

The work of the Supreme Court

By Justice Trevor Riley

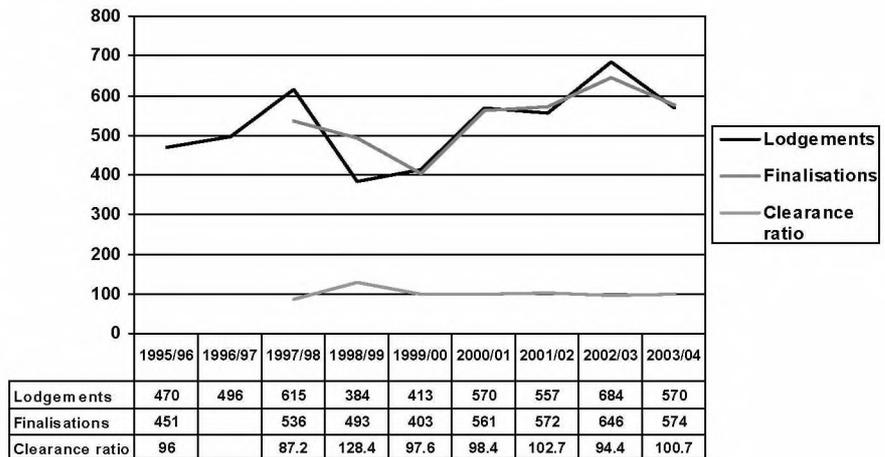
For some years I have been hearing comment within the profession that the civil work of the Court has been in dramatic decline and that work in the criminal jurisdiction has increased as a proportion of the total workload of the Court. The Director of the Court, Chris Cox, has produced statistics in an endeavour to give a clearer picture of what has happened in the period 1995/1996 through to the present. The results are shown in the following graphs which cover the period to June 2004.

Civil Lodgements

In relation to the civil lodgements it can be seen that the figures fluctuate significantly from year to year. There were two peak periods for lodgements, being the 1997/1998 and 2001/2002 years. The low point was in 1998/1999.

The graph does not suggest any long-term decline in the civil work of the Court over the period covered by the statistics. What is revealed is that the Court has managed to finalise matters as the workload fluctuates. The clearance ratio over the period sits at around 100 percent.

SUPREME COURT CIVIL LODGEMENTS & FINALISATIONS 1995-1996 to 2003-04

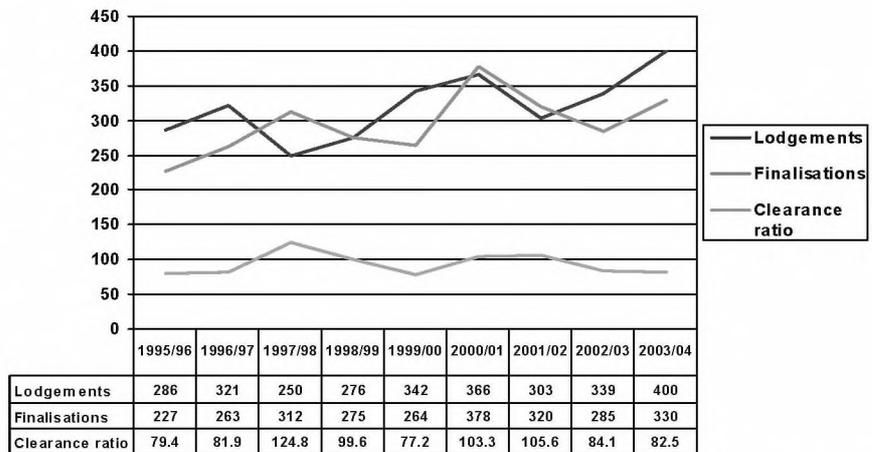


Criminal Lodgements

The graph relating to criminal lodgements also reveals a story of fluctuation with peak lodgement years being 2000/2001 and 2003/2004. As many will remember, in the years 1999/2000 through to 2001/2002 the number of lodgements was influenced by a significant number of migration type offences. Thereafter that class of offending ceased to have a significant impact on the number of lodgements. Again it can be seen that the clearance ratio, although fluctuating more widely, has been around the 100 percent mark.

The graph does suggest a long-term trend of moderate increase in the numbers of criminal lodgements.

SUPREME COURT CRIMINAL LODGEMENTS & FINALISATIONS 1995-1996 to 2003-04



The Current Year and the Time Ahead

The amount of work which the Supreme Court can handle depends upon the availability of its Judges. In 1999 I was appointed as the seventh Judge of the Court. When Sir William Kearney retired on 13 October 1999 no replacement judge was appointed and the Court has had a complement of six Judges from that time. The Court is presently faced with the problem that most of the Judges have been serving for substantial

periods of time and are due significant periods of long service leave. By way of example, Angel J, who has been on the Court since 8 May 1989, will be taking six months leave in the second half of 2005. Other Judges have similar entitlements. The Court has managed to deal with this problem by relying on assistance from Acting Judges appointed from the ranks of retired Judges from the Northern Territory and other jurisdictions.

