THE LAW SOCIETY OF THE AUSTRALIAN CAPITAL TERRITORY

The Ninth
SIR RICHARD BLACKBURN LECTURE

"LETTING THE PUBLIC KNOW:
THE EDUCATIVE ROLE OF THE COURTS"

The Honourable M.E.J. Black
Chief Justice of the Federal Court of Australia
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Introduction
It is an honour to have been asked to deliver the ninth Sir Richard Blackburn Lecture. It is also a pleasure, and particularly so having regard to the close and cordial relationship between the Federal Court of Australia and the Supreme Court of this Territory.

In the first of these lectures, delivered by Sir Richard Blackburn himself eight years ago, the former Chief Justice referred to the responsibilities of the Law Society of the Australian Capital Territory as the representative professional body of the legal profession in Canberra. He saw as one of those responsibilities a duty to assist the community to understand such vital matters as the rule of law, the functions of the legal profession, the function of the courts and the independence of the judges. Nothing that I say tonight is intended to suggest any lessening of the importance of the educative role of law societies and bar associations. Indeed, as will become apparent, I consider that there are areas within this field in which law societies and the courts can and should work in close co-operation. What I wish to argue, however, is that the courts too have a role to play - a very important role - in the processes by which the community can be assisted to have a better understanding of our system of justice, of the functions of the courts and the way in which they work, and of the values our system of justice seeks to uphold.

The importance of informing the public
There can be no doubt about the importance of the task of informing the public about our system of justice or about the need for that task to be undertaken. In 1992, in his paper "The Ways Available to the Judicial Arm of Government to Preserve Judicial Independence", the Hon Mr Justice R E McGarvie observed:
'There is a great paradox in the Australian judicial scene today. While opinion is unanimous that the judicial system must have the confidence of the community and that its real, as distinct from its formal, authority comes from that confidence, practically nothing is done to provide the public with the information from which that confidence would grow.\(^1\)

The basic structures of our system of government are ultimately involved. In his closing address at the 27th Australian Legal Convention in Adelaide in September 1991, the Chief Justice of South Australia, the Hon Justice King, said:

"We in this hall know that the very existence of our free society depends upon the legal system, that is to say upon the government of that society by rules of law interpreted and applied by an independent judiciary operating through an independent court system. We should be aware moreover that the only guarantee of the continued survival of that system is the support of an informed public opinion. Only with that support can we hope to withstand threats to the legal system and in particular to the independence of the judiciary and the legal profession. If the public is apathetic or antagonistic, the foundations which underpin the independent judicial system are in danger of being eroded."

Within a short space of time - probably no more than about eighteen months - great changes have begun to take place in the approach of courts in Australia to the provision of information to the news media and to the public. Whilst there is reason to hope that this has already had an effect upon the level of public understanding of the legal system, it must be acknowledged that the need to improve the flow of information is great and that, on any view, there is still a very long way to travel.

In 1992 a research unit in Queensland published the results of a study of the social research, and in particular opinion polls, that had been conducted into various aspects of the Australian constitutional system.\(^2\) The researchers commented upon the paucity of information on community awareness and understanding of issues of judicial independence, which they considered was indicative of the lack of systematic research into issues of constitutional importance. But they were able to say: \}
"Until the recent prominence given to issues in relation to the Constitution by the media, it would be safe to surmise that a significant portion of the Australian population was oblivious even to the existence of an Australian Constitution. Indeed it would be safe to assume that the said oblivion is still widespread."

A Newpoll survey carried out in 1987 on behalf of the Constitutional Commission found that 46% of the Australian population, rising to 70% in the 18-24 age group, was unaware that Australia had a Constitution. A poll reported in The Australian last year suggests that the same level of ignorance persists. The respondents were asked to name two important topics in the Constitution; 73% of respondents gave no correct answers and only 11% could give two correct answers. To the question "What does the High Court do?", 42% percent of respondents could give no correct answer and 60% could not provide a correct answer to the question asking for the meaning of federation.

