

# ACCESS TO JUSTICE IN THE TERRITORY SUPREME COURT

How the Supreme Court has tackled concerns regarding access to justice was the theme of a presentation given by Chief Justice Brian Martin following the Opening of the Legal Year services in court houses in Darwin and Alice Springs. His address follows:

## Delay

The Supreme Court of the Northern Territory, under Territory legislation, has now been in existence for a little over 21 years. Despite its remoteness from other courts it has kept up with modern developments in case management in both the civil and criminal jurisdictions, with the objective of reducing delay.

As to the civil jurisdiction, a number of schemes have been put into operation by Supreme Court Rules and practice directions over the years. They have been refined as experience requires. In their latest form they comprise revised rules and a new practice direction regarding the "litigation plan" to be used in select cases. It came into operation on 1 January. The direction will require practitioners and their clients to consider and disclose their case in detail within three months of commencement rather than when preparing for trial. Practitioners will be obliged to inform their clients as to costs accrued and estimates to completion.

In the criminal jurisdiction endeavours to ensure efficient use of court time have been put in place. The latest comprise the Criminal Procedure Rules introduced last year. They call for the parties to provide to the court, through Criminal Registrars, soon after an indictment is filed, answers to questions. They are designed to ensure that detailed instructions have been taken by both sides, prosecution and defence. This process should aid early decisions to enter pleas of guilty, if appropriate, and thus avoid wasted court time and public expense brought about by late changes of plea from not guilty to guilty. Lost trial time is almost impossible to recover. The

## Log on and read what judges say



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court expects all practitioners engaged in criminal matters to cooperate with the efforts made by the judges to free up time in the criminal jurisdiction.

## Technology

The judges have been actively involved with magistrates, members of the legal profession, government departments and consultants in developing a plan for information technology in the courts over the next few years. The plan evolved after those consultations were forwarded me by the Attorney-General late last year. I anticipate that there will be advances in the use of video conferencing, which we have already used extensively, and the upgrading of infrastructure to enable the services required by the courts to be at the highest standard. Video and telephone conferencing is proving a significant aid to providing access to the courts and at significant cost saving.

Of particular note is the development of systems to allow the judiciary to use electronic means of conducting cases. In appeals, especially, the ability to do away with hard copies of transcripts and all the other material that makes up the traditional appeal books, will enable significant cost saving to the parties. It is anticipated that the first appeal to use electronic means will be heard within the next few months.

We have recently begun work on having a video produced which will serve as an introduction to people summonsed for jury service. It will serve an educational role about why we have juries, how the panel is selected, procedure for being excused, the method of choosing the jury from the panel and other information intended to make the panel informed, interested and comfortable.

## Sittings

The Supreme Court abandoned the traditional January court vacation some time ago. Judges are available throughout the year and many parties are taking the opportunity to have matters heard in January. Trials have been conducted, as well as pleas, justices appeals and interlocutory matters. It is intended that this additional sitting time will continue to be available.

The judges have been willing to hear cases out of Darwin where they are available all year and Alice Springs which takes up about six — seven judge months per year. Over the last couple of years we have had regular short sittings in Katherine, but the absence of facilities means that criminal trials can not be held there. As occasion arises, judges cooperate in special arrangements to suit the requirements of the parties. Cases have been heard on Groote Eylandt, at Ali Curung and Yuendumu, Adelaide, Sydney and Santa Barbara in California.

## Mediation

Civil litigants are becoming more aware of the possibility of settling their disputes with the aid of a trained mediator. The court encourages the process, where appropriate, as an alternative to judicial determination after trial. But, to be successful mediation required appropriate facilities for the parties to meet, confer with their advisers in private and to communicate with others outside the conference venues. As an aid to this

process the judges have identified and agreed to have set aside a discrete area in this courthouse which suits those needs.