Notwithstanding the reduced availability of Judges, the output of

the court is on the increase. The graph below demonstrates that in the reporting year 2004-2005 to April 2005 the Supreme Court sitting days have increased by some 27 percent over the same period for 2003-2004. Sitting days are higher in both Darwin and Alice Springs.

Further information reveals that most of the increase in sitting times in this year has been in criminal matters although there has been a small increase in civil matters. The clearance rates for the current year *continued page 10...*

Public confidence in the judicial system cont...

involve the need to convey accurate information to our community about individual cases that become the subject of controversy. No-one-else will do it.

This is indeed a large challenge. Within a month of taking up my position last year I initiated discussions and urged the appointment of a full-time and appropriately qualified Community Liaison and Education Officer for the Court. I envisaged an ever expanding role in creating and implementing programmes for education at school level and community education generally. The website and relations with the media are also significant areas in which the Courts require such assistance. Almost all state Supreme Courts have this type of assistance. I was able to bring with me from South Australia a significant volume of material built up since 2002 by the Court Community Relations Committee and the Communications Branch of the South Australian Courts Administration Authority. We have the opportunity of benefiting from experience gained elsewhere in Australia.

Unfortunately, thus far finances will not permit the appointment of a full-time Community Education and Liaison person. I am in the process of putting together a group which I hope will be able to examine current programmes with a view to developing co-ordinated future programmes with emphasis on school curricula and involving the Judiciary. I appreciate that a lot of work has already been done over some years in opening the courts to students generally and in undertaking specific educational projects, but more is required. I hope also to engage with members of the media for the purpose of improving their understanding of the rule of law, the system of justice generally and the role of judicial officers within that system.

As to sentencing in particular, recently a document of sentencing principles has been placed on the Court website. It is a very small beginning. I hope that the new group will be able to collate and deliver relevant information for the media and that in the future our courts will be able to open up lines of communication with a view to ensuring a greater level of co-

operation and communication of information both to the media and the community at large.

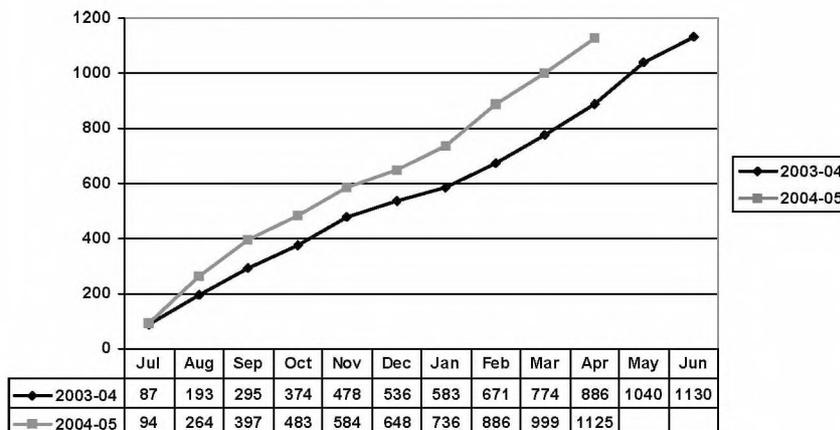
May I finish with the observation that we must earn public confidence. We must recognise that expectations have changed. I can do no better than quote the words of Gleeson CJ at the 2002 Judicial Conference of Australia Colloquium:

“Confidence in the judiciary does not require a belief that all judicial decisions are wise, or all judicial behaviour impeccable, any more than confidence in representative democracy requires a belief that all politicians are enlightened and concerned for the public welfare. What it requires, however, is a satisfaction that the justice system is based upon values of independence, impartiality, integrity and professionalism, and that, within the limits of ordinary human frailty, the system pursues those values faithfully.

Courts and judges have a primary responsibility to conduct themselves in a manner that fosters that satisfaction.”①

The work of the Supreme Court cont...

Supreme Court Sitting Days (All of NT)



are significantly higher than the previous year in criminal matters and are roughly the same in civil

matters.

Those lawyers practising in the civil jurisdiction who suspect that there

has been a downturn in lodgements in the current period are correct, although the downturn is nowhere near as dramatic as some have suggested. The downturn follows the high of 2002/2003. By 30 June 2005 civil lodgements for this year are likely to be roughly the same as, or slightly less than, in 2003/2004.

Thus far criminal lodgements are down in the 2004-2005 period.

The figures do not suggest that there is any significant downward trend in the civil workload of the Court, nor any dramatic upward trend in the criminal workload. Whilst the figures fluctuate from year to year, the overall picture remains fairly constant.①