The State of the Australian Judicature in 2024

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In his first "The State of the Australian Judicature" address, Chief Justice Gageler takes stock of the Australian Judicature. The sum of its many and varied parts is defined and described, quantitatively and qualitatively, and gauged where appropriate against international benchmarks or available comparators. This snapshot of the Australian Judicature accentuates its essential unity to provide a national framework to consider more closely issues of common concern and their possible responses. To that end, Chief Justice Gageler announces an Australian Legal Convention to be held in November 2025 under the auspices of the Council of Chief Justices of Australia and New Zealand the purpose of which will be to bring together representatives of organisations within the Australian legal system with a view to identifying and exploring co-ordinated responses to current and emerging issues.

Chief Justice Barwick delivered the inaugural "The State of the Australian Judicature" address in 1977 at the 19th Australian Legal Convention, sponsored by the Law Council of Australia. He explained that he had agreed to inaugurate the address because he saw Australia "slowly developing a sense of unity in the administration of the law" in the same way as he saw Australia developing a sense of unity in the legal profession. He said that it seemed to him "appropriate that the Chief Justice of Australia should undertake the task from time to time of indicating the state of the judicature, generalising in an Australian context and … speaking both of improvement and of the need for correction or development".[1]

On being sworn in as Chief Justice of Australia on 6 November 2023, I spoke of my good fortune in having come to that office at a time when Chief Justice Barwick's vision of a unified Australian judiciary was coming to maturity.[2] I had previously written of the legislative, doctrinal, and cultural changes through which that development occurred.[3]

Each Chief Justice since Chief Justice Barwick has delivered at least one "The State of the Australian Judicature" address with the result that the address has been given on 16 occasions since its inauguration. Writing in 2013, Professor Opeskin opined that Chief Justice Barwick's successors had for the most part fulfilled his hope "by addressing broad thematic issues affecting the Australian judiciary" but observed that they had been hampered by lack of data.[4] Data is now accumulating, though gaps remain.

This is the first of what I expect will be several such addresses to be given by me. I use this first address to take stock of "the Australian Judicature": to define it, to describe the sum of its many and varied parts, quantitatively and qualitatively, and to gauge it where appropriate against international benchmarks or available comparators. My hope is that the stocktake will form a basis for considering in subsequent addresses the issues which face the Australian Judicature and how the Australian Judicature might co-ordinate its response to those issues.

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* Chief Justice of Australia. This is an expanded and lightly referenced version of an address delivered at the Australian Judicial Officers Association Colloquium in Canberra on 12 October 2024. A fully referenced version can be accessed on the High Court website. I thank Andrew Belyea-Tate, Flyn Wells and Priyanka Banerjee for their painstaking research and analysis. I also thank Brian Opeskin, Ben Wickham, Chris Winslow, Una Doyle and Jordan Di Carlo for their helpful comments. Omissions are entirely my own. Errors, in an undertaking of this magnitude, are inevitable.

[1] Garfield Barwick, "The State of the Australian Judicature" (1977) 51 ALJ 480, 480.

[2] Ceremonial Sitting on the Occasion of the Swearing-in of the Chief Justice the Honourable Stephen John Gageler AC [2023] HCA Trans 151.

[3] See Stephen Gageler, "The Coming of Age of Australian Law" in Barbara McDonald, Ben Chen and Jeffrey Gordon (eds), *Dynamic and Principled: The Influence of Sir Anthony Mason* (Federation Press, 2022) 8; Stephen Gageler, "Integrating the Australian Judicial System" (2023) 15 *The Judicial Review* 21.

[4] Brian Opeskin, "The State of the Judicature: A Statistical Profile of Australian Courts and Judges" (2013) 35 *Sydney Law Review* 489, 516.

AUSTRALIAN COURTS AND TRIBUNALS

"The Judicature" appears as the title to Ch III of the *Constitution*, the preamble to which records the agreement of the people "to unite in one indissoluble Federal Commonwealth". Whether or not Professor Albert Venn Dicey was correct in theory to observe that "[f]ederalism... means legalism – the predominance of the judiciary in the constitution",[5] it is an undoubted fact that our lived experience of Australian federalism has been one of legal complexity. Nowhere is that complexity more apparent than in the contemporary system of Commonwealth, State and Territory courts to which the title to Ch III can today be taken to refer.

Defining "the Australian Judicature" for the purpose of this and future addresses, I start with the constitutional conception of "The Judicature" so as to include all courts of the Commonwealth, the States and the self-governing internal Territories which exercise judicial power in civil or criminal jurisdiction. I expand upon that conception to include State and Territory coronial courts as well as Commonwealth, State and Territory general civil and administrative tribunals. I exclude specialist tribunals.

Describing the Australian Judicature so defined, I commence with my own court, which Ch III of the *Constitution* refers to as "a Federal Supreme Court" yet requires to be called "the High Court of Australia". Since appeals to the Privy Council were terminated in 1986, the High Court alone has had ultimate appellate jurisdiction in appeals from State and Territory Supreme Courts as well as from all courts exercising federal jurisdiction. That ultimate appellate jurisdiction is constitutionally conferred subject to exceptions and regulations prescribed by the Commonwealth Parliament which include the threshold requirement for the High Court to grant special leave to appeal. Though the High Court has original jurisdiction conferred on it by the *Constitution* and by Commonwealth legislation, it also has and routinely exercises a broad power of remitter. The effect is that its original jurisdiction is in practice exercised only in the relatively few cases which are of national significance.

Below the High Court conformably with Ch III of the *Constitution* are two parallel hierarchical structures of courts and tribunals: those created or sustained by State and Territory legislation, on the one hand, and those created and sustained by Commonwealth legislation, on the other hand.

State and Territory Courts and Tribunals

State courts, being courts created or sustained by State legislation, exercise State jurisdiction and also such federal jurisdiction as is conferred on them by Commonwealth legislation. They exist within six distinct hierarchies each of which has the Supreme Court of the State at its apex. Correspondingly, Territory courts, being courts created or sustained by legislation of a self-governing internal Territory, exercise Territory jurisdiction and such federal jurisdiction as is conferred on them by Commonwealth legislation. They exist within two distinct hierarchies each of which has the Supreme Court of the Territory at its apex.

Each Supreme Court of a State or Territory exercises both original and appellate jurisdiction in and for the State or Territory. For the exercise of appellate jurisdiction, each State Supreme Court with the exception of the Supreme Court of Tasmania is now structured to have a permanent appellate division designated as its Court of Appeal. The Court of Appeal of the Supreme Court of New South Wales was the first to have been established in 1966, followed by those of the Supreme Courts of Queensland, Victoria, Western Australia, and most recently of South Australia. The Supreme Court of each of the two Territories, when exercising equivalent appellate jurisdiction, is known as its Court of Appeal.

The appellate jurisdiction exercised by each State and Territory Court of Appeal is both criminal and civil, with the exception of the Courts of Appeal of New South Wales and the Northern Territory which exercise only civil appellate jurisdiction. The Supreme Courts of New South Wales, Tasmania and the Northern Territory when exercising criminal appellate jurisdiction are known as Courts of Criminal Appeal. Civil jurisdiction akin to that exercised elsewhere by Courts of Appeal is exercised in Tasmania by a Full Court of its Supreme Court.