The general lack of knowledge about the Constitution revealed by the limited research that has been undertaken tends to support the conclusion that, despite the heightened level of interest in the system of justice of recent times, the lack of understanding about the system is indeed substantial and widespread. Moreover, there have been clear signs of the antagonism of which Chief Justice King warned.

In these circumstances, the present unprecedented level of critical interest in the system of justice in this country should, in my view, be seen as providing an excellent opportunity to promote a much better understanding of that system.

A brief reference to some specific issues of current debate will illustrate both the need and the opportunity to provide information to the public. Take, for example, the public discussion about judges making law. It is surely a positive sign that there is now public discussion about the role of the judiciary; but absent an understanding of what judges do and of how they "make" law, public discussion about that and about the equally topical subjects of the qualifications required for judicial office and the methods of selection of the judiciary will not be properly informed. The continuing
public interest in all these topics provides the opportunity to inform. Then there are
the questions whether, and in what respects and in what senses, the judiciary should
be "representative". If it is believed that judges "make" law in an idiosyncratic way,
unconstrained by established principle, the debate about a "representative" judiciary
will obviously not be properly informed. Additionally, unless the respective roles of
the parliament, the executive government and the judiciary are adequately understood
by the public, it is likely that dissatisfaction with "the law", either in general or in
particular respects, will be not be directed to the arms of government with which
responsibility in fact lies.

The responsibility of governments to provide adequate funding for the system of
justice is relevant in this context too. It is undoubted that the courts have a
responsibility to manage their business efficiently and to strive to improve the
workings of the system of justice. But it is important for the community to be
informed of the facts from which it can be seen that there is a direct relationship
between the resources provided to the courts and their capacity to satisfy community
expectations, particularly with respect to the speedy disposition of cases. By providing
information about the system, the responsibilities of government as well as the
responsibilities of the courts for the functioning of the system of justice will be better
appreciated.

I conclude this section by making a brief reference to one of the great rights that the
courts uphold, namely the right to a fair trial. That right was of course at the heart of
the decision of the High Court in Dietrich v The Queen.9 Although some
commentators recognised the importance of the decision in the development of the
common law, the overall reaction was to emphasise its effect on already strained legal
aid budgets. A similar reaction greeted the High Court's earlier decision in Latoudis v
Casey10 that the police might, on ordinary principles, be ordered to pay the costs of
a defendant to an unsuccessful summary prosecution. A more informed understanding
of the importance of the right to a fair trial in our system of justice might have led to
a more enthusiastic reaction to the decision in Dietrich v The Queen. Complicated
issues of funding priorities are of course involved in all these areas, and as one commentator observed: "Fairness may be self-evident but it is not self-funding." But the further comment may be made that unless the principles involved are widely understood, fairness may not be considered worthy of funding at all and the great common law ideal of fairness may be eroded.

**Why the courts?**

It must surely be clear that whatever were the processes for informing the public about our system of justice in the past, those processes have been deficient and that they do not satisfy the needs of a society that now, rightly, subjects its institutions to critical examination and expects them to be more accountable than they were.

The first reason why, in my view, the courts have a role to play in assisting the community to have a better understanding of our system of justice is simply that the courts are in the best position of all to explain, in appropriate ways, how they do operate. Secondly, the role of Attorneys-General in defending an always-silent judiciary has greatly diminished, whilst at the same time society no longer accepts unquestioningly the authority of its institutions. Response to criticism is obviously important for a balanced view and the public interest is not served if criticism is left unanswered by those best qualified to answer it. Thirdly, the courts have, directly in the case of the self-administered federal courts, or indirectly, a substantial capacity to determine how public resources are applied in the administration of the courts, and it is in their administration that the courts have the capacity to facilitate the communication of information about their work and about the cases they decide. In fact, in some respects, they have the exclusive ability to do so.

Moreover, it is the courts themselves that can determine that they will have a culture that is seen to facilitate communication and positively to encourage an understanding of their work and of the system of justice generally. To take a particular example, it is the courts themselves that can determine by the approaches they adopt whether those who come to a court as, say, students to view a trial will regard that experience
as interesting and valuable, as it can and should be, or as an experience that is essentially negative.

