confidence of the public if those who use it have a strong and clear sense that it is above all a court of justice not a form of 'McJustice'. We do not want to preside over a legal system that once prompted a United States Judge to say 'we sure aren't good for you - but we are fast'.