[5] AV Dicey, *Introduction to the Study of the Law of the Constitution* (Macmillan, 10th ed, 1960) 175.

Below the Supreme Court in each State, other than Tasmania, are two tiers of courts each exercising civil and criminal jurisdiction within designated limits. The courts at the higher of those tiers are styled District Courts in each of New South Wales, Queensland, South Australia, and Western Australia and the County Court in Victoria. The courts at the lower tier comprise those styled either Magistrates Courts or Local Courts as well as Children's Courts and Coroners Courts, constituted either as a division of the Magistrates or Local Court or as a separate court. In Tasmania, as in each of the Territories, there is a single tier of lower courts styled Magistrates Courts or Local Courts and Children's Courts and Coroners Courts, also constituted either as a division of the Magistrates or Local Court or as a separate court.

Within the standard hierarchy, provision exists in a number of courts for the adoption of culturally sensitive procedures in relation to Aboriginal or Torres Strait Islander defendants in the exercise of criminal jurisdiction. The functioning of Koori Courts within the County, Magistrates' and Children's Courts in Victoria, Circle Sentencing within the Local Court in New South Wales as well as the Walama List in the New South Wales District Court and Youth Koori Court in the Children's Court of New South Wales, Nunga Courts as divisions of the Magistrates Court in South Australia, and Murri Courts within the Magistrates and Childrens Court in Queensland are examples.

Outside the standard hierarchy in some States are also specialist courts. The Land and Environment Court of New South Wales, the Dust Diseases Tribunal of New South Wales, the recently reestablished Industrial Commission of New South Wales in Court Session, the Land Court and Land Appeal Court of Queensland, the Industrial Court of Queensland, the Queensland Industrial Relations Commission, the South Australian Employment Tribunal in Court Session, and the Environment, Resources and Development Court of South Australia are examples. The Family Court of Western Australia has since its establishment in 1976 been in the unique position of exercising within that State a category of federal jurisdiction that has been exercised elsewhere in Australia by courts created by the Commonwealth Parliament.

Taking up a significant part of the original State and Territory civil jurisdiction earlier exercised by lower courts in each State and Territory are now general civil and administrative tribunals. The first to have been established was the Victorian Civil and Administrative Tribunal (VCAT) in 1998. It was followed by the State Administrative Tribunal of Western Australia (SAT), the Australian Capital Territory Civil and Administrative Tribunal (ACAT), the Queensland Civil and Administrative Tribunal (QCAT) (which alone among them is legislatively designated to be a court), the New South Wales Civil and Administrative Tribunal (NCAT), the South Australian Civil and Administrative Tribunal (SACAT), the Northern Territory Civil and Administrative Tribunal (NTCAT) and finally the Tasmanian Civil and Administrative Tribunal (TASCAT) established in 2021.

Commonwealth Courts and Tribunals

There are currently three federal courts, being courts created and sustained by Commonwealth legislation, each of which exercises specified categories of federal jurisdiction conferred on it by Commonwealth legislation to some extent exclusive of and to some extent overlapping with the federal jurisdiction invested in State and Territory courts and in each other. One is the Federal Court of Australia, established in 1976, which has since then exercised federal jurisdiction in a range of civil matters and since 2009 has also had capacity to exercise federal jurisdiction in specified criminal matters. The other two federal courts, in their present form, were established in 2021. The Federal Circuit and Family Court of Australia (Division 1) (FCFCOA (Div 1)) is a continuation of the Family Court of Australia established in 1975. The Federal Circuit and Family Court of Australia (Division 2) (FCFCOA (Div 2)) is a continuation of the Federal Circuit Court of Australia established as the Federal Magistrates Court in 1999. The legislation establishing the current structures of the FCFCOA (Div 1) and the FCFCOA (Div 2) provides for a single point of entry for family law and child support proceedings, with the original jurisdiction of the FCFCOA (Div 1) in respect of such a proceeding enlivened only where the proceeding is transferred to it from the FCFCOA (Div 2) by order of that Court or the Chief Justice of the FCFCOA (Div 1).

The Federal Court and the FCFCOA (Div 1) each exercises original and appellate federal jurisdiction including in appeals from the FCFCOA (Div 2). The exercise of the appellate jurisdiction of the Federal Court and the FCFCOA (Div 1) is typically by a Full Court. The FCFCOA (Div 2) exercises only original federal jurisdiction.

Jurisdiction to review the merits of a range of decisions made by Commonwealth administrators, functionally akin to the administrative part of the jurisdiction exercised by State and Territory civil and administrative tribunals, is now conferred on the Administrative Review Tribunal (ART) established by Commonwealth legislation this year as successor to the Administrative Appeals Tribunal established in 1975.

Heads of Jurisdiction

Each of the High Court, federal courts and State and Territory courts is headed by a Chief Justice, Chief Judge or Chief Magistrate, whose role as head of jurisdiction is specified by legislation or is otherwise implicit in their distinct office. The current Chief Justice of the FCFCOA (Div 1) is also the Chief Judge of the FCFCOA (Div 2).

Each federal, State and Territory tribunal is headed by a President. In all States, with the exception of Tasmania, only serving judges are eligible for appointment as President. In Tasmania, as in each of the two Territories, only serving magistrates or persons eligible to be appointed as magistrates may be appointed as President.

Associate Judges

In most State higher courts, as well as the Supreme Court of the Northern Territory, "associate judges" or "masters" (the latter style adopted only in the Supreme Court of Western Australia) share in the undertaking of judicial work. The structures and processes of appointment, tenure, remuneration and complaints processes for associate judges and masters are broadly similar to those for judges.

Functional Classifications and Descriptions

Having defined "the Australian Judicature" for the purposes of this and future addresses, I turn to describe its composition and work. The description which follows adopts and adapts the approach long taken by the Australian Bureau of Statistics (ABS)[6] in classifying State and Territory Supreme Courts, State District and County Courts, together with the Federal Court, the FCFCOA (Div 1) and the Family Court of Western Australia as "higher courts" and in classifying State and Territory Magistrates Courts, Local Courts and Children's Courts together with the FCFCOA (Div 2) as "lower courts". Judges of higher courts are referred to as "judges", judges or magistrates of lower courts are referred to as "magistrates", and judges, associate judges, masters and magistrates are together referred to as "judicial officers". The Federal Court, the FCFCOA (Div 1) and the FCFCOA (Div 2) but not the High Court are referred to as "federal courts". Courts of Appeal together with the Courts of Criminal Appeal of New South Wales, Tasmania and the Northern Territory, the Full Court of the Supreme Court of Tasmania, the Full Court of the Federal Court, and the Full Court of the FCFCOA (Div 1) are referred to as "intermediate courts of appeal". State and Territory civil and administrative tribunals and the ART are referred to as "tribunals" and their members are referred to as "tribunal members". The Commonwealth, States and self-governing Territories are referred to as "polities".

Judicial Officers and Tribunal Members

Chief Justice Brennan, in an address such as this, defined "the state of the judicature" to mean "the quality of the judges and their ability to perform their functions".[7] The state of the Australian Judicature in 2024 continues to depend on the competence, integrity, reputation, and wellbeing of the 2,000 or more[8] judicial officers and tribunal members who now comprise it.

[6] As described most recently by the ABS under the heading "Court levels" in Australian Bureau of Statistics, *Criminal Courts, Australia, 2022-23* (No 4513.0, 2024) "Methodology".