I referred earlier to the great changes that have begun to take place in the approach of courts in Australia to the provision of information to the media and to the public. The point that may be made here is that the new approach has not, as some feared it might, damaged the standing or authority of the courts. On the contrary, my impression is that it has been generally accepted as an entirely appropriate response to a clear need.

**The courts and the community**

The Commonwealth Attorney-General and the Minister for Justice have released the report of the Access to Justice Advisory Committee, a committee they had established in October 1993 to advise on how the Australian justice system could be made fairer, more efficient and more effective. This lecture is not of course a response to that Report, which was released only two days ago and which in any event is not primarily concerned with what I see as the educative role of the courts in their relationship with the community. Nevertheless it will be seen that many of the steps that I suggest can be taken by the courts to improve the public’s understanding of our system of justice relate closely to other changes that have occurred and are about to occur in the Federal Court and in other courts, and which the Committee has noted and endorsed in Chapter 15 of the report entitled, *The Courts and the Community*. For example, the Federal Court’s stated objective of courtesy, and various aspects of its access and equity strategy are of direct relevance to the ease with which information about the role of the courts can be obtained and provide important indicators of the general approach that may be expected when dealing with the Court and its officers. In one particular respect, namely the recommendation in Chapter 20 that the Federal Court of Australia should consider the establishment of an experimental program to allow the broadcasting of proceedings, the Report bears directly on the topic of this lecture. I shall address that recommendation specifically later.
Judges and the media

Within the last year, Chief Justices of Australian courts have demonstrated that they are prepared to speak publicly about the work of the courts and, in appropriate circumstances, to respond to criticism of the judiciary.

In his State of the Judicature address to the 28th Australian Legal Convention in Hobart in September 1993 the Chief Justice of Australia, Sir Anthony Mason, observed that the marked upsurge of public interest in the courts and what they are doing provided for all those who are connected with the law a timely opportunity to contribute to a better popular understanding of the important role that the courts play in society. The Chief Justice added:-

"It also provides the judges with a greater opportunity of reinforcing public confidence in the administration of justice. They can take advantage of that opportunity by dedicating themselves to the just, efficient and courteous disposition of cases coming before them. And, where appropriate, they can explain publicly their work and the issues they face. That is now happening in the United Kingdom and I see no reason why it should not happen here from time to time, so long as judges refrain from expressing views about questions likely to come before them."  

Shortly afterwards the Chief Justice of Victoria, the Hon Mr Justice Phillips, noting that judges had been wrongly stereotyped as elderly, remote from modern social reality and as coming from extremely narrow and privileged backgrounds, announced that he had resolved to reply to such criticisms in the future. He said that the conventional silence of judges to criticism had encouraged not only an increase in its volume but also an increase in unfair and misleading criticism. Phillips CJ added that he was not interested in responding to pin-prick but would do so only when really necessary.

Then in late 1993, the Chief Justice of Australia, and the Chief Justices of the Federal Court and the Family Court, the Chief Justice of Victoria and other heads of jurisdiction in that State, each agreed to be interviewed for a series of articles about
the courts and the judges to be published by the *Herald Sun* in Melbourne. Publication of the series of seven articles commenced on 7 February 1994 with a prominent report of an interview with Mason CJ. This was followed by interviews with members of the Supreme Court of New South Wales including the Chief Justice, published in *The Sydney Morning Herald*. More recently still Sir Anthony Mason was interviewed on ABC radio's *The Law Report* and an interview with the Chief Justice of South Australia was published in *The Sunday Mail* in Adelaide.

Other developments have included the establishment of an Australian Judicial Conference with aims that include:

(a) the development within government and within the general community of an understanding and an appreciation of the role of an independent judiciary and;

(b) achieving a better public understanding and appreciation of the role of the judiciary and the administration of justice.

A Council of Chief Justices has also been established with a function to speak and act on behalf of the Chief Justices in matters affecting the administration of justice.

