

**Episode 7
Judge, You've Got Mail**

Evan Martin

This episode contains descriptions of real, violent crimes.

Greg Muller

For the last few weeks we've been asking if you've got a burning question you want us to ask a Supreme Court Judge. And thanks for your response. Now, we've been down to Bourke Street, received emails and even have some questions from people who work here. In this episode, we get the answers.

I'm Greg Muller.

Evan Martin

I'm Evan Martin, and this is Gertie's Law.

Greg Muller:

First up, this question from Dom.

Dom:

Hi. My question is, considering all the violent murders you see - have you ever wished that you had the death penalty as an option? Thanks.

Justice Lasry

Absolutely not.

Justice Hollingworth

Absolutely not.

Greg Muller

We started by putting this question to two of the court's most experienced criminal judges.

Justice Hollingworth

Even though we see horrendous things and some of the things we see seem quite inexplicable.

Greg Muller

Principal Judge of the Criminal division, Justice Hollingworth.

Justice Hollingworth

To me, deliberately killing another person other than in self-defence is utterly wrong. And if it's utterly wrong for one citizen to kill another citizen deliberately - it's equally wrong for the state to kill another citizen deliberately.

Justice Lasry

As a lot of people know I spent a lot of time dealing with death penalty cases in South East Asia, so I am implacably opposed to death penalty.

SUPREME COURT OF VICTORIA

Greg Muller

Justice Lex Lasry.

Justice Lasry

If there was a death penalty introduced, which there won't be in Victoria, but if the government brought in the death penalty and this court had to impose it then I would immediately resign.

So 'no' is the answer.

I don't think governments should kill people. We prosecute citizens for killing each other. I think the last thing we should happen as a mark of a civilisation of our community is for governments to kill people. And I think - I genuinely believe that when a government executes someone, as some governments do, it's pulling the government down to the level of the criminal and apart from anything else, all the published work in relation to the death penalty demonstrates that it's not a deterrent. So if that's the reason it's being imposed, it doesn't work. But it's just not civilised. I mean that in the genuine sense. It's not civilised for governments to be killing their citizens.

Greg Muller

Criminal Judge Justice Taylor.

Justice Taylor

No matter how bad someone's behaviour has been that's led them before the courts, there are plenty of options to deal with the punishment – the denunciation, and all of the other sentencing factors, including life in imprisonment with no parole. The other thing to remember is that no system is infallible and the old legal saying about 'it's better to let 99 guilty people go free than convict one innocent person' might well be applied to someone who's been executed.

Evan Martin

Our next question, from Robert.

Robert

How do you feel when your name's in the paper? Do you worry about the media coverage?

Justice Lasry

No. No. Sounds sort of egotistical, I suppose. But, I've been doing cases that have been in the media now for, I don't know, 25-30 years - more than that, perhaps, so I'm used to it basically. I really ignore it. To me it's just part of the job. I don't get a buzz out of it anymore.

I think the difference is when you name's in the media because you're being criticised for something - and I've had a bit of that. That's less pleasant. I suppose if you name's in the media because you've been criticised in the Court of Appeal that's less pleasant as well, but it's all part of the process.

Evan Martin

Justice Hollingworth again.

Justice Hollingworth

To a certain extent most judges dread initially seeing their name in the paper. Dread it for this reason; the media is in the business of selling news and we know that the most newsworthy cases are the ones where there's going to be some sense of outrage. Outrage at the result, outrage at the sentence. There is no mileage - there is no money to be made in the media publishing a headline which says, 'another reasonable sentence published.' On the contrary, the ones which always tend

SUPREME COURT OF VICTORIA

to get published are the ones that someone perceives is going to provoke discussion, debate and that's often not in a very favourable light. So to an extent you're always relieved that you survive unscathed. Does that effect though what we do?

I'd like to think by the most part, no. I think those of us in the higher courts who have security of tenure, who are appointed for life or until statutory senility which is 70, have the liberty of not facing election. It's not like in America where every five years we've got to put our hands up to be re-elected by the populace. And what that means is that we're able to do our job in accordance with what the law is and what the requirements of the individual case are. Not by thinking 'is this going to win votes in the court of public opinion.'

Evan Martin

Which leads us nicely into our next question, from Sian.

Sian

If one particular judge continues to be successfully appealed, over and over again, are there any consequences for them? Like, do they lose their job? Thanks.

Evan Martin

We put this one to Chief Justice Anne Ferguson.

Chief Justice Ferguson

The simple answer is no they can't except in limited circumstances. There's a good reason for that. It's because you want the judges to be independent so that they're not influenced by anyone. You don't want a judge to be making a decision a particular way because they're fearful that if they don't make the decision that way they'll get the sack.