[7] Gerard Brennan, "The State of the Judicature" (1998) 72 ALJ 33, 45.

[8] The 2021 Census recorded 2,153 members of the Australian Judicature comprising 741 judges, 544 magistrates and 871 tribunal members and equating to roughly five judicial officers and 3.4 tribunal members per 100,000 people. These approximate the figures in the United Kingdom, where there were about six judicial officers per 100,000 people in 2023.

Before looking to who those judicial officers and tribunal members are, what they are doing, and how they are performing, it is appropriate to note how they are appointed, how they are remunerated, the tenure upon which they hold office, and mechanisms by which they might be held accountable for their conduct. International benchmarks are to be found in the "Latimer House" principles on the relationship between the three branches of government, agreed to by Commonwealth Heads of Government in 2003 and updated in 2009, which accord with statements of principles on the independence of the judiciary adopted by the United Nations in 1985 and by the Law Association for Asia and the Pacific in 1997, among others.

The Latimer House principles emphasise that judicial "independence" and judicial "accountability" together underpin public confidence in the judicial system and that structures supporting judicial independence need to be complemented by structures supporting judicial accountability. The principles include that "[j]udicial appointments should be made on the basis of clearly defined criteria and by a publicly declared process" which should ensure "equality of opportunity for all who are eligible for judicial office; appointment on merit; and that appropriate consideration is given to the need for the progressive attainment of gender equity and the removal of other historic factors of discrimination". They also include that "[a]rrangements for appropriate security of tenure and protection of levels of remuneration must be in place". Australian polities exhibit significant but not yet complete adherence to those principles.

Structures and Processes for Appointment

The *Constitution* requires that Justices of the High Court and judges of the federal courts be appointed by the Governor-General in Council, in practice implementing decisions made by the federal Cabinet on the recommendation of the Attorney-General of the Commonwealth. For appointments to the High Court, but not to any of the three federal courts, legislative provision is made for the Attorney-General to consult with the Attorneys-General of the States. Legislation establishing the ART provides for appointment of members by the Governor-General on the recommendation of the Attorney-General.

Commonwealth legislation makes it a prerequisite for appointment to the High Court or to any of the three federal courts that the appointee has been admitted to practise for not less than five years, or, for appointment to the High Court, the Federal Court or the FCFCOA (Div 1), that the appointee is or has been a judge of another court. An additional legislated prerequisite for appointment to a federal court is that the appointee has appropriate knowledge, skills and experience to deal with the kinds of matters that may come before the court. Similar provision is made for the appointment of non-judicial members of the ART.

Legislation in each State provides for appointment to each State court or tribunal to be made by the State Governor in Council. Equivalent provision is made in Territory legislation for appointment by the Administrator of the Northern Territory or the Executive Government of the Australian Capital Territory, respectively. Prior judicial service or time in legal practice or both has also been prescribed by State Parliaments and Territory legislatures for appointment to State and Territory courts. For appointment to a State and Territory tribunal as a non-judicial member, the legislated prerequisite is either time in legal practice or relevant knowledge, skill or expertise.

How judicial officers and tribunal members are appointed within those formal structures varies between and within polities. Expressions of interest have in recent practice been sought by public advertisement for appointments to each of the three federal courts. In the case of the ART, that is required by Commonwealth legislation. Expressions of interest are now also generally in practice sought by public advertisement for appointments to State and Territory lower courts and District or County Courts with the exception of South Australia and Western Australia, as they have been for appointments to the Supreme Courts of Victoria, Queensland, Tasmania, and the Australian Capital Territory. Appointments to State and Territory tribunals are generally publicly advertised for expressions of interest.

Typically, the process of appointment in each polity is co-ordinated by its Attorney-General, in Western Australia alongside its Solicitor-General. Consultation with heads of jurisdiction is required by statute for some appointments in Queensland and South Australia and by notifiable instrument in the Australian

Capital Territory. Consultation with the relevant head of jurisdiction is required by statute for appointment as a judicial member of a tribunal and in some polities as a non-judicial member.

Selection or advisory panels have in recent practice been a feature of the processes of appointment to the three federal courts, the ART and most State and Territory lower courts and tribunals. In Queensland, Tasmania and the Northern Territory, candidates for appointment to the Supreme Court are also in practice reviewed by such a panel. Panels typically comprise representatives of the Attorney-General or their Department and of local legal professional bodies. Publication of selection criteria is required by statute in the Australian Capital Territory but not elsewhere.

Tenure

The *Constitution* has since 1977 provided for Justices of the High Court and judges of the federal courts to hold office until a fixed retirement age of up to 70 years and has prevented their removal other than by the Governor-General in Council on an address of both Houses of Parliament on the ground of proved misbehaviour or incapacity. The same basic structure guaranteeing security of tenure is now replicated for all courts in all States and Territories, with variation only in mandatory retirement ages. In New South Wales, Tasmania and the Northern Territory (with respect to its Supreme Court), judicial officers hold office until age 75, while all other polities have adopted a mandatory retirement age of 70 or 72.

Tribunal members are typically appointed for a fixed term of years, generally five, during which non-judicial members are removable only on specified grounds which include incapacity, misbehaviour, incompetence or neglect of duty. In Victoria, non-judicial members can only be removed if an investigating panel of the Judicial Commission of Victoria – about which more will be said below – provides a report to the Attorney-General stating that facts exist that could support proved incapacity or misbehaviour and the Attorney-General recommends to the Governor in Council that the member be removed. A similar scheme is in place in the Northern Territory.

Remuneration

The *Constitution* provides for Justices of the High Court and judges of the federal courts to receive such remuneration as is fixed by legislation and prevents that remuneration being diminished during their continuance in office. Commonwealth legislation has provided since 1989 for the level of remuneration to be fixed by the Remuneration Tribunal in annual determinations which come into force as legislative instruments.

Three approaches to determining judicial remuneration can be observed among the States and Territories. The first is to fix State or Territory judicial remuneration according to the rate of pay determined for judges of the Federal Court from time to time, an approach adopted in Victoria, Queensland, the Northern Territory (for its Supreme Court) and the Australian Capital Territory (for resident judges of its Supreme Court). The second is for judicial remuneration to be determined by a State or Territory remuneration tribunal, as adopted in New South Wales, South Australia, Western Australia, the Northern Territory (for its Local Court) and the Australian Capital Territory (for judges other than resident judges). The third approach is unique to Tasmania, where remuneration of the Chief Justice of its Supreme Court is determined as the average of the rates of remuneration for the Chief Justices of South Australia and Western Australia, while other Tasmanian judicial officers' remuneration is determined by reference to the remuneration of the Chief Justice. Legislation in each State and Territory with the exception of Tasmania makes express provision for remuneration of a person holding judicial office not to be diminished or reduced during their continuance in office, while the effect of Tasmania's approach to calculating judicial remuneration is that judicial remuneration is similarly protected from reduction.

As to remuneration of non-judicial tribunal members, a multiplicity of approaches can be observed. For non-judicial members of the ART and of the tribunals of Western Australia and the Northern Territory, remuneration is determined by the relevant remuneration tribunal. In each of Victoria, Queensland, South Australia and Tasmania it is determined by the Governor in Council, while such remuneration in New South Wales is determined by the Attorney-General and, in the Australian Capital Territory, by the Executive.

