

Doing Law and Justice – the words of a Chief Justice

THE PREFACE

When I was first appointed a judge of the Supreme Court of Victoria in 1998, women judges were rare and mostly were not heard as speakers or commentators beyond the courtroom. The Court sponsored my attendance at the Judicial Conference of Australia Colloquium at Uluru in 2000. There I had the benefit of meeting and hearing judicial leaders including the Hon Murray Gleeson AC QC, Chief Justice of the High Court of Australia and the Hon John Doyle AC QC, Chief Justice of South Australia. I was struck by their commitment to public discourse in the legal context. Later, in 2002, the Commonwealth Law Conference was held in Melbourne. Again, I had the benefit of meeting and hearing other judicial leaders including the Hon Michael Kirby AC QC, former Justice of the High Court of Australia, the Hon Michael Black AC QC, Chief Justice of the Federal Court of Australia and the Right Hon Dame Sian Elias GNZM PC QC, Chief Justice of New Zealand. In addition to their inspirational contributions to public discourse, I was struck by the media and community interest in the law and the role of the courts. Indeed, it was at the Commonwealth Law Conference that I participated in a panel discussion on women as lawyers and judges. The experience taught me the importance of female judges speaking about gender.

In 2003 I was privileged to be appointed to lead the Supreme Court of Victoria, to be the first female Chief Justice. The outpouring of good wishes and interest was almost overwhelming. I was flooded with requests to speak at a variety of fora, possibly because of reasons of novelty and curiosity over "this first woman".

Over my almost 19 years as a judge, 14 years as Chief Justice, I received many invitations to speak, mostly on subjects directly related to the law and the Supreme Court of Victoria. I saw the role of Chief Justice, having observed other Chief Justices, as a role of leadership of the Supreme Court that required relevant contributions to discussions in the community, the courts, the judiciary, the academy and the media. Generally speaking, judges did not and do not speak or write extrajudicially. Judges leave the words of their judgments to speak for themselves. However, there are times when the courts, the rule of law and the judiciary need defending or explanation in the public arena. Historically, the courts and judges were publicly defended by the Attorney General of the jurisdiction. That position changed during the 1990's where courts and judges were left to defend themselves. By the 2000's some sections of the printed and electronic media shifted to a very direct and sometimes strongly critical description of court cases, especially in the sentencing context in criminal cases. This new era necessitated the dissemination of information for the benefit of the community about the role and functions of the courts, the rule of law and the judiciary.

Additionally, during this period there were dramatic changes which needed to occur for the courts to benefit from the technological age, including digital and internet publication and the exposure of the work of the courts. These changes needed to be explained to the community and, indeed, to all those involved in the administration of justice.

Thus, over my years as a judge and Chief Justice, I came to speak on a very wide range of subjects covering judicial and court processes, sentencing, gender, technology, legal topics such as human rights and more.

It was an honour, always, to be asked to speak and to be listened to by the legal and general community.

Upon completion of my term as Chief Justice in late 2017, I found I had a large volume of speeches and papers stored in mostly chronological order. Some had been published in the past on the Supreme Court of Victoria's website and on the Judicial College of Victoria's website. Others were published in multiple legal and historical journals including the Monash Law Review, the Melbourne University Law Review, the Deakin Law Journal and the Royal Historical Society of Victoria Journal. Selections of the speeches were reproduced on the legal publishing service, Austlii. However, most had not been published or made available publicly. None had been collated into a thematic and searchable structure.

I am grateful to the Vice Chancellor of Monash University, Professor Margaret Gardner AC, for enabling the collection to be reproduced through Monash University Publishing and its digital publishing arm, Monash Bridges. I understand it is the first time that a collection of personal papers have been prepared and published in this way. The Vice Chancellor, the Faculty of Law and the University have been truly innovative and creative in presenting the collection. I reiterate my gratitude.

I acknowledge and thank the Monash Law Librarian, Kay Tucker for instigating the whole publication concept. I am also very appreciative of the work and patience of the digital editor from Monash Bridges, Andrew Harrison. I am most grateful for the secretarial assistance of my Executive Assistants, Lyn White and Jen Cridland.

I express my very deep gratitude to my research assistant and legal editor, Monash Law graduate, Michaella Schwartzstein, who provided excellent and wise advice and who worked tirelessly to edit, summarise and arrange the collection into an accessible, thematic structure. The project would not have been completed in its published form without her involvement.

In providing my speeches and papers, I hope they may have an educative value to law students of all law schools. I also hope that they may assist scholars and members of the judiciary in their important roles and, particularly, in judicial education. I especially hope the collection in its digital and searchable form will interest the wider community in understanding the fundamental importance of courts and the rule of law to the preservation of a democratic society.

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