Clearly, you have to have some counterbalance for that and we've got really good counterbalances. We've got a very robust appeal system so that if a judge makes a decision the parties don't like it they can appeal to the Court of Appeal and then they might be able to go to the high Court. So that's a really important counterbalance and we've got a self-correcting system.

If a judge is continually making wrong decisions then I suspect that there would be some other underlying issues as well. Judges are human - they have tough times in their lives. That can affect their work - there's no doubt about that, I don't think, and we've now got a judicial commission of Victoria that is the body that you can make a complaint to about a judge, about their conduct or their capacity to do the job. And if that's investigated and it's found the judge - there are grounds for removal of the judge - then a report can be made to the Attorney-General and the Governor and then it can be laid before both houses of parliament and the a judge can be removed that way.

That's the only way a judge can be removed.

Greg Muller

We received the next question from Elise, via email.

"Are victim impact statements actually used in the proceedings at the Supreme Court?"

Justice Hollingworth

They are but they're not necessarily used for the purpose that the public or the victims might think. The purpose of a victim impact statement is to inform the judge of the effect that this crime has had on the particular victims.

It's also an opportunity for victims to have their voice publically heard in open court and to have their pain acknowledged. But that doesn't necessarily translate into a harsher sentence if there are more victim impact statements or greater pain to victims. And a more lenient sentence in the case someone who perhaps doesn't have as many victim impact statements. Or whose personality was more complex and they perhaps weren't as loved as unconditionally etc. All lives are valuable.

Greg Muller

And a follow-up on victim impact statements from Elise:

"Is it to provide the victim with a sense of retribution? "

Justice Hollingworth

That's not meant to be the purpose of it. Sometimes victims want to express their anger and their pain and so on. And if that's a helpful process, so be it.

Greg Muller

Justice Taylor again.

Justice Taylor

Victim impact statements are used all the time in the court and indeed in sentencing people, if there is a victim impact statement, it's one of the factors a judge must take into account in coming to the appropriate sentence for the offender.

A victim impact statement can come before the court in a number of ways. It's always in writing and the person who's written it may choose that it's not read out in court – they may choose to read it out in court themselves or they may ask the prosecutor to do so.

There are times when it's very difficult listening to victim impact statements – they are often incredibly moving and they're designed so that judges take into account the victim's experience as told by the victim as opposed to an assumption of what it must have been like for the victim, and similarly they exist so that victims have a role and a voice in the courtroom and that there is a part in the procedure where the judge will listen to them and take their perceptions into account when balancing all of the factors that the judge must come to with respect to the appropriate sentence.

Greg Muller

But not an avenue for retribution?

Justice Taylor

I'm uncomfortable with the word retribution. The role of the judge is to do – is to give a sentence that has a lot of purposes – one of which is just punishment. The ultimate sentence is appropriate to punish the offender – it's also about denouncing behaviour – it's about general deterrence – it's about protection of the community – it's also about rehabilitation of the offender. Retribution is not a word that we use in those multiple sentencing aims.

My observation is that it's often very cathartic for victims to read their victim statement – to be in the room with someone who's done harm to them or their family.

What their personal experience of that is, whether they feel like it's retribution, I'm not sure, but it's not the basis on which we take those matters into account.

Greg Muller

And a reminder, there was a longer discussion on victim impact statements and the role they play in the sentencing process in our second episode.

Evan Martin

In May, we had a Q&A with some judges as part of Courts Open Day, and we received this question from one of the youngest people in court that day.

Questioner

Are cases with child witnesses more complicated?

Justice Champion

The simple answer to that is yes. I've had the experience of being involved in a lot of cases involving children and there are some different rules that we use for children who are involved in the cases.

Evan Martin

And on a similar topic - Roxy sent in this question.

Roxy

Hi - I'm curious about the court's approach to young people who have matters uplifted to the Supreme Court and how this differs from adults who may be seen to commit a similar offense?

Evan Martin

Criminal Judge Justice Champion again.

Justice Champion

Well, there are many ways in which children can come before this court. Of course, one might be that they are coming here on appeal from the Children's Court on a bail application.

They might come here as the result of being serious offenders and come before the court charged with, ultimately, the ultimate serious offence of murder or manslaughter.

Or children might be before the court as witnesses as a result of seeing things that happened. It doesn't take long to imagine that, of course, children are present in homes when events take place between partners in the home, sometimes extremely confronting and serious events and the children might be witness to a high degree of violence that take place with the home.