Pensions and superannuation are appropriate to be described as an aspect of remuneration. Non-contributory pensions are payable to Justices of the High Court and judges of the Federal Court and of the FCFCOA (Div 1) who cease to hold office having attained the age of 60 years having served for not less than 10 years at the annual rate of 60% of the appropriate current judicial salary, with provision for spousal pensions upon death. Proportionate pensions are also payable to some who have served for a lesser period having attained a particular age. Judges of the FCFCOA (Div 2) participate in a contributory superannuation scheme.

The same basic structure – for judges of higher courts to be entitled to non-contributory judicial pensions of up to 60% of a notional current judicial salary upon ceasing to hold office having attained a particular age or having served for a prescribed period of time having attained a particular age, and for magistrates to participate in a contributory superannuation scheme – is broadly replicated in all States and Territories, except for Tasmania where judges of its Supreme Court since 1999 have also participated in a contributory superannuation scheme. Non-judicial tribunal members participate in contributory superannuation schemes.

Complaints

To date, only five of the nine Australian polities have established judicial commissions or councils to examine complaints about judicial officers. The first was New South Wales in 1986. The others are now Victoria, South Australia, the Northern Territory and the Australian Capital Territory. With the exception of South Australia, each commission or council is comprised of heads of jurisdiction as well as non-judicial members drawn from the community. In South Australia, there is a Judicial Conduct Commissioner, being a legal practitioner of at least seven years' standing and who cannot be a current judge.

In the event of a complaint being made to a commission or council, a similar process is followed in each of the five polities. A preliminary examination of the complaint is undertaken, to determine whether it should be summarily dismissed, referred to the head of jurisdiction, or justifies the appointment of a panel to investigate the complaint and determine if there is factual foundation for removal from office. If this last course is taken, the panel is typically composed of two or three members, being one or two current or former judicial officers and a member of the community.

In Victoria and the Northern Territory, the remit of the State or Territory judicial commission extends to complaints about tribunal members. In other polities, complaints about tribunal members are typically referred to the head of jurisdiction in accordance with the tribunal's complaints policy.

Temporary Appointments and Judicial Exchange

The *Constitution* does not accommodate temporary appointments to the High Court or the federal courts. However, temporary appointments (judicial officers so appointed being variously styled "acting", "reserve", "auxiliary", "temporary" or "special") are facilitated by legislation in each State and Territory and are not uncommon in practice. Temporary appointments are for a fixed period ranging from six months to five years and are typically capped at a mandatory retirement age the oldest being age 78 in New South Wales and Victoria. Temporary judicial officers are protected from removal in a manner equivalent to that of permanent judicial officers in all States and Territories, except in the Magistrates Court of Tasmania and in the Northern Territory.

Among various justifications for temporary appointments is to facilitate judicial exchange so as to allow for judicial officers to gain experience sitting in courts of other polities. A Judicial Exchange Program between Queensland and Western Australia has existed since 2019 and was expanded to include South Australia as of 2023. Following model provisions developed by the Standing Committee of Attorneys-General in 2008, legislative provision was made in New South Wales and the Australian Capital Territory for a "judicial exchange arrangement" to be entered into by the State or Territory Attorney-General with the Attorney-General of another polity allowing for the transfer judicial officers between polities for periods of up to six months.

Diversity

Undeniably, "[f]or much of its history, the Australian judiciary has been highly homogenous – comprising largely white, middle-aged, Christian males from privileged socio-economic backgrounds, following similar career trajectories".[9] But demographics are changing. As at June 2024, women comprised almost 46% of judges in comparison with 17% in 2000. Women judges are supported by the work of various organisations including the Australian Association of Women Judges, which is the Australian member association of the International Association of Women Judges. Data on other aspects of diversity – such as Indigenous status, ethnicity, disability, professional background, sexual orientation and socioeconomic status – is currently lacking[10] but is in the process of being compiled at the behest of the Australasian Institute of Judicial Administration (AIJA), the function of which will be noted below. The first appointment of an Indigenous Australian as a judge of a federal court occurred in 2012, and to a State or Territory Supreme Court only in 2022.

Wellbeing

Multiple studies over the past two decades have reported judges experiencing high levels of work-related stress.[11] A recent large-scale qualitative study undertaken by Dr Schrever, Associate Professor Hulbert and Professor Sourdin[12] found stress levels to be increasing. The study found that the principal cause of stress in all courts is workload, with the content of cases and media and public scrutiny being further significant causes. Judges of lower courts reported the highest levels of stress due to the constant and substantial caseload. Despite the levels of stress that have been reported, the studies have consistently highlighted judges reporting considerable satisfaction in their work.

Public Perception

Public confidence in the Australian Judicature is essential to its legitimacy[13] and can be indicated through social surveys. A survey conducted for the Australian Law Reform Commission (ALRC) in 2020 reported a moderate level of trust in Australian courts generally, which was higher than for all surveyed institutions save for university research centres. More than 80% of participants reported "some" to a "great deal of" confidence in Australian courts and the legal system, although confidence was lower among participants who had themselves attended court.

In the United Kingdom, lower levels of public confidence in the judiciary have been reported than in Australia: a 2022 survey commissioned by the Good Law Project reported that 62% of participants trusted judges "a fair amount" or "a lot", and in a more recent survey taken in June 2024, about 44% of respondents said they had "a fair amount" or "a lot" of confidence in British courts and the judicial system. Nonetheless, and similar to Australia, UK courts and the UK judicial system more broadly have the highest level of trust among all British public institutions.

In the United States, there has been significant research on public opinion of and attitudes towards the judiciary. 2022 marked the first time that survey data indicated that trust in the federal judiciary as a whole fell below 50%, with only 14% of those surveyed believing that the federal judiciary treated

[9] Brian Opeskin, "Dismantling the Diversity Deficit: Towards a More Inclusive Australian Judiciary" in Gabrielle Appleby and Andrew Lynch (eds), *The Judge, the Judiciary, and the Court: Individual, Collegial and Institutional Judicial Dynamics in Australia* (Cambridge University Press, 2021) 83, 83.

[10] Brian Opeskin and Sharyn Roach Anleu, *Judicial Diversity in Australia: A Roadmap for Data Collection* (Report commissioned by the Australasian Institute of Judicial Administration, 2023) 2.

[11] For example, Carly Schrever et al, "Preliminary Findings from a Large-Scale National Study Measuring Judicial Officers' Psychological Reactions to Their Work and Workplace" (2024) 36 *Judicial Officers' Bulletin* 53.

[12] Carly Schrever, Carol Hulbert and Tania Sourdin, "The Privilege and the Pressure: Judges' and Magistrates' Reflections on the Sources and Impacts of Stress in Judicial Work" (2024) 31 *Psychiatry, Psychology, and Law* 327, 341–342. See also Gabrielle Appleby et al, "Contemporary Challenges Facing the Australian Judiciary: An Empirical Interruption" (2019) 42 *Melbourne University Law Review* 299, 341.

[13] Stephen Gageler, "Judicial Legitimacy" (2023) 97 ALJ 28, 28.

people equally irrespective of socioeconomic status. There has been a particular focus on the public perception of the US Supreme Court. In 2023, 53% of those surveyed responded that they trust the US Supreme Court to operate in the best interests of the American people.[14] A similar kind of survey in relation to my Court in 2018 suggested that 65% of Australians then had moderate to a great deal of trust in the High Court.