As I see future developments, however, the emphasis in relations between the courts and the media will not be upon infrequent interviews with a Chief Justice or with other heads of jurisdiction but upon the day to day assistance the courts can give to the media by providing improved access to information. It is to this subject that I now turn.

**The courts and the media: public information officers**

During the 1980s suggestions were made from time to time that Australian courts should have public information officers on their staff. There was by no means universal agreement that such officers should be appointed and potential dangers
were identified, although it may be that those who saw these dangers had an imperfect understanding of the way in which a public information officer might perform his or her duties and the role that such a person might play.

Here too important changes have taken place within a very short time. Within a period of about eighteen months, public information officers have been appointed to serve the courts, including the Supreme Courts, of New South Wales, Victoria and South Australia. A public information officer for the Federal Court of Australia has recently been appointed. The Family Court of Australia has had such an officer on its staff for some time. It is important to note that these officers are either on the staff of, or report to, the Chief Justice.

The experience has so far been that the officers have been kept very busy answering requests for information by journalists about a wide variety of topics concerning cases in the courts and about other aspects of the work of the courts. In a number of instances, serious errors have been prevented by the timely provision of information. In other cases the possible miscarriage of criminal trials has been avoided. It is noteworthy that in the nine months since a media liaison officer has been appointed to serve the courts in Victoria, not one criminal trial has miscarried as consequence of a media publication.

There are, of course, many other ways in which a public information officer can assist the work of journalists. As these officers will ordinarily have had experience as practising journalists they will know what the practical needs of the media are. They will know about deadlines, about limited space and time and they know about the role of the sub-editor. They will also know what is likely to be of interest to the media.

A public information officer can play a central role in media liaison committees, which can provide a very useful forum for discussion between the courts and the media about issues of common concern. The Supreme Court of Canada has had such a committee for some years and shortly after the appointment of a public information
officer to the courts in Victoria, the Chief Justice set up a Courts Media Liaison Committee, chaired by a Supreme Court judge. Other members include a County Court judge, a Magistrate, the Director of Public Prosecutions and two media lawyers, as well as the public information officer. The desire of reporters to tape-record proceedings in court for the purpose of accurate reporting is amongst the many issues that have been discussed by such committees. (That particular issue has already been addressed in Western Australia where the use of tape recorders as an aid to accuracy is permitted on certain conditions). Another example of the work of such committees has been the preparation by the Victorian Courts Media Liaison Committee of guidelines for media access to hand-up briefs and charge sheets in Magistrates’ courts which, particularly in the case of hand-up briefs, have been a problem for years. It is understood that the response to these initiatives has been very favourable and that the Committee is now looking at problems concerning suppression orders. I shall be looking to establish a Courts Media Liaison Committee of the Federal Court.

Also in Victoria, a one day course has been designed by the public information officer for the purpose of assisting reporters who cover the courts. This is being done with the support of the courts. Another area in which court public information officers can, and do, provide a valuable service is by giving lectures to journalism students.

I think there is good reason to expect that the work of public information officers, supported by the courts, will go a long way to overcome some of the problems identified by the Senate Standing Committee on Legal and Constitutional Affairs in Chapter 6 of its 1994 report *Gender Bias and the Judiciary*.

Two cautionary notes should perhaps be sounded. The first is that it would show a serious misunderstanding of the nature of the media and of the purpose of these changes if they were seen to be an attempt to curry favour with the media. Fortunately, that does not seem to have been the perception of recent developments in Australia. The courts, of course, remain subject to continuing critical comment.
Secondly, the courts must not be perceived as speaking through a public information officer rather than through their judgments. There does not appear to have been any problem of this nature in Australia either, and the fact that there are public information officers has not led to any unwarranted assumption that comments by judges on specific cases are to be expected, the media having correctly accepted that there has been no change to the salutary rule that judges do not comment upon the cases they hear. I should add that I would not expect any difficulty in journalists appreciating that all public activity, comments or statements by the judiciary must be consistent with the maintenance of the fact, and the appearance, of judicial impartiality.

