

Remarks of the Hon Marilyn Warren AC  
Chief Justice of Victoria  
on the occasion of the launch of  
Court Services Victoria

William Cooper Justice Centre  
Melbourne

1 July 2014

President of the Court of Appeal

Your Honours

The Hon Robert Clark, Attorney-General for the State of Victoria and Minister for Finance, also representing the Premier who is unable to be present.

President of the Legislative Council the Hon Bruce Atkinson.

The Secretary of Justice, Greg Wilson.

The Secretary of Treasury, David Martine.

Deputy Secretary, Jo de Morton, representing the Secretary of Premier and Cabinet, Andrew Tongue. who is unable to attend.

Chairman, Victorian Bar, Mr Will Alstergren and Vice Chairman Jim Peters.

Chair of the Legal Services Board, Fiona Bennett.

Legal Services Commissioner, Michael McGarvie.

Director of Public Prosecutions, John Champion

Deputy Commonwealth Director of Public Prosecutions, Scott Bruckard

Distinguished guests

Ladies and Gentlemen

I pay my respects for the first people of this land on whose land we meet, the people who were the first to deliver justice in this place.

This history of Victoria sets the context for today's occasion.

In this jurisdiction about the mid 1830s, justice was next dispensed by the administrator and magistrate Captain Lonsdale, in a tent. On 11 April 1841 the first Supreme Court sittings were held (just over the way on the south west corner of King and Collins Streets). The rule of law was brought to the Colony of Port Phillip.

By 1851, separation was announced and the Colony of Victoria came to be. Bonfires were lit and celebrations were held under the Separation Tree. In 1852 by an Act of the Legislative Council the Supreme Court of Victoria was established. Victorian history was made.

In a sense, we should light bonfires and go to the Separation Tree in the Botanical Gardens and celebrate today.

From the original establishment of the rule of law in this jurisdiction the Victorian courts fell under and were dependant upon the Executive Government. From 1883 the Courts were within the Law Department.

By the 20th Century the governance of courts reflected the development of more sophisticated models. The federal jurisdictions embraced governance models quite separate from the executive arm.

Victorian courts watched. In 1984 then Chief Justice, Sir John Young, started the journey to today establishing the Civil Justice Committee. In the intervening 30 years of Sir John's vision various models and reforms have been ventilated.

In December 2010 the Victorian Government through the Attorney-General, the Hon Robert Clark commenced the discussions to craft the Victorian courts model. Since, there were pivotal moments: group consultations with Chief Justice Doyle and South Australian judges about the South Australian Courts Authority; the Chief Justices of the Family Court, Chief Justice Bryant, and the Federal Court, then Chief Justice Keane, with their respective CEOs. We will always be grateful for their assistance and support [I am thrilled that my colleague, Chief Justice Bryant joins us today].

In the first half of 2011 the Attorney-General appointed the Courts Executive Service Steering Committee chaired by former Chief Justice Black [I am also thrilled he is here today]. Membership included the Heads of Jurisdiction and the Secretaries of Premiers (Helen Silver), Treasury (Grant Hehir) and Justice (Penny Armytage). After the Steering Committee's report, the Attorney-General requested the establishment of Courts and Tribunals Services in this building, removed from the Department of Justice although still a part of it.

In late 2011 and early 2012 the Attorney-General developed a draft Bill, importantly, in direct consultation with the Courts. Meanwhile in late 2012 the Attorney-General asked the Heads of Jurisdiction to form the Courts and Tribunals Advisory Council to oversee the transition to the CSV. This we did with great commitment. By December 2012 the Advisory Council gave in principle support to the legislation. On 30 October 2013 the Court Services Bill had its Second Reading. In the Parliamentary debates, most importantly, the Bill received bi-partisan support. [Unfortunately, the Shadow Attorney-General was unable to attend today]. The Bill passed both houses and received the Royal Assent on 11 February 2014: Act No 1 of 2014 - *The Court Services Act*. The Act came into operation at 12 am this morning, 1 July 2014.

In the last 18 months the Advisory Council has worked assiduously to achieve a seamless transition. This has been possible because of the support of the Department of Justice. I express deep appreciation to Secretary Wilson and his staff for all they have done. I acknowledge the excellent work of Alan Clayton and the CSV staff. I also highlight the commitment and devotion of each of the Heads of Jurisdiction through the Advisory Council and consultative processes.

We established a specialist portfolio structure whereby the Heads chair committees for the significant areas of governance (Finance, Technology, HR and Capital Assets and others). These Committees in turn are populated by local jurisdictional representatives (many of whom are here today). This model has achieved a democratic and empowering facility for all the jurisdictions. It has enabled the CSV to focus on efficiency, transparency and independence.

The strength of the CSV is that, akin to the Federal system, the budget and administration of each court and tribunal is separate and independent but importantly each is accountable. Akin to the South Australian model, central funding and services, are shared but importantly on a collaborative and collegial basis.

From the history we move to the future.

This morning the inaugural meeting of the Courts Council of Courts Services Victoria has been held. We have discussed the future. Our priorities are:

- independence
- collaboration
- collegiality; and
- service to the courts.

I am confident that Victorian judicial officers will deliver justice to Victorians more effectively, efficiently and transparently through the CSV. Although separate, we are not sailing off to the horizon, to the mists. We are committed to a strong and enduring relationship with the Department of Justice because of our mutual interests and roles. We will work appropriately with the Departments of Treasury and Premier and Cabinet on our budgetary and relevant legislative matters.

In the end, the CSV is about public confidence in the Victorian judiciary. It now lies with us, the Victorian judiciary to vindicate the commitment of the government and the Attorney-General to Courts' independence. I, and my Council colleagues, will achieve that vindication.

I now turn to the appreciation expressions and acknowledgements:

- The Hon Attorney-General
- The Hon Diana Bryant AO
- The Hon Michael Black AC
- The Hon John Doyle AC
- The Hon Pat Keane

Department of Justice

- The Secretary and Deputy Secretaries: Gail Moody and Donald Speagle
- Department Secretary, Marissa De Cicco who played a pivotal role in steering the legislation through all its phases.
- Director of Finance, Shaun Condon
- Former Secretary, Penny Armytage, who ensured the CSV had a proper staff foundation on which to build the model.

I also acknowledge the support and assistance of the Departments, Premiers and Treasury.

There have been many involved. I thank everyone.

It is relevant to reflect that the Australasian Institute of Judicial Administration produced the seminal work over ten years ago devoted to Courts Governance. Dr Philip Williams, AM, one of the co-authors, has joined the Courts Council as a non-judicial member. We are grateful and delighted.

Finally, it is now my pleasure to invite the Attorney-General to launch Court Services Victoria.