WORKLOAD

The Productivity Commission has reported data on courts in annual reports on government services since 1995. The data collected for that purpose has been gradually expanded and standardised over the years and now covers all Australian higher courts and lower courts as I have defined them. Without descending far into the detail, analysis of the data serves to confirm some general observations which might otherwise be intuited about the Australian Judicature as a whole.

The first is a phenomenon noted by Professor Opeskin in 2013 which he referred to as the stratification of State and Territory courts by subject matter jurisdiction. Measured in terms of the proportion of judicial time allocated to civil and criminal work, State and Territory Supreme Courts (like each of the three federal courts and the Family Court of Western Australia) are predominantly civil courts, though measured in terms of the proportion of cases determined the work of State and Territory intermediate courts of appeal is more evenly balanced. During the 10 years to 2023, the proportion of judicial time allocated to civil work averaged around 68%, while the proportion of criminal cases determined by State and Territory intermediate courts of appeal over the same period averaged around 51%. Courts below the Supreme Court in each State and Territory are overwhelmingly criminal courts, with the proportion of judicial time allocated to criminal work in District or County Courts and Magistrates or Local Courts averaging around 73% and 76% respectively over the same period.

The second is a decline in civil jurisdiction which is largely a continuation of a trend also noted by Professor Opeskin, and which follows similar trends in the United Kingdom,[15] federal courts in the United States[16] and Canada.[17] Measured in terms of civil proceedings lodged, the overall civil workload of federal, State and Territory courts has fallen steadily over the twenty years to 2022 by a total of almost 35%. Measured in terms of criminal proceedings lodged, the overall criminal workload has also declined, although to a significantly lesser extent.

Data reported annually by the ABS since 2003 enables examination of the mix of criminal workload. The data shows that, in 2022–2023, 37% of the total number of offences dealt with by courts were "traffic and vehicle regulatory offences", followed by 14% for "acts intended to cause injury", and 10% for "offences against justice" which include breach of custodial orders, breach of community-based orders and breach of violence and non-violence restraining orders. Sexual assault and related offences accounted for 1%. With some fluctuation, the overall mix of criminal workload has remained relatively stable since reporting began.

The ABS data can also be broken down into data for higher courts and lower courts. The breakdown reveals that sexual assault and related offences are increasingly dealt with by higher courts and have risen in their share of those courts' criminal workloads over the past 20 years by more than 200%. Although an increase in sexual assault and related offences over the same period can also be observed in lower courts, such offences accounted only for about 0.5% of total criminal workload in those courts in 2022–2023.

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[14] Shawn Patterson Jr et al, "The Withering of Public Confidence in the Courts" (2024) 108 *Judicature* 22, 24.

[15] Compare Ministry of Justice (UK), "Court Statistics (Quarterly) July to September 2013" <https://www.gov.uk/government/statistics/court-statistics-quarterly-july-to-september-2013> with Ministry of Justice (UK), "Civil Justice Statistics Quarterly: October to December 2023" <https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-october-to-december-2023/civil-justice-statistics-quarterly-october-to-december-2023>.

[16] United States Courts, "Federal Judicial Caseload Statistics 2023" <https://www.uscourts.gov/statistics-reports/federal-judicial-caseload-statistics-2023>.

[17] Statistics Canada, "Civil Court Cases, by Level of Court and Type of Case, Canada and Selected Provinces and Territories", Table 35-10-0112-01 <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510011201>.

Figure 1 shows that in 2022–2023, higher courts dealt predominantly with "sexual assault and related offences" (22%), as well as "illicit drug offences" (22%) and "acts intended to cause injury" (20%), while lower courts dealt predominantly with traffic and vehicle regulatory offences (40%) as well as "acts intended to cause injury" (14%) and "offences against justice" (10%).

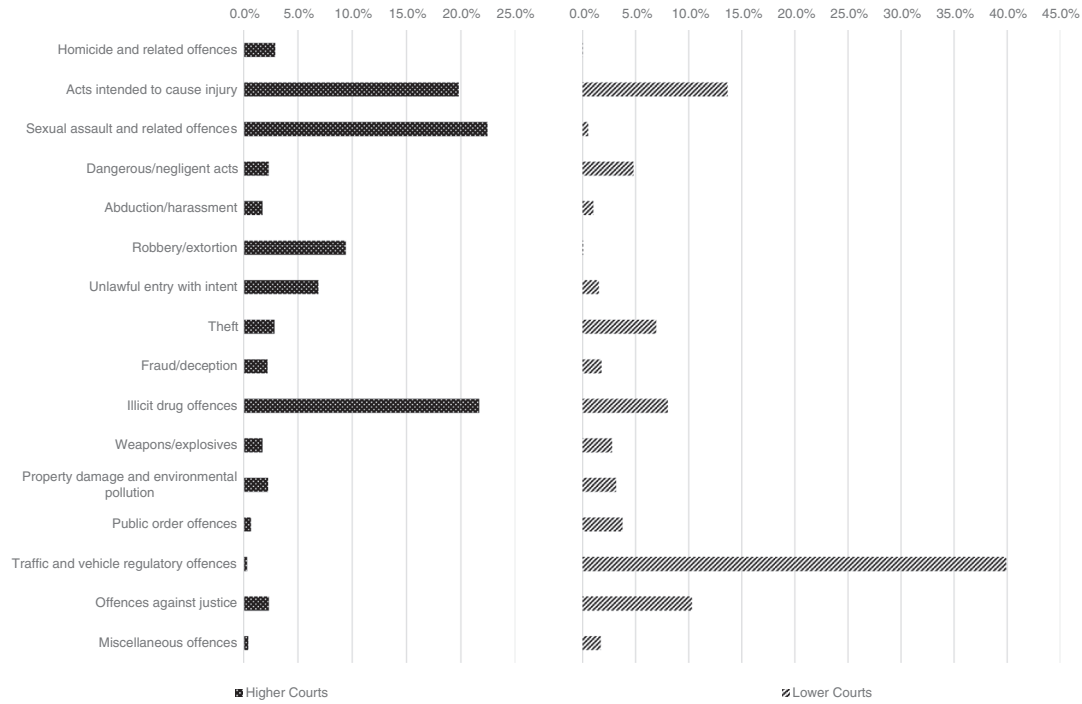

FIGURE 1. Proportion of workload, criminal cases, by court hierarchy and offence classification, 2022–2023

Since 2020, the ABS has also released national "experimental data" on offenders proceeded against for family and domestic violence offences, a consolidation of various divisions of offence. The experimental data is stated by the ABS not to be directly comparable across different polities given regional variations in definition of family and domestic violence offences. The consequence is that it may yet be some time before any trends in criminal workload in family and domestic violence offences can be examined quantitatively.

The available data does not enable such close examination of overall civil workload of Australian courts and tribunals. As noted by Professor Opeskin[18] and also by the Productivity Commission:[19] in the absence of any standard categorisation of civil jurisdiction such as what is released by the ABS with respect to criminal jurisdiction, comparison of civil workload across courts and tribunals is complicated by institutional variations in composition of civil jurisdiction and in approaches to reporting and categorisation of civil jurisdiction.