**The courts and the media - television**

Despite the publication some ten years ago of a comprehensive issues paper and report by the Law Reform Commission of New South Wales\(^{16}\) concerning television filming, sound recording and public broadcasting of the proceedings of courts, there has until recently been very little discussion in Australia about this topic\(^{17}\) but it is important to observe that here too developments have taken place over the past year.

The Federal Court has already had some experience with television in court which, though limited in scope and involving special subject matter, has at least shown that the technical problems foreseen in earlier times can readily be overcome. In December 1993 television channels in Brisbane were offered the opportunity to film a ceremonial sitting of the Federal Court held to mark the opening of the new Commonwealth Law Courts in that city. The offer was subject to the conditions that the number of cameras should be limited to two, that they were to remain fixed in an unobtrusive position, that the footage should be shared, that only natural or available lighting be used and that there should be no cables on the floor. These conditions were accepted, a suitable location for the cameras was discussed between officers of the court and media representatives and available light was used for filming. The result was that the general public were shown part of the ceremonial sitting and had a good view of the interior of a real court - an Australian one. As a further experiment
on the same day, television channels were invited to take file footage of a Full Court comprising the three Federal Court judges who reside in Brisbane. Last week, under similar conditions, the sitting of a Full Court at which Justice Catherine Branson was sworn-in and welcomed as a judge of the Court was filmed for television by ABC TV, with a pooling arrangement with other channels. Despite the cramped conditions in the office building that presently accommodates the Federal Court in Adelaide, the presence of a camera operator and sound recordist was not obtrusive and the media representatives were sensitive to the needs of the occasion. Earlier in the same week, half an hour of a busy morning in the Practice Court of the Supreme Court of Victoria was filmed for background material for a Lateline interview on ABC TV.

In Victoria other important developments have occurred since the appointment of an experienced journalist as the public information officer of the courts in that State. With the co-operation of the judges, file footage of some of the judges is now being obtained for use by the media. Magistrates have also been filmed in a courtroom setting. So has the Coroner. The stereotype-feeding images of judges shown processing to Church at the commencement of the law year can now be replaced with images that give a more useful and accurate portrayal of the reality of modern courts.

In my view there is a strong case for the electronic media having access to realistic images of the courtrooms in which cases are heard so that the public at least knows, what the inside of an Australian court looks like. Understandably, the lack of access to courtrooms has resulted in the electronic media producing stereotyped court-related images which, of their nature, risk evoking an air of triviality, mystery or obscurity. In the past, an absence of any involvement of the courts with the electronic media has meant that all the viewing public has seen of a court is its exterior, usually as a background for a journalist's comment. Sometimes the scales of justice are shown, but most commonly what the public sees is footage of robed barristers hurrying to the court and then hurrying from the court, all the while attempting to look indifferent to the television crew. In visual terms, what happens in between these comings and goings remains a mystery.
In an address to the National Family Court Conference in Sydney in July 1993 I suggested that the time had come to examine whether television should be allowed into the courtroom and if so on what terms. It will be seen that in a limited but, I think, significant way television has entered the courtroom in Australia during the past year. The question for consideration now is whether the electronic media, and in particular television, should be permitted to broadcast the hearings of cases in the courts. The arguments for and against are summarised in the report of the Access to Justice Advisory Committee and elsewhere and this is not the occasion to consider them. I should say, however, that I believe a strong case does exist for the Federal Court to consider the establishment of the experimental programme to allow the broadcasting of proceedings, as recommended by the Committee. In some ways, what the Court has already done may be seen as a precursor to such a programme. The Committee correctly recommends that an experimental program should be subject to guidelines stipulated by the Court, and it must be stressed that the paramount consideration must always be the fair administration of justice according to law. Experimental telecasts of actual proceedings would need to be carefully controlled and the realities of television news, which involve very limited time being available for each item, obviously raise questions that will need very careful consideration. None of this means, however, that the question should be approached with a negative frame of mind; rather, as the Committee also recognises, it should be approached against the background of innovation in other areas of the administration of justice.

