

OTHER PASSIONS...

Going into bat with a musical touch

He's a busy man with an important job. He presides over Supreme Court cases, he guides juries and counsel, he hands down sentences, he reads and interprets copious amounts of law. He's one of the six resident judges in the Supreme Court of the Northern Territory.

He's also a mad keen cricket fan and accomplished pianist.

Talk to Justice Dean Mildren about his passion for cricket and you get a thoughtful take on "the gentlemen's sport".

"It's a reflection of life and the values that we grew up with," he says. "The fact that the batsman isn't out unless the umpire is satisfied beyond reasonable doubt. The fact that there is an equity in cricket that brings into account the notion of fairness, not necessarily spelt out in the rules. It sums up for me a lot of the values of life that I appreciate."

His Honour's passion for cricket started at primary school.

"I wasn't any good (at cricket), I had very moderate successes," he says. "I played a couple of seasons in A Grade in Darwin without setting the world on fire."

He started his "cricket career" as an opening batsman ("I didn't seem to be able to score any runs anywhere else") and later became a spin bowler ("Useful only on big grounds where batsmen have difficulties lobbying them over the fence").

Nowadays, though, you're more likely to find him umpiring games in Darwin for the Northern Territory Cricket Association.

Among Justice Mildren's "favourite to watch" modern cricketers are the Waugh brothers, Healy, Gilmour, Tendulka, Lara, Pollock and Shane Warne ("someone I love watching play").

As to the local comp he believes the quality of cricket in the Northern Territory is pretty good for a small place and though he politely declines to be more critical he does express at least one wish.

"I would like to see sight boards," he says simply.

"We did have one on Marrara Number One ground and we don't have it any longer, I don't know why."

It's something he may perhaps ponder every now and then while tickling the ivories of his mini grand piano at home.

Enter Dean Mildren's second passion.

"Music takes me away from it all," he says. "The great thing about music is you just sit there and play or simply listen to it, become involved in the piece and not think about anything at all.

"Or you can think about other things and sometimes I've come home with a problem on my mind and I sit there and play the piano and let it roll around in my mind until I've got it right."

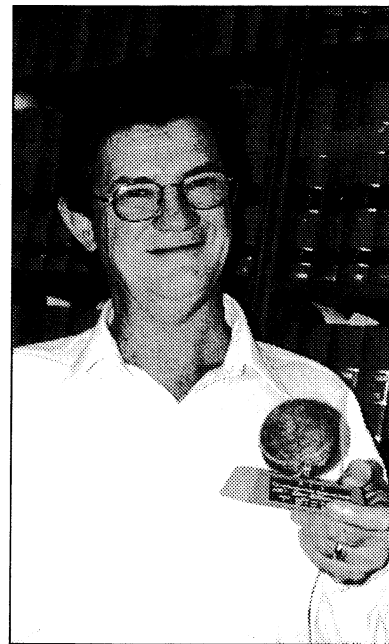
He started playing the piano "as soon as I could sit on a piano stool" and like cricket it's something he says he's "moderately good" at.

A classical pianist with a penchant for Chopin, His Honour has been known to occasionally play publicly, in spite of his first experience as a soloist in concert.

"I was doing a lunchtime concert at Brown's Mart," he reminisces. "This was a fair while ago and the only piano available in Darwin was a fairly old, big upright which if you took all the timber case off, sounded pretty good.

"So I had a program of short pieces designed to last about an hour and the piano got wheeled into Brown's Mart's main hall and people came in to listen. The first piece I sat down to play was one of Chopin's etudes. This particular etude has a rather heavy base, made up of a series of chords.

"As I started to play the piano started moving and I thought either I was



Above: Justice Dean Mildren with a treasured cricket "award".

having a heart attack or there was an earthquake. The hall was so dark they only had a single spotlight just on the keyboard and I couldn't see what was going on around me.

"What had actually happened was one of the wheels had fallen off the piano.

"So the piano's moving all over the place and I was continuing to play this piece, trying to follow the piano as it moved around the stage," he laughs.

"Fortunately a member of the audience could see what was going on, raced over and grabbed a hold of the piano and held it up until I finished the piece and we were able to find the wheel and put it back on. That was the very first piece that I ever played publicly. You could say I was a little bit nervous after that."