Recent focus on two categories of workload within civil jurisdiction – class actions and claims of compensation for institutional child sexual abuse – nevertheless enables some observations to be made as to current trends in civil jurisdiction. Data presented by Professor Morabito in research undertaken

[18] Opeskin, n 4, 491.

[19] Productivity Commission, *Access to Justice Arrangements* (Report No 72, 2014) Vol 2, 882–883.

in 2019 shows class action filings to have risen steadily since 1992 when the federal class action regime was first introduced,[20] while more recent data suggests that, between 2012 and 2023, class action filings increased by about 172%. Recent reporting by the Supreme Courts of New South Wales and Victoria on the filing of claims for compensation arising from institutional sexual abuse reveals annual increases in the order of 50%-60% in both of those courts following the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse and the removal of limitation periods for such claims in all States and Territories.

PERFORMANCE

The former Chief Justice of New South Wales, James Spigelman, was often heard to say that "not everything that counts can be counted".[21] Accepting still the wisdom of that aphorism and other prominent acknowledgments of the limitations of performance measurement, a basic picture of the performance of Australian courts and tribunals can be described with assistance from analysis of the available data.

Among existing metrics are those used by the Productivity Commission in its annual reports on government services. One of the three dimensions according to which the Productivity Commission measures performance is effectiveness, defined to refer to how well the outputs of court services meet their delivery objectives. Indicators of effectiveness include clearance and backlog.

Clearance is a measure of the extent to which pending caseload has increased or decreased over the measurement period by comparing the volume of case finalisations and case lodgments during the reporting period, calculated by dividing the number of finalisations by the number of lodgments and multiplying the result by 100. A figure greater than 100%, for instance, indicates that, during the reporting period, more cases were finalised than were lodged.

Backlog is a measure of the age of active pending caseload against nominated time benchmarks and is defined by the Productivity Commission as the number of cases in the nominated age category as a proportion of total pending caseload. For higher courts, the national benchmark is that no more than 10% of lodgments pending completion be more than 12 months old, and that no lodgments pending completion be more than 24 months old. For lower courts, the national benchmark is that no more than 10% of lodgments pending completion be more than six months old, and that no lodgments pending completion be more than 12 months old.

Global Measures of Court Performance developed in 2012 by the International Consortium for Court Excellence (ICCE)[22] as part of its International Framework for Court Excellence launched in 2008 similarly measure productivity by reference to indicators which include clearance and backlog. The founding members of the ICCE were the AIJA, about which more will be said below, the State Courts of Singapore, the American Federal Judicial Center and the National Center for State Courts of the United States. The International Framework has been implemented by the Supreme Courts of Victoria and the Australian Capital Territory, the FCFCOA (Div 1) and the FCFCOA (Div 2), the Land and Environment Court of New South Wales, the County Court of Victoria, the Magistrates Courts of Victoria and the Australian Capital Territory, the QCAT, as well as the Courts Administration Authority of South Australia, all of which are current members and associate members of the ICCE.

The clearance rate for criminal cases is shown by the Productivity Commission data to have remained steady across all State and Territory courts during the 10 years to 2023 at an average rate of about 96%,[23]

[20] Vince Morabito, *An Evidence Based Approach to Class Action Reform in Australia: Shareholder Class Actions in Australia – Myths v Facts* (Secretariat for the International Consortium for Court Excellence: Department of Business Law and Taxation, Monash University, 2019) 12, Table 1. See also Parliamentary Joint Committee on Corporations and Financial Services, *Litigation Funding and the Regulation of the Class Action Industry* (Report, 2020) 27.

[21] For example, James Spigelman, "Measuring Court Performance" (Paper delivered at the Annual Conference of the Australian Institute of Judicial Administration, 16 September 2006) 2.

[22] International Consortium for Court Excellence, *Global Measures of Court Performance* (3rd ed, 2020).

[23] With respect to clearance and backlog measures for criminal cases, data for the Supreme Court of New South Wales is included for the purpose of this analysis, although its comparability to other criminal jurisdictions is limited due to the overwhelming

meaning that cases were finalised at almost the same rate as they were filed, with an exception created by the impact of the onset of the COVID-19 pandemic in 2020. Over the same period, the clearance rate for civil cases across all courts was also steady at an average rate of about 100%, meaning that cases were finalised effectively at the same rate as they were filed. The reported data for State tribunals[24] shows an average clearance rate of around 98% from 2014 to 2023.

With respect to backlog, Figure 2 and Figure 3 illustrate how the COVID-19 pandemic impacted the backlog of criminal trials, with a 19% increase in the proportion of cases pending for more than 12 months in State and Territory higher courts between 2018 and 2021, and a 65% increase in cases pending for more than six months in State and Territory lower courts over that time. Courts have begun to clear those backlogs as the effects of the pandemic on judicial administration alleviate.

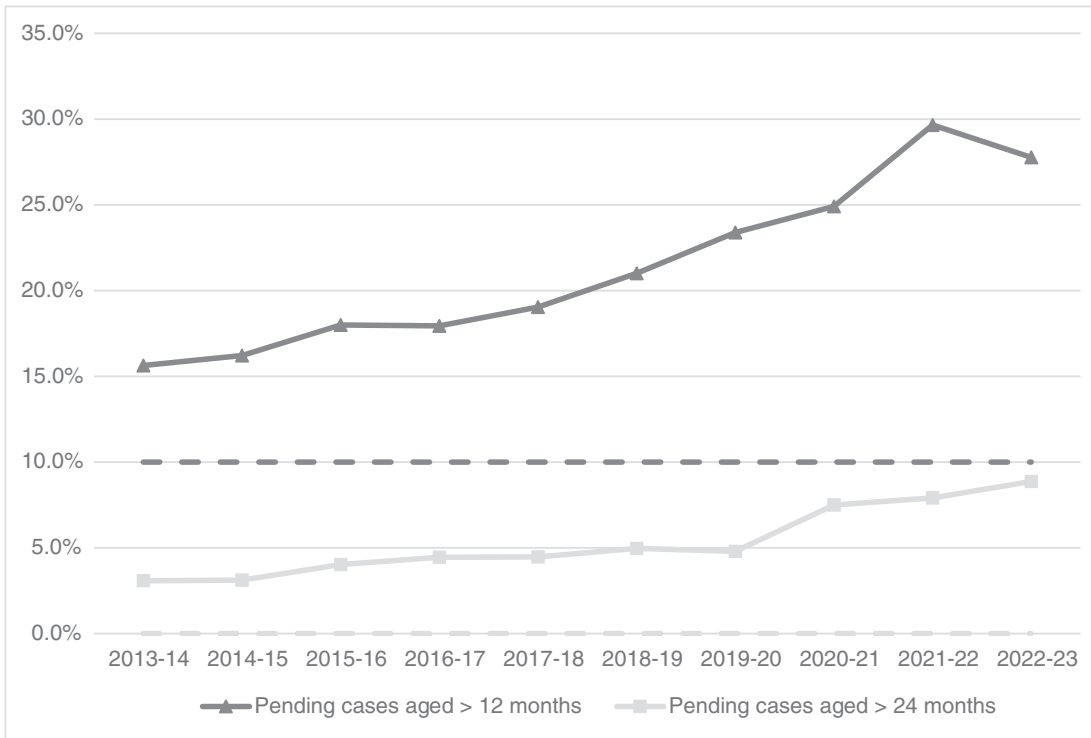

FIGURE 2. Backlog, criminal trials in higher courts, 2013–2023

Dashed lines indicate the benchmarks of 10% and 0%.

number of criminal cases there being murder and manslaughter offences. See Productivity Commission, *Report on Government Services* (2024) Pt C, Table 7A.25.