So depending on the age and their ability to be able to speak and recount events, children may find themselves as witnesses in this court.

If children are before the court as witnesses or as accused people, then the court needs to be very conscious of the requirements of having to deal with children. And the court can be a very confronting place for children to be and to be dealt with, especially if you have children of the age of five, six, seven or eight that are asked to give evidence concerning events that have happened between their parents. It's an incredibly confronting environment for them.

Young children are treated differently in this court when they have their matters uplifted to the court.

Depending very much on what the type of matter that it is, for instance, if it is a bail application that's been brought from the Children's Court then the court does have a protocol in place that

SUPREME COURT OF VICTORIA

attempts to make the proceedings, make the child more comfortable and to allow the court to deal with the case in a more sensitive way.

For instance, what the judge might do is ensure that people address the court sitting down. The judge might call the child by his or her first name. The judge might attempt to make sure that the child sits in a different location in the court out of the dock, perhaps in the company of the child's parents or supporters.

In some instances, I have conducted some of these applications by coming down off the bench and sitting at the bar table to try and modify the proceedings so that it's more comfortable for everybody.

You can imagine that in some of the big courts - and I know we've talked a lot about court 4 in these podcasts. To hear a bail application for a 14-year-old child sitting in the fourth court is, I think, a very confronting process for a child.

Evan Martin

Earlier in the season while we were preparing for the first episode - Greg and I went to Bendigo to speak with Justice Taylor while she was on circuit hearing a murder trial.

In that trial, there was a child witness being cross-examined. It was fascinating to see the rules around this.

So we asked Justice Taylor this question too.

Justice Taylor

Well, the law takes a great deal of care about how it treats children. It doesn't mean that children cannot be held responsible for their actions, but the immaturity and the cognitive development that - or lack of development that children have is something that the law takes in to account.

It's incredibly important when a child comes as an accused person before this court that they are well represented - that they well understand all of the procedures and there's an extra duty on a judge to ensure that that all happens. There are special arrangements made when children are in custody so they're never in custody with adults and it's quite a different procedure.

Of course, children come before this court as witnesses as well and, again, there are duties on a judge to make sure a child witness understands the difference between telling the truth and telling lies and understands the way that children speak may be different from the way an adult speaks and in certain circumstances we now have what's called an intermediary who is a non-lawyer who assists the court - both the lawyers and the judge.

Justice Hollingworth

Now, intermediaries are experts appointed by the court. They're people with expertise in communication skills. They might be speech pathologists, or psychologists, etcetera. And their task, once they've been appointed by the court, is to go and speak with the child, and assess their communication skills. They're not there to discuss the case with them. They're not there to say, "What do you remember about what happened on the night?"

But what they need to do is to assess this person's capacity to comprehend particular types of questions, complex questions, double-negatives, questions about time and place and number and so on, and they do that, and then they prepare a report, which comes back to the court. And then the

court and the practitioners have to get together and agree on what we call ground rules. So if we're going to be hearing evidence from this 12-year-old child who has problems dealing with complicated questions about time or number, the intermediary will suggest some ways that questions could be asked, et cetera.

Justice Taylor

There's a difference between having a witness who is nine and a witness who is 17. Both are children in the eyes of the law but with a very young witness, you have to make sure that they can explain to you the difference between telling a lie and telling the truth and they understand that they have to tell the truth in courtroom and it's also that you have to make sure that questions are asked in a way and words are used that they can understand what it is that they are being asked. You have to make sure – keep an eye on them to make sure that they're not distressed or they don't freeze. You just have to be a bit careful to make sure they can participate fully in the process. And if you have a 17-year-old - now one 17-year-old maybe almost an adult in every sense of the word and another 17-year-old can be very immature. So, the older the child gets the less vigilant you are about certain things, but you still have to make sure that their rights are protected and they understand the process and they feel respected in the courtroom.

Evan Martin

This question came in from Claudia via email.

“Has there been a case you've been involved with that's really stayed with you over time?”

This one first to retired criminal judge Betty King who spent 10 years at the Supreme Court between 2005 and 2015. And five years before that on the County Court.

Betty King

There's been a number, yep. I think I have to say the reason, one of the reasons I thought I was ready to retire was, I did the murder of a 13-year-old autistic boy. Someone took an axe to his head and chopped large chunks out of it and chopped off fingers as he was trying to protect himself, and I was about halfway through reading it in preparation and I just closed it and said 'I'm done. I don't want to do this anymore.'

And I don't know why but a colleague had said to me that the day will come. He said, when it will just hit you like a - like being hit with a brick, and he said you'll just say 'I don't want to do this anymore.' And he was right.

