Speech
by
THE HON CHIEF JUSTICE MARILYN WARREN
to the
Victorian Magistrates' Association Dinner
at "Ripponlea" on Thursday 29 July 2004

More often than not, most mornings I pause, tea in hand, and look out my chambers window. The view never loses its novelty and fascination.

I look out onto the intersection of William and Lonsdale Streets. I have an unimpaired view of the County court entrance and its southern forecourt and steps. I can look across and enjoy an unimpaired view of the Magistrates' Court entrance along William Street and its veranda. I can see directly down the hill of Lonsdale Street to Crockett Chambers and Rosanove Chambers, the entrance to the Melbourne Custody Centre and the footpath adjacent to the court.

I never cease to wonder at the comings and goings and, too, the anticipation - Photographers roam in packs looking for their targets up and down Lonsdale Street. The level of frenzy of the paparazzi resembles that of a school of piranha. They move forwards like quicksilver and suddenly, when the target is in focus they demonstrate a capacity to adjunst to slow motion, backwards of course, a bit like reversed "moon walking" (for the uninformed - like Michael Jackson in reverse slow replay).

Barristers, solicitors and individuals are chased from the centre of the road - all for the tabloid snap or the impressionistic footage on the quick grab, short attention span evening news service.

Next there are the lawyers: solicitors and barristers. Some robed, some smartly dressed, others quite messy and virtually never hands free: folders clutched, suitcases trundling behind and mobile phone gripped to the ear.

Then there are the police dressed predominately in grey or brown suits having left their cars occupying all the car parking spaces in Lonsdale Street. They clutch their plastic folders and fix their gaze upon the wall opposite - even when speaking to another individual. Eye contact seems to represent vulnerability.

There are also the men in black: suits, shirts, socks and shoes, all black - the dominant look, mostly smoking cigarettes and then smoking some more. If one walks to the Federal Court along the western side of William Street, the men in black challenge one's health, but especially one's orienteering capacity to find where you are meant to be. This confronts and creates difficulty for those preoccupied with taxation, trade practices and intellectual property and matters of original jurisdiction.

Crowds come and go, ebb and flow. Shortly before 10am the crowds mass as if the Chief Magistrate is about to come out and deliver a blessing: maybe absolution, maybe exoneration.

On the County Court side similar activities are played out save for the sprinkling of the magpies swooping low to pass through the revolving door: the robed barristers.

Outside both courts there are huddles, intense exchanges; taxis pull up to provide a quick entry dash to the door; trouble is, by the time the fare is paid and change given, the pack has descended and an instant guard of honour is provided to the individual - right up to the entrances. But I have noticed that the media dart up and down the forecourt area of the County court, as if it is their territory, whereas at the Magistrates' Court the media never seem to venture onto the porch area, perhaps they are too intimidated - not by the

hoi poloi, the police, et al, but by the powerful presence of the Court. Or perhaps an edit has been issued by the Chief Magistrate, and, it is obeyed.

The dramas come and go, some people don't come out the front door again - they leave by the vans that ferry prisoners in and out. Perhaps they remain within the building, deprived of natural sunlight, fresh air and space. Some do not live long after their departure. Some leave relieved - the individual who feared prison is given a chance, an opportunity never to return through the door.

And so each day dramas are performed at the periphery of life's stage. For many there is fear, dread, grief and despair. For others there is relief, joy and satisfaction even vindication. Sometimes individuals feel obliged to tell the courts of their assessment of the courts' decision. I have observed that they do this by pacing up and down the street delivering an assertive, vocal critique directed at the building façade. These speech makers believe the judges and magistrates do not comprehend the simple phrase and require verbal reinforcement. They will tell the judges and the magistrates to 'go forth and multiply' over and over again. At times, I will hear this from my desk, the muffled but forceful sounds. But then, abruptly the sounds will cease, as if the off button was pressed or sometimes, the fade out button was activated. The voice seems to fade away down the street.

So there I have it, each day, a series of little plays performed on a large stage. The intersection of Williams and Lonsdale Street provides the crossroads of life for so many citizens. I view it as the axis of justice as dispensed by the state courts.

As I absorb the panorama I repeatedly observe that it is the Magistrates' Court that draws in the numbers. It is the focal point of the crossroad. It is a physical visual demonstration of the significance and importance of the Magistrates' Court of this State.

When I started out as a girl legal officer in the Law Department, there were dramatic changes underway. The limited number of law subjects for qualification of clerks of court was abandoned for the mandatory admission qualification; JPs were unable to sit; and the whole new breed of Clerks of court was coming to the fore: People like Brian Clothier, Tony Ellis and Brian Barrow; Jurisdiction, both criminal and civil, expanded. Eventually, the days of a Magistrate walking into Court at the mention call over at the City Court and saying : "there will be no bonds given today 'girlie', so don't ask for any" were gone (it is a true story).

The Magistrates' Court has moved to an elevated position in terms of power, jurisdiction and complexity of matters. It has acquired legal status and recognition because of the calibre of persons who accept appointment and rise to its bench. Little of the Court's work is easy. I can tell you that the judges of the Supreme Court find the appeals from the Magistrates' Court very difficult. They take two hours to hear but more often than not, days to decide and write up. I suggest this is demonstrative of the complex and difficult load that you carry.

But beyond its recently elevated position the Magistrates' Court is significant in a way that the County and Supreme Courts cannot rival. Your court is out in the community - your Court as I said is at the axis of justice.

It is therefore a privilege to be here tonight. The Magistrates' Court faces great challenges: the increased jurisdiction; its innovative treatments of justice ("problem solving courts"); the anticipated police corruption cases.

From my perspective, the axis of Victorian justice seems to be in safe hands.