[24] Excluding the recently established TASCAT, annual reporting for which began in 2021–2022.

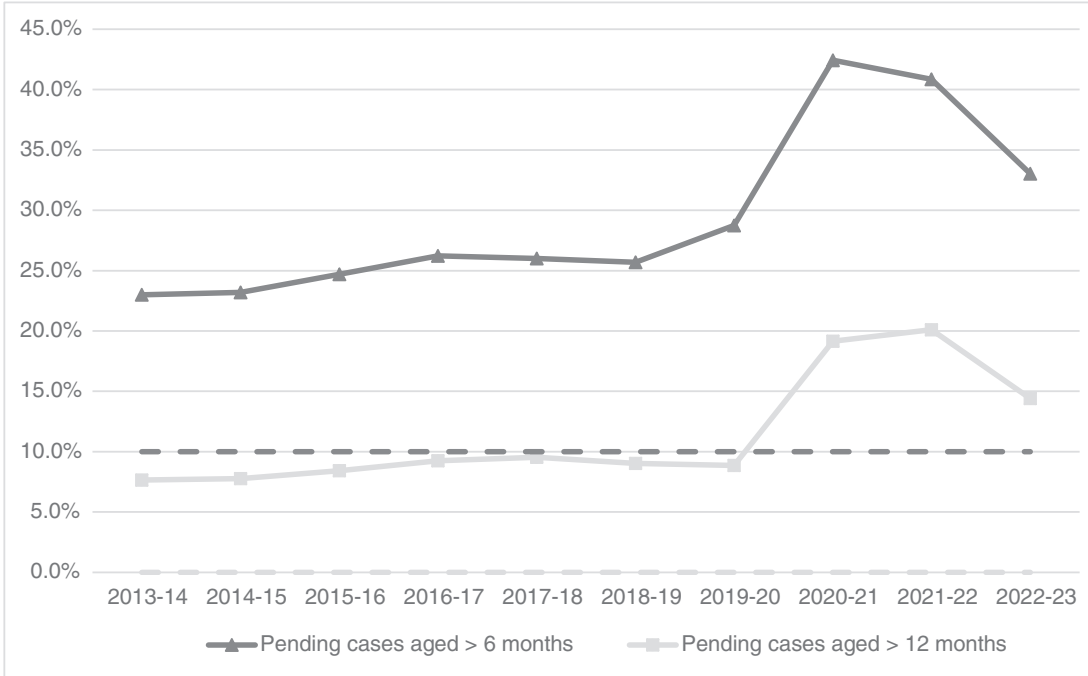

FIGURE 3. Backlog, criminal cases in lower courts, 2013–2023
Dashed lines indicate the benchmarks of 10% and 0%.

For civil cases in higher courts, backlog has remained largely steady over the past decade, with around 31% of cases pending for over 12 months (reaching almost 38% in 2021–2022 following the impact of the COVID-19 pandemic) and about 13% of cases pending for over 24 months, on average.

Governance and Representation of Judicial Officers and Tribunal Members

Contributing to the governance and representation of the Australian Judicature is a range of formally and informally constituted bodies. The principal bodies operating nationally are as follows.

Council of Chief Justices

The Council of Chief Justices of Australia and New Zealand (CCJ) is an unincorporated association of the Chief Justices of the High Court, Federal Court, the FCFCOA (Div 1) and the Supreme Courts of each of the States and Territories, together with the Chief Justice of New Zealand. The CCJ originated in a Conference of the Chief Justices of the Supreme Courts of the States and Territories convened in 1962. In 1993, the Chief Justice of Australia was invited to become its permanent chair upon which the Conference was reconstituted as the CCJ. The objects of the CCJ include to advance and maintain the principle that Australian courts together constitute a national judicial system operating within a federal framework.

Judicial Council on Diversity and Inclusion

The Judicial Council on Diversity and Inclusion (JCDI) (formerly known as the Judicial Council on Cultural Diversity) was established by the CCJ in 2013. The JCDI is comprised of judicial officers and tribunal members as well as representatives from legal bodies such as the AIJA and community organisations such as the National Accreditation Authority for Translators and Interpreters. The terms of

reference of the JCDI include commissioning research, undertaking consultation, providing advice and developing protocols and best practice guidelines on issues relating to diversity and inclusion within the Australian legal system.

AIJA

The AIJA is an incorporated association which has existed since 1976. Its governing Council consists of elected and appointed representatives from the judiciary, tribunals, court administrators, the legal profession, government service and academia. The AIJA conducts research into judicial administration, publishes bench books on a range of topics, and also regularly runs workshops, seminars and other educational events.

Australian Judicial Officers Association

The Australian Judicial Officers Association (AJOA) (formerly known as the Judicial Conference of Australia) was established in 1993 as an incorporated association and comprises judicial officers across all courts in all Australian polities, with over 950 current members. The AJOA is the representative body for the Australian judiciary.

Council of Australasian Tribunals

The Council of Australasian Tribunals (COAT) is an unincorporated association brought into existence in 2002 following a meeting of heads of tribunals. COAT supports the work of tribunals and promotes excellence in administrative justice.

Continuing Education of Judicial Officers and Tribunal Members

Judicial education and professional development for judicial officers are currently provided by two main national bodies and two main State bodies each of which is part of the International Organization for Judicial Training.

At the national level, alongside the AIJA, is the National Judicial College of Australia (NJCA), an independent not-for-profit entity. Since its establishment in 2002, at the instigation of the Standing Council of Attorneys-General on the recommendation of ALRC, the NJCA has designed, developed, and delivered regular judicial education and training programs for judicial officers at all levels of seniority within all court hierarchies including orientation programs for new judicial officers.

The main bodies at the State level are the Judicial Commission of New South Wales and the Judicial College of Victoria each of which is a statutory entity providing continuing judicial education programs across substantive law, procedure, judicial skills, and social context, including on judgment writing, cultural diversity as well as orientation programs for new judicial officers. Both also publish bench books on a range of topics, as do various other Australian courts and court administrators (about the latter of which more will be said below). The Judicial Commission of New South Wales was also the first to develop the Judicial Information Research System which is an online database of case law, legislation, sentencing principles, sentencing statistics and other reference material, aimed at helping courts achieve consistency in sentencing, with similar sentencing statistics databases now published by Sentencing Advisory Councils in Victoria, Queensland and Tasmania.

For tribunal members specifically, COAT runs various professional development events including on decision writing, management of tribunal rooms and inductions for new tribunal members and also publishes a practice manual for tribunals to provide guidance to members.

Court and Tribunal Administration

The work of each Australian court and tribunal is facilitated by court and tribunal administration. Across the Australian Judicature as a whole, three approaches to court and tribunal administration can presently be observed: self-administration, adopted at the Commonwealth level; administration by an independent

statutory body, the approach in South Australia and Victoria; and administration by a department of the Executive Government, the approach in all remaining polities.

The High Court has administered its own affairs since 1980. Each of the Federal Court and the FCFCOA (Div 1) has administered its own affairs since 1990 as has the FCFCOA (Div 2) since its establishment. Administration by the newly established ART of its own affairs is a continuation of an approach adopted in relation to its predecessor, the Administrative Appeals Tribunal, which similarly dates from 1990.