Evan Martin

Chief Justice Anne Ferguson.

Chief Justice Ferguson

When I was first sitting in criminal cases, I was preparing for it and I had to read some of the decisions of other judges and I found that quite challenging at times, because of the gruesome nature of some of the facts that you would be dealing with. I found that quite difficult.

One of the first cases that I sat on that was a criminal case did stay with me for a while. Again, because the facts were pretty terrible - there were no winners. They were really sad circumstances and you certainly felt for all of the people that were involved in that and that did stay with me because it was a normal event in the sense that it could have happened so I found that quite challenging.

Evan Martin

Justice Taylor.

Justice Taylor

Certainly. More than one. The thing about criminal law is that you are in the middle of people's lives and people's lives, by definition, at moments of crisis. And you see human emotion - human behaviour in all of its forms. And there are people who you feel incredibly sorry for. There are people who anger you and there are victims that you can't quite stop thinking about. So yes.

Evan Martin

Before moving to the Court of Appeal, Justice Whelan sat in the Criminal Division of this court for eight years.

Justice Whelan

Well, look, I say that the cases don't affect us and that we, to some extent, become hardened to them but I feel as though I carry every murder trial I ever did around with me in the sense that I believe I remember them all even though there were quite a few. Of course, I might - I might be wrong about that in that if I've forgotten it I won't obviously know that I've forgotten it. And some of them, in particular, you think about. When I used to visit the jails, I haven't been out for a while, you would see, occasionally I would see people I had sentenced. Sometimes I would think about them and think they will be coming out soon or they might be coming out soon.

Some of them might, that makes me think, perhaps they will live a better life afterwards. Some of them, I think, it's probably not a good thing for society that they will be coming out, but you don't know. People who have served a sentence for murder have been in jail for a very long time. But, yes, you think about them. In fact, one chap in particular who did murder someone but - it's not that he had a good reason for it - but it was in circumstances which were less inexplicable and less morally indefensible than is sometimes the case, and I was thinking about him and thinking about whether he might be eligible for parole.

And one of the other judges just said something to me about the fact that an issue concerning his parole had come up and, yes, I was quite surprised because I, kind of, immediately was emotionally back in the situation from many years ago when I heard his trial, so I think you do - I reckon every really serious case you never completely leave behind. Anyway, that's just part of the - part of the job.

Greg Muller

And this was another question from Roxy - and one we came across a lot.

Roxy

I'm also curious about gender in the court - from the judiciary to court users - and how this has changed over time?

Betty King

Well, I can give you a really good example. ...

Greg Muller

Someone with a unique perspective on this issue - retired criminal judge Betty King.

Betty King 24.34

SUPREME COURT OF VICTORIA

The first woman appointed to the Supreme Court was in 1996. That's extraordinary, because it means that until 1996 there was no woman in the state of Victoria that was capable of sitting as a Supreme Court judge, which is absolute nonsense. It just didn't occur to the powers that be which were men - that a woman could do that. Since then - rapid change but it still to me is breathtaking that it took until 1996.

Our first woman was appointed a magistrate in I think the early 80s. She didn't last. Then the first County Court judge - female was appointed - she lasted three years, and quit because it's not really something you can go into and be the only woman in the building - doesn't really work. And she just, I think, became desperately lonely and unhappy and left. And it took years before they appointed another woman. So, although it's been good progress of late, it was very slow to get there.

Greg Muller

The person perhaps best placed to answer this question is the current Chief Justice - and only the second woman to hold that position - Anne Ferguson.

Chief Justice Ferguson

When I first started practicing, which was in the early 80s, there were no woman as judges, which was quite handy if you were writing an opinion from a judge you just used 'he'. You didn't have to check whether it was a male or a female if you didn't know them. That's significantly changed so that over the years women have been appointed and we now have 14 female judges in this court out of 45 - still not equal to the number of males but every month I admit lawyers to the profession and the figures are coming through very strongly that the females are about 60 per cent of the new lawyers coming through. So hopefully that will filter through in the years to come.

Greg Muller

What about gender when it comes to court users?

Chief Justice Ferguson

One of the court users are the barristers and solicitors that come into the court representing clients. And that's significantly changes over time. Even the way that you can come to court dressed. So, there was a time when I first started practising where women weren't allowed to wear trousers or pants to court and judges might refuse to hear from a barrister if it was a female who was wearing trousers.

Thankfully, that's long gone. But an example of the change in dress is - when I was coming in for the court ceremony to be admitted as a lawyer, we got a note from the court about the procedure but we also got the dress code. And the dress code for women was that you were to dress in a sombre but not dowdy fashion.

