

**OPENING ADDRESS**  
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**2011 AUSTRALASIAN COURT ADMINISTRATORS CONFERENCE**  
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I would like to begin by acknowledging the Gadigal People of the Eora Nation, the traditional owners of this land. I pay my respect to their elders past and present.

It is my pleasure to welcome you to the Australasian Court Administrators' Conference. At the outset, I would like to say what a delight it is to have Court Administrators from throughout the region joining us in Sydney. I'd like to welcome you; I hope that you enjoy your stay.

Court administration in this region is among the very best in the world. Courts administrators are entitled to feel proud of the achievements made in this sector in Australia, New Zealand and more broadly. However, as I am sure you all know, the justice sector is constantly changing. Reforms to the sector, and reforms affecting the

sector, have the potential to create new challenges but also new opportunities.

There is no doubt that the legal systems in this region are becoming more closely aligned, both in terms of the matters they hear, the parties appearing before our respective courts and the way in which our courts operate. We have reached a stage in the region, and indeed in Australia itself, whereby court operations throughout our region are similar enough that we can transfer lessons from one jurisdiction to another, yet our court systems maintain sufficient independence from one another that it is still possible to think critically about developments in other jurisdictions and offer honest and constructive feedback.

This happy medium means that conferences such as this one provide a perfect foundation for the exchange of ideas between jurisdictions. This conference is an opportunity to develop a greater understanding about the changes and reforms that are being implemented in the justice sector across the region, to confront the challenges facing our respective justice systems and to embrace ideas and opportunities that might assist the justice sector to improve.

Looking through the program for the next two days reveals one recurring theme: innovation. Stephen R Covey, author of the famous book, *The Seven Habits of Highly Effective People*, once said: 'Management is efficiency in climbing the ladder of success; leadership determines whether the ladder is leaning against the right wall.' Choosing the right wall is all about innovation: identifying the best direction for court operations of the future and ensuring that the optimal direction is being effectively pursued.

Judges, and the community more broadly, rely on you to not only be managers but to be leaders. We rely on you to identify areas of court administration that are not operating effectively, or areas in which we are not operating at all, and to propose change. While leaders are important for any organisation, they are particularly important when it comes to the administration and management of the institutions of justice. The theme of this conference provides an indication of why this is so.

The theme of this conference is 'serving democracy and its publics'. Glancing at media headlines might make you think that courts are not about democracy at all: you might be led to believe that judges are wholly unaccountable and undemocratic because they have the capacity to make decisions that do not square with what the majority, or

at least the vocal minority, might demand at a specific point in time. However, a democracy based solely on majoritarian rule is no democracy at all. Courts play a fundamental role in upholding the basic standards and laws that our society says should be upheld, rather than responding to the whims of the time. Judges do this through the way in which they decide cases. Court administrators do this through the way in which courts are operated: by ensuring that all people have access to justice regardless of who they are; by putting systems in place to ensure that all documents are properly filed and considered; by ensuring that justice is delivered without delay.

Serving the principles of democracy – equality before the law, access to legal remedies and protection of citizens' rights – is something that everyone in the court system aims to do, but court administrators are often best placed to implement the systems that make access to justice a reality for people who are otherwise bewildered by complex institutions that, without your systems, would be very difficult to navigate. That is why we need you to be leaders as well as managers: because you are the people who ensure that courts *can* function as a check and balance, as a mechanism for upholding rights, and as a venue for enforcing obligations.

The other reason that society needs court administrators who are leaders as well as managers is because court administrators are at the forefront of court responses to social developments. One of the sessions on your program for later today is a discussion about how to use social media to promote access to justice. In the era in which technology is being developed faster than ever before it is vital that court administrators remain aware of the way in which technological developments are changing the way things are done, and perhaps more importantly, look for opportunities to harness technology as a vehicle for improving court operations.

This conference is very much focussed on the future. To plan for the future it is necessary to take account of alternative possibilities, or scenarios, without necessarily holding to current assumptions about the way things are done. The classic example of scenario planning is Shell in the 1970's. In the 1970's, most oil companies assumed that the oil market would remain the way it had recently been and that they could keep doing the same things that they had always done. Shell recognised that the traditional mode of forecasting had led to forecasters taking a narrow view of the future. All forecasters were using the same sets of assumptions when looking at the future of the industry. As a result, rather than merely forecasting the future price of oil based on the

same assumptions used by other companies, Shell instead systematically developed a set of plausible scenarios about what could happen to oil prices in different contexts. The entire industry operated on the assumption that oil prices would remain stable. Although the management of Shell believed this assumption to be true, management allowed itself to explore other, unlikely, scenarios and discuss a possible response should these occur. By considering other scenarios, decision-makers became more open to the possibility that current assumptions may not necessarily hold true. Of course, when the 1973 oil shock occurred, Shell was uniquely well-placed to respond to the crisis because it was not the first time that Shell had contemplated instability in the oil market.

This example demonstrates that in order to serve the community, it is vital to test our underlying assumptions about how things operate and think creatively about the future. Court administrators have day-to-day responsibility for management of court functions. You have insights that judges are not in a position to share. That is why we rely on you to think about alternative scenarios and what they might mean for the courts.

Resilience is at the core of scenario-planning. The conference session on disaster recovery for court operations will no doubt provide a

useful opportunity to explore how courts can position themselves to mitigate the effects of disasters and recover from unforeseen disasters as quickly and painlessly as possible. By thinking about future scenarios, especially those that we hope will never exist, we allow ourselves to consider the unthinkable and be better prepared for when it happens.

Scenario-planning is not only about planning for disaster but also about looking at opportunities for growth, development and improvement. This conference allows those possibilities to be explored in a collaborative environment.

I would like to conclude by congratulating the organisers of this event, and particularly Michael Talbot, for putting together such an informative and relevant program. I would like to thank the speakers who will be presenting at the conference in advance for their efforts in preparing their addresses and their generosity in presenting. I hope that the next two days prove to be useful and inspiring.