In 1993, South Australia was the first State to establish an independent statutory body, the Courts Administration Authority, responsible for providing administrative facilities and services for South Australian courts. In 2014, an equivalent independent statutory body was established in Victoria, designated Court Services Victoria. The remit of the South Australian body now includes all South Australian courts, the affairs of the SACAT being administered by the South Australian Attorney-General's Department. The remit of the Victorian body includes all Victorian courts as well as the VCAT. Each body is governed by a council composed of the various heads of jurisdiction as well as non-judicial members who have expertise in finance, public administration, or management. The Chief Executive Officer of each is recommended or appointed by the council.

Courts and tribunals in all other States and Territories are administered by a department of the State or Territory government, typically that of the Attorney-General.

The Australasian Court Administrators Group provides a forum for chief executives of all self-administering federal courts and tribunals and all heads of court and tribunal administration in the States and Territories, as well as their counterparts in New Zealand and Papua New Guinea, to discuss matters of common concern.

The work of all courts is also supported by registrars. Registrars are typically appointed as public service employees and can exercise delegated judicial power.

AUSTRALIAN LEGAL PROFESSION

To concentrate on the Australian Judicature to the exclusion of the Australian legal profession would be to ignore both the context in which courts and tribunals perform their functions and the pool from which judicial officers and tribunal members are predominantly drawn. The Australian legal profession, although regulated at the level of each State and Territory, is now indubitably national insofar as the mutual recognition principle, established by Commonwealth legislation, entitles a legal practitioner with a current practising certificate in one State or Territory to engage in legal practice in another State or Territory.

There are roughly 98,000 Australian legal practitioners of whom roughly 90,000 practise as solicitors (including about 15,000 who work as corporate counsel) and roughly 8,000 practise as barristers. About 55% of all solicitors and 38% of barristers are now women and around 1% of solicitors are Indigenous Australians.

New South Wales, Victoria and Western Australia each now adhere to the *Legal Profession Uniform Law*, overseen by the Legal Services Council (LSC) and the Commissioner for Uniform Legal Services Regulation, under which they adopt the same text for the schemes regulating practitioners, while other States and Territories have generally adopted much the same principles in practice. Uniform conduct rules apply to Australian solicitors and barristers across the States and Territories, whether through the Uniform Law or in practice.

The Law Council of Australia, comprised of 16 constituent bodies being the State and Territory-specific law associations representing solicitors and bar associations representing barristers, is and has long been the peak national representative body of the Australian legal profession as a whole. The Australian Bar Association is the peak body representing Australian barristers at the national level, while State and Territory-specific bar associations represent them at the State and Territory level. The Australian Chapter of the Association of Corporate Counsel promotes the professional interests of in-house counsel. Other bodies such as the Australian Women Lawyers, the Asian Australian Lawyers Association, the African Australian Legal Network, the Muslim Legal Network, the Disabled Australian Lawyers

Association and Pride in Law work to facilitate connection between lawyers from underrepresented backgrounds and to spotlight the importance of diversity in the legal profession more broadly.

Legal services are provided to governments of the Australian polities by offices variously styled Government Solicitors, Crown Solicitors and State Solicitors, as well as by the Solicitor-General of the polity. Public prosecutors within the offices of the Commonwealth, State and Territory Directors of Public Prosecutions are responsible for the conduct of serious criminal prosecutions. Public defenders are statutorily enshrined in New South Wales and also work in practice in Victoria and Queensland to represent those accused who cannot otherwise reasonably afford legal assistance across bail applications, criminal trials, sentencing appeals as well as quasi-criminal applications such as before parole boards.

Legal aid services in each State and Territory, represented at the national level by National Legal Aid Australia, provide critical legal assistance in criminal law, family law and some civil law matters to eligible persons who are assessed on a range of considerations including case type, the likely benefit to the person and the person's financial situation. These legal aid bodies are further supported by more than 160 community legal centres across Australia which provide legal assistance to those who are not eligible for legal aid but otherwise cannot afford private legal assistance and which are represented by State and Territory associations of community legal centres and nationally by Community Legal Centres Australia. Aboriginal and Torres Strait Islander legal services are a further important part of the community legal sector, operating across Australia to provide free, culturally appropriate legal advice and representation to Aboriginal and Torres Strait Islander people and which are represented nationally by the National Aboriginal and Torres Strait Islander Legal Services.

Legal Education

The pipeline to the legal profession and in turn the Australian Judicature is legal education. Prospective lawyers can undertake either a tertiary degree in law or, in New South Wales, a diploma in law from its admission board. There are currently 39 law schools in Australia offering undergraduate or graduate law degrees. In its last survey in 2018, the Council of Australian Law Deans (CALD) reported that 8,499 law students were graduating that year across Australia.

The CALD publishes the Australian Law School Standards, first adopted in 2009 and most recently revised in 2020, which are designed to assist all Australian law schools to improve the quality of legal education as a whole, while allowing for differences in pedagogical method across the law schools.

Each State and Territory also has an admission board or council which sets and implements standards for the accreditation of law courses for admission purposes. Each State and Territory admission board or council further requires that law graduates must complete a practical legal training course with an accredited provider or engage in supervised legal training in order to be admitted to legal practice in a State or Territory.

The Law Admissions Consultative Committee, which comprises nominated members from each State and Territory as well as nominees of national bodies including the CALD and the Law Council of Australia, is responsible to the CCJ for developing national standards for the accreditation of law courses and practical legal training (or equivalent supervised workplace training). Its national standards are in practice adopted by State and Territory admissions boards or councils and are reflected in the Legal Profession Uniform Admissions Rules which are developed by the Admissions Committee of the LSC.[25]

Ongoing legal education after admission to practice is a standard requirement for Australian lawyers as part of continuing professional development obligations in substantive law as well as ethics and practice management.

To be mentioned finally is the Australian Academy of Law, which provides an interface between Australian judicial officers, legal practitioners and legal academics within the Australian legal system.

[25] See Sally Kift and Kana Nakano, *Reimagining the Professional Regulation of Australian Legal Education* (Report commissioned by the Council of Australian Law Deans, 2021) 16–17, 27.

BRINGING IT ALL TOGETHER

Preparing this address has involved aggregating and synthesising a vast amount of data from disparate sources. The snapshot of the Australian Judicature presented has been taken at a focal length chosen to accentuate its essential unity. This has not been done to downplay its incongruities nor to obscure its imperfections nor to ignore its many and varied challenges. Rather, it has been done in an attempt to provide a national framework within which issues of common concern warranting closer examination might profitably be considered.

Recalling that the context of the inaugural "The State of the Australian Judicature" address delivered by Chief Justice Barwick nearly half a century ago was an Australian Legal Convention, it is appropriate that I conclude this address with an announcement.

The CCJ has resolved to sponsor an event, also to be known as an Australian Legal Convention, at the High Court Building in Canberra from 20 to 22 November 2025. The intention of the CCJ is to bring together representatives of organisations within the Australian legal system, including but not limited to bodies I have mentioned, with a view to identifying and exploring co-ordinated responses to current and emerging issues. The event will provide a forum for the next address of this nature to focus less on what the Australian Judicature is than on what it might become.