**Other opportunities**

Apart from facilitating greater media access, there are many ways in which courts can act to improve the level of understanding about the courts and the community and to provide helpful information to those who have business before them.

For instance, the traditional court visit could be developed from what it presently is into a more valuable educational experience. As judges and as practitioners we have all seen parties of school students coming into court, staying for five minutes or so looking somewhat mystified, and then leavng. In most courts very little will have
been explained to them about the court and, in all probability, virtually nothing will have been explained about the case of which they had but a fleeting glimpse. It would plainly be much better if courts had the resources to run co-ordinated programs of court visits or to interact with appropriate institutions that do so. With proper programming, it ought to be possible to select suitable cases and for a member of the court staff to be given an outline of the case to be visited, sufficient to enable him or her to explain to the students what the case about is about and what they should look for. In the criminal courts, for example, students and members of the public alike could greatly benefit from watching pleas on sentence if, beforehand, they had been given a brief outline of what the cases were about and some insight into basic sentencing principles. Of course care would need to be taken to avoid giving the impression that the court, through its official, had some view about the case, but this problem is not insuperable. Additionally, students ought to have the opportunity to ask questions about the court and its operations when they visit it and a properly trained court officer could satisfy this need.

With some exceptions, courts in Australia have not so far regarded it as part of their function to give out information about themselves except in the form of annual reports to the Parliament and the like. I think that there is now good reason to change this approach. Very valuable information about the courts can be written in simple clear language for general distribution. In the United States some excellent publications are distributed in federal courts. One of them, *Understanding the Federal Courts,* produced by the Administrative Office of the United States Courts, deserves special mention. In under thirty pages of lucid text and diagrams, the brochure provides an overview of the organisation, operation and administration of the entire federal courts system. It lists the location and the number of judges who sit on each court and it contains charts showing the structure of the federal courts system and the path a case takes as it works its way through the system. At the back is a short but very impressive glossary of terms such as: affidavit, hearsay, indictment, injunction, interrogatories, jurisdiction, precedent and tort. Another excellent publication in the United States is entitled *Welcome to the Federal Court.* With the
appointment of public information officers, courts can have the assistance, in producing such material, of those with the special skills of writing clearly about technical subjects for lay people.

The use of legal wall charts in courts might also be considered. The complexities of a legal system, particularly in a federation, are considerable, but it has nevertheless been possible to produce a intelligible diagrammatic representation of the structure of the legal system in Australia that is readily understood by lay people. If such representations were on the walls of the courts, litigants, witnesses and other interested people could see at a glance where the case in which they were interested fitted into the system and, for example, how appeals might lie from the decision. Although courts do now try to avoid keeping people waiting about, some waiting does occur and this provides another opportunity for the courts to explain themselves.

With proper funding courts may also take advantage of modern information technologies. This has occurred in New South Wales where an initiative of the Law Foundation and the Attorney-General's Department has provided the "Court Guide", an interactive information system installed in many of the local courts in that State. Combining the technologies of computer and video, it has a touch-sensitive screen that allows an inquirer to select the kind of information required. The system will then show a video providing basic information in response to the inquirer's request - the role of witnesses, what happens in court, how to respond to a summons, and so forth. A system of this nature could doubtless be modified to provide other information relevant to the superior courts that would assist litigants and witnesses unfamiliar with the court and its procedure to have a clearer idea of what to expect in the courtroom.

The video-cassette recorder provides another means for conveying information about the courts to interested people. There have been some developments in this area too. The Administrative Appeals Tribunal, for example, has produced an excellent video about its activities entitled Getting Decisions Right. Its objective is to outline in basic
terms the role of the Tribunal and its key processes. The Tribunal is currently having the video sub-titled into four community languages. The High Court of Australia has produced a video about the court, which visitors can view. The Federal Court makes available to the members of the public a video relating to bankruptcy and the Family Court has produced videos about various aspects of its work, including custody. It also has a video about marriage breakdown.

