

B rave new world of cyber justice

Technological advances may see laptop computers, CD ROMs and video conferencing replace expensive court appearances and heavy volumes of appeal books, according to Northern Territory Chief Justice Brian Martin.

Speaking at the admissions of Richard Bridge of Cridlands and Saul Harben of De Silva Hebron in March, Chief Justice Martin mused about paper free justice in the court rooms of the future.

Justice Martin said some of the judges were becoming "a little bit" interested in computers and the advantages they can bring.

"I can foresee the day - maybe I won't be here, but maybe you will - when court rooms will be a thing of the past," he said.

With video conferencing we will have a judge in his chambers. Counsel in separate chambers, the witness somewhere else...and the

whole thing being conducted on multi-screened video channels so that everybody can see everybody else," he said. The prevalent use of E-mail will further launch the Northern Territory court system into the future. "Instead of standing up in court and reading at length to the judge... and with a great rack of books all around the place, you'll simply whack it up by way of E-mail with an attachment and the judge will just hit the button and there the case will be printed out in front of him," he said. Instead of "enormous volumes of appeal books", laptop computers and CD ROMs will become common place.

"If they come to court at all, they'll have their laptop computers plugged in and just feed in the CD ROMs and we'll all be working on the same material that will contain millions and millions of letters and reams of material of evidence and cases and references and argument," he said.

Justice Martin said the successful introduction of video conferencing in civil and criminal matters had reduced costs and inconvenience to parties.

"It was only a few months ago that we were able to introduce video conferencing as a means of assisting people to conduct their business in this court," he said.

"We have facilities here and in Alice Springs and that of course gives us a link to anywhere in the world. So no longer need witnesses travel from all over Australia and other parts of the world to come to Darwin or Alice Springs to give their evidence. They simply go along to their local Telstra studio or whatever it may be and hook in and do it in that way," he said.

The Chief Justice has suggested that a NT Courts Information Technology Committee be formed and has invited the Law Society to nominate a representative.

S pecial sitting for Justice Trevor Riley

Justice Trevor Riley was welcomed to the Supreme Court Bench at a special sitting of the full court on February 1, this year. Justice Riley stated that the mutual respect between the judiciary and the Executive was necessary for continuing public confidence in the court system and the administration of justice. An edited version of his speech follows:

This is, as some would observe, an interesting time to become a judge. For example, there is, nation-wide, an ongoing re-evaluation of the relationship between the judiciary and the Executive. The tension that necessarily exists between the two is to be expected and can be healthy. However, as a recently retired Chief Justice of the High Court, Justice Brennan, observed on the occasion of his farewell: 'It is essential that there be mutual respect between the branches of the government for the powers and functions of each'.

I would add that such mutual respect is necessary for the maintenance of public confidence in the courts, and the administration of justice. Provided those involved approach the evolving relationship in that way, I see no threat to either branch of government.

A further example of the interesting times in which we live is evidenced by the rapid change in the use of technology within the courts. Technological development is such that the court today is, in some regards, quite different from that of 10 years ago, and is certain to be significantly different from that which will exist in 10 years' time.

A simple illustration is the taking of evidence by video-link. I have led evidence from, and cross-examined witnesses, sitting in studios in the United States of America, in England, and in the various States of Australia without having to leave Darwin. The enormous expense and inconvenience suffered by both parties, and witnesses, previously experienced in obtaining such evidence is now a thing of the past. The necessary facilities are now available in this court and are routinely being used to advantage in both the civil and criminal jurisdictions of the court.

There is, of course, the ongoing challenge of delivering justice in a manner which is regarded as acceptable to and affordable by individual litigants in the wider community. The challenge, it seems to me, is to enhance the efficiency of the administration of justice and to minimise the cost involved, whilst maintaining the integrity of the system. That is a challenge this court, and other courts throughout Australia, are striving to meet.

Gleeson CJ of the High Court has recently observed that: 'The maintenance of a viable and accessible justice system is not a responsibility that judges can leave to others, contenting themselves with deciding individual cases as and when they reach the head of the queue'.

I am pleased to note that the courts of Australia, including this court, are adopting a proactive role in this regard and I look forward to becoming part of that process. I believe that, notwithstanding the pressures of which I have spoken, and the technological developments of the present age, the confidence of the community in the system will be retained if the courts and the individual judges continue their commitment to the impartial application of the sound legal doctrine by an independent judiciary.

As will be known to all here, I have the benefit of the intelligent and unconditional support of my wife, Jan. She is aware of the depth of my gratitude and I will not embarrass her by saying more.

I regard myself as being extremely fortunate in living at this time, in this country, and in this community. In the words of Benjamin Cardozo when he was sworn in as State Court Judge in New York: 'I will do the best I can in the performance of the common task in which we are all engaged, the great and sacred task of the administration of justice'.