### Office of Courts Administration and the court

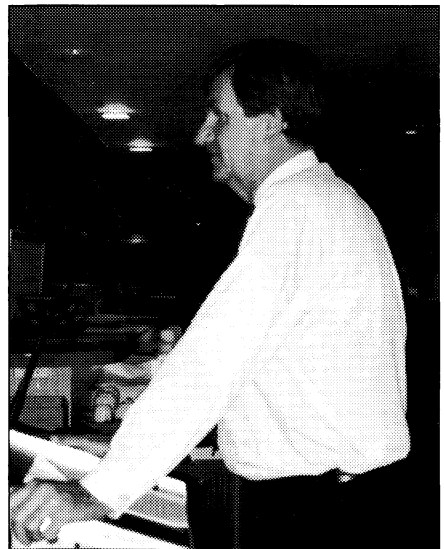
OCA and the court are separate and distinct identities. The court is to administer justice according to law, it has no money and employs no one. The Office provides the resources to enable the court to carry out its task. The gradual greater understanding by all concerned of the distinction between the executive and judicial arms of government works to the good of those who require access to the court. The resources provided by the office assist in allowing the members of the court to implement their plans and ideas to improve access to justice.

Website — <http://www.nt.gov.au/ntsc>

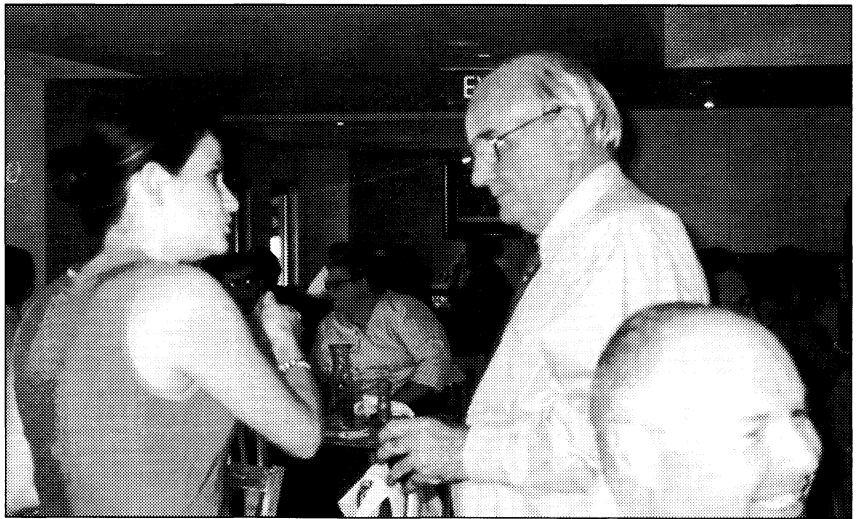
The court has launched its Internet site today. We have been concerned that there is no readily accessible material explaining the role of our courts in society, how the judges are appointed and the indispensable requirement for independence. Beyond those general matters we also provide a history of the Supreme Court and biographical details of all serving and former Chief Justices, Judges and Masters. The function of the Registrar and Sheriff are explained. The daily cause list will be available, along with current practice directions. Perhaps most importantly it is intended to publish judgments, including sentencing remarks in full, as speedily as can be after they are delivered. It is our hope that any member of the public with access to the Internet will be able to read any recent judgement in which he or she may have an interest during a period of about a fortnight after judgement.

Any suggestions for the improvement of the site would be most welcome.

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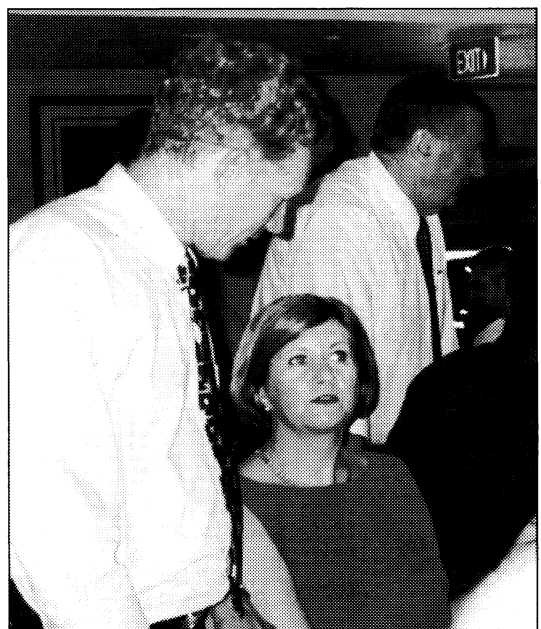
*Justice Bruce De Belle from the South Australian Supreme Court was the guest speaker at the Opening of the Legal Year lunches.*



*Tracey Jackson, McQueens, with Chief Justice Brian Martin and Glen Dooley, DPP*



*Ian Rowbottom and Nanette Hunter, DPP*



*Paul Walsh, sole practitioner and Margaret Rischbieth, Supreme Court Registrar*