I do not suggest that courts should necessarily do all these things on their own. A court officer responsible for public information could, instead, act in close conjunction with a law society or a specialist institution such as the Francis Burt Law Education Centre to co-ordinate court-based educational activities.

**Institutions to bridge the gap in the understanding**

Specialist institutions may play a very effective part in increasing public understanding of the work of the courts. Two examples may be taken, one in Perth and nearby Fremantle in Western Australia and the other in Vancouver, British Columbia.

The Francis Burt Law Education Centre was established in 1985 under the auspices of the Law Society of Western Australia. It has proved to be a great success. With quite limited resources it provides a comprehensive community legal education program for school students and members of the public. Although the emphasis was placed initially on providing a facility for school students to improve their level of understanding of the law, an increasing number of adult groups now visit the Centre.

In Perth, the Centre is housed adjacent to the old Supreme Court building. It comprises a museum facility as well as displays and material that can be viewed and handled during programmed visits. Structured programs are offered to meet the needs of primary schools, secondary schools, tertiary institutions, general adult groups and adult migrant groups. The educational program is organised into five thirty minute segments, including a tour of the Supreme Court in which the group is taken into an empty courtroom and given a talk on the court processes and the viewing of a
trial in the Supreme Court. Another segment involves a tour of the Centre’s Law Museum where various interactive activities as well as static displays are provided. The Centre has available for watching or for hire a large collection of videos on legal topics. It provides career packages for those who have an interest in a legal career and it has a wide range of other resource materials, including scripts for mock trials in which students can take part. It will even provide speakers on legal topics.

The Francis Burt Law Education Centre at Fremantle places an emphasis on crime prevention through education. Various legal awareness activities are available here too, covering a wide range of topics including civil trials, mediation and individual rights. Crime is also covered and an example of one of these activities, which involves the showing of a video and role-playing games, is "Caught Red-Handed"; the video shows how a boy engaged in shoplifting is helped by his friends who then become accessories. It shows the processes and repercussions of arrest and appearance before the Children’s Court. Mock trials are among the other popular activities offered at this Centre. At Fremantle there is also an interactive multi-media computer for use by up to ten students at the one time. Available segments cover such topics as Aboriginal Heritage and the Law.

The Centres show that much can be achieved with quite limited resources and much imagination. The four permanent staff of the Centres provide a valuable education and experience to over 9,000 students each year.

Of even more recent origin, the Law Courts Education Society of British Columbia is another organisation concerned with providing information about the court system. The Society was established in 1989 following the Report of the Justice Reform Committee of British Columbia on Access to Justice, recommendation 4 of which was that:

"The Ministry of the Attorney-General should make the provision of information to teachers, students and the public generally, a priority."
The Society has as its motto "Building a bridge between the courts and the community". Its prospectus notes that:

"Society programs are aimed at providing British Columbians with a greater understanding of the structure and operation of the justice system in general, and the court system, in particular."  

The Society's directors are appointed by the Attorney-General, the judiciary and the profession, and three further appointments are made by the Board itself as persons representing the educational community, the native community and the multi-cultural community. The Society has a staff of fourteen, principal offices in Vancouver and four regional offices. The core funding is provided by the Ministry of the Attorney-General as part of its Access to Justice program with special project funding coming from the British Columbia Law Foundation and the Federal Department of Justice. As well as participating at Board level, the judiciary supports the work of the Society in various ways.

A wide range of educational programs is provided, including court-watching, workshops, mock trials, court system work experience and job shadowing. Particular programs focus on the needs and interests of groups such as native and multicultural communities. With school students, the Society aims to co-ordinate its work with legal studies and social studies curricula, working closely with teachers to provide additional resources and real life experiences for students.

In its Annual Report for 1992-93 the Society reported that it and earlier programmes of courthouse public information, had provided more than 300,000 British Columbians with a look at the court system.