On another occasion Justice Mildren was invited to play at the Italian Club and found that instead of a decent instrument, he was to play a very small upright which "had virtually no oomph in it".

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Rawstamina!

By Lyn McDade, Executive Director OCA*

It is timely that the Registry staff of the Magistrates Courts Darwin finally make headline news. I refer to the article in the June 2002 edition of *Balance*, by Mr Ian Morris. It was pleasing to read his constructive comments and most importantly, for the President to offer the services of local practitioners to provide support and education to clerical staff of the Civil Registry.

Members may wish to know a little more about the history of the review by Stanton Partners and the current state of the Registry (which is a far cry from its position 12 months ago).

Calls by the Office of Courts Administration for additional staff and for resources to provide training and development of staff, began when I was appointed Chief Executive Officer of Courts Administration in October 1999. Two years ago I identified that there were three main issues to address;

1. There were simply not enough people to service the increasing demands from the public and to serve the profession.
2. Most positions in the Civil (and for that matter, Criminal) Registry were base grade clerical level (Administrative Officer level 2). There was no funding to upgrade these positions which in turn, would attract people with the requisite skills and experience to deal with complex case processing issues.

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In a hall of about 400 people he could hardly be heard.

"I got through the program as quickly as possible," he says.

But being a musician is well worth it according to the Judge.

"It's a great mood changer. I can come home feeling absolutely annoyed at someone or perhaps feeling down in the dumps or miserable and the piano helps you get over that emotional black hole. It's also an instrument through which you can express great elation and joy," he says.

And if that doesn't work, there is always the cricket field.(1)

3. The Registry needed to change its processes in line with new technologies and global developments in e-justice.

Twelve months ago there was a commitment to funding for all three of these issues. Unfortunately, following the change of Government, the announcement of the "great black hole" and merger of the Office of Courts Administration into the Department of Justice, the funding to drive the initiatives likewise became "black-holed".

We were well aware of the consequences of no change and with the support of the new Government and the new CEO (who, having served as a magistrate, understood the urgency of the situation), gained commitment for the recent review. Stanton Partners were contracted to review staff structures, processes and services as well as future developments such as the establishment of a Civil and Administrative Tribunal, similar to VCAT in Victoria. The results and recommendations of that review are expected shortly.

I would like to assure members that their concerns have not been falling on deaf ears over the last three years and I am confident that the implementation of the review recommendations will be given high priority. It is important to note that through sheer effort, hard work and positive support, staff of the Registry currently have the fastest turn around period in over three years.

There is one final request from Courts Administration to the profession. Ian Morris volunteered the support and time of members to educate and support staff. This is greatly appreciated and we will be taking up the offer. One of the other areas in dire need of attention is a cost-free service to litigants in person (ie. a service run by volunteers).



Above: Lyn McDade

One of the greatest demands on our staff's time is the provision of procedural information to litigants in person, in particular, the Small Claims jurisdiction. While registry staff go to great lengths to explain to members of the public that they cannot give legal advice, they continue to spend many hours of their day providing procedural advice to people at the counter and over the phone. Conceptually, there is a fine line between helping a person fill out a claim form and giving advice, thus often a polite "no, I cannot help you" from registry staff is taken to be poor service. The confusion and frustration experienced by members of the public who are engaged in Local Court matters, is often exacerbated by underlying, emotional conflict surrounding the dispute. There needs to be somewhere to refer members of the public people to, for both procedural and legal advice.

I will leave it to the Law Society to come up with a proposal for a hotline of volunteers who can provide advice and support, and take this function away from public servants who are ultimately there to process the case.

* NOTE: Greg Shanahan has been appointed Executive Director, Courts Administration for the next 12 months, replacing Lyn McDade who is currently on leave.

EDITOR'S NOTE:

There are three points in response.

- 1) The Society is still receiving complaints from practitioners about the operation of local courts;
- 2) The assistance sought by claimants is available at NTLAC, DCLS, NAALAS and those firms participating in the \$55 First Interview Scheme run by the Law Society; and
- 3) A proposal to amend the Act to allow a recoverable amount of solicitors fees of say, \$150, on SOC/defence would assist clients and the courts.