It is noteworthy that in both Western Australia and British Columbia there is government funding but not government control and that there is active co-operation with the courts and with the profession.
Although, as I have suggested, there is much that individual courts can do in the field of community education concerning the courts and the justice system, it would seem that institutions such as those in Western Australia and British Columbia are particularly well adapted to this task. They can draw their resources from the whole of the system in which they operate and can co-ordinate activities such as court visits on a much broader base than could an individual court. Moreover, their structure would seem to ensure the co-operation of the courts and the profession, a good measure of funding from government, and at the same time a freedom from government control and from any suggestion of being a government information outlet.

The successes in Western Australia and British Columbia suggest that imaginative efforts to provide the public with information about the courts and the system of justice will attract much support. There is no doubt that there is a high level of interest. Similar schemes are being considered elsewhere, including England, where it is proposed that the Museum of English Law at Nottingham will include a Centre for Law Education as one of its key elements.

**Court architecture and the public**

If the courts are to play a larger part in educating the public about our system of justice, that role should be taken into account in the design of new courthouses and in the refurbishment of existing court buildings. At the Commonwealth level opportunities present themselves in the completion of the Commonwealth Courts Construction Program, first in Melbourne where an important new Commonwealth court, planned for completion in 1998-99, will soon enter the design phase, and then in Adelaide. The architecture of a modern courthouse should be such as to attract visitors and to provide for proper facilities for visitors as well as for those having business before the courts. The architecture of the High Court of Australia in Canberra is of course notably successful in this respect. Other court buildings that are successful in this way include the new Supreme Court of the Northern Territory in Darwin, the new courts for the High Court of New Zealand in Wellington and the
refurbished and extended High Court building in Auckland, all of which provide cafeteria facilities for visitors. It is not too much to ask that the architecture of courts that must satisfy the needs of Australian society in the 21st century should provide specifically for the needs of organised court tours and other court-annexed educational programs. If substantial funding is provided to the education system for the teaching of legal studies at the secondary level and the study of law at the tertiary level it would seem wasteful not to allocate relatively modest additional funds to enable the courts to make their own direct and substantial contribution to education about our system of justice. It should go without saying that facilities for court-annexed educational programs, or programs conducted by others in cooperation with courts, would be in addition to other facilities now properly considered to be necessary, such as facilities for the disabled, for child carers, and for child minding.

**Conclusion**

Australian courts are responding to change in many positive ways, but it is clear that much needs to be done if the public is to have a better understanding of the role of the judiciary, the work of courts and the importance of an independent judiciary in our system of government. As the challenge is taken up, several things need to be remembered. The first is that the task, although large, is by no means impossible. Much is already being done and there are successful examples to follow and to develop. Perhaps most importantly of all, the increased level of public interest in the topic and the recognition of its importance greatly improves the prospects of raising the level of understanding. However difficult the task, the objective is worth the effort because its goal is the profoundly important one of maintaining the strength of indispensable elements of our democratic system of government. And it is perhaps worth reflecting that a structure strengthened by knowledge and tempered by informed criticism will be far stronger and far more enduring than a structure founded upon an acceptance that is uniformed.
END NOTES


6. Ibid.

7. Ibid.


12. Supra n.12.


15. The articles recognised the stereotype of which Phillips CJ and others had complained. The seventh of the series, published on 15 February 1994, began its profile of the Chief Magistrate of Victoria as follows:

"As a thirty-five year-old son of Greek immigrants, Nick Papas is a living, breathing contradiction of claims that the judiciary is a club for an aging Anglo-Saxon and Celtic elite."

17. The valuable paper by L.M. Ramsay, "Televising Court Proceedings" (September 1993) 70(4) Current Affairs Bulletin 16-22 unfortunately received only limited publicity.

18. Ibid; NSWLRRC Issues Paper and Report, supra n.15 ; Ramsey, "Televising Court Proceedings" supra n.16 .


22. Ibid.

23. One indication of the general level of interests in the popularity of legal studies courses. In Victoria, Legal Studies has become a remarkably popular subject in the final two years of secondary education. In 1992, out of a total Year 12 enrolment for the Victorian Certificate of Education of 61,584, the students enrolled for Legal Studies numbered 13,671. Although not a compulsory subject, it was the second most popular subject offered, being second only to English and Mathematics in popularity.