So, I suppose still there's a bit of a rebellion against that. That stayed with me over the years and you will quite often see me walking around in what are definitely not sombre clothes but very bright clothes. And that's changed, so that's been a really good thing to see that change.

And the profession's changed too so that you now have many more women appearing as solicitors and as barristers before us in the courts.

Greg Muller

There's one very clear and illustrative way to show the change in gender diversity at the Supreme Court.

SUPREME COURT OF VICTORIA

Chief Justice Ferguson

So, we're upstairs in the corridor through some of the judge's chambers in the 210 William street building. Beautiful building - we've had an episode about that.

And there's a corridor that is full of photos of all of the judges that have ever been Supreme Court judges. And they're placed on the walls in chronological order of their appointment.

So we start with what's said to be Mr Justice Barry. He's wearing a long bottomed wig that looks very regal almost I suppose.

Greg Muller:

The wig matched his sideburns.

Chief Justice Ferguson

It does - hadn't noticed that before - hadn't looked that closely but you're right - absolutely right. And then if we move through the corridor - we're passing Mr Justice Fellows, Mr Justice Higginbotham, Mr Justice Kerferd, Mr Justice Webb and we continue on, Mr Justice A'Beckett.

All the names that I've read when I was a law student and more recently as a lawyer and judge. It's really quite eerie.

Mr Justice Schutt, Mr Justice Mann ... so when come to the end of one side of the corridor. So if we turn around now and go back the other way - we're now up to Mr Justice Gillard appointed in 1962.

Greg Muller

It takes a while. You have to pass 88 black and white portraits until...

Chief Justice Ferguson

And we come to our third corridor and surprise, surprise, 1996, we come to the first female judge, Justice Balmford.

So this wall that we're now in the third corridor for has a little bit more gender diversity at least, and you start to see a few more female photos a bit more regularly so after Justice Balmford there were three males appointed, then a female, then a male, then a female, so you do start to see a sprinkling of more female judges along the walls. That's a trend I'd certainly like to see happen, because I think that not just gender diversity but all forms of diversity leads to better decision making.

Evan Martin

This next question came from a pretty familiar voice.

Karen Percy

I've always wondered how judges manage to stay awake. Are they secretly playing Angry Birds behind the screens up there? How do you keep paying attention day after day, week after week, and month after month? Karen Percy - ABC News.

Chief Justice Ferguson

That's a great question - no I haven't used the technique of Angry Birds. There's lots of techniques because I suspect again that we're like people doing any sort of job where there are times in the afternoon - I find around 3:30, quarter to four, that wave of tiredness can hit you. But there are techniques. So, different judges use different techniques. I'm a great one for the cold water. I find that having a sip of cold water - a couple of sips of cold water sort of helps. Things like moving my

SUPREME COURT OF VICTORIA

feet up and down under the bench and if it's really bad taking a short break for five minutes and going out from the bench and walking behind the closed doors and coming back in.

Evan Martin

Justice Betty King.

Betty King

For me, that was really easy. I type. I'm a touch-typist. One of my skills I learnt when I was young and I had a computer set up on the bench and I would sit up there and take notes. Because I didn't have to look at the keyboard, I could still look at the court and keep control of what was going on. But I also took a note of - almost verbatim note of what was being said. So, first of all it keeps you awake because you're active and it also embeds the evidence into your brain so I was not someone - if I said that wasn't what was said it got to a stage no-one disputed that. They considered I was as good as a running transcript.

Justice Taylor

Haha. I'm sure that's a question lots of people wonder about. The reality is it's our job to do that and you do and most of us have spent a great many years before our appointments concentrating and listening at a very high level and certainly if you've been an advocate which is still the more traditional route for judges, you have been in courtrooms a good 20-plus years of your life with every sense on high alert figuring out what's going on. No Angry Birds that I've ever seen and one of the pieces of advice that I was given when I was a brand new judge was to listen to every matter that you hear as though you were going to give your reasons orally immediately upon it being finished. That's a very, very good way to concentrate the mind on what's being said.

Evan Martin:

Have you noticed any journalists falling asleep?

Justice Taylor

Yes. Yes, I've seen all sorts of people asleep in a courtroom. So maybe their battery ran down and their angry birds wasn't operative.

Evan Martin

And it's not only judges that have to stay awake. This question came from an audience member at the Courts Open Day earlier this year.

Questioner:

Have you ever had to reprimand a jury or a juror because they just don't seem to be paying any attention, at all?

Evan Martin:

Principal Judge of the Common Law Division, Justice Dixon.

Justice Dixon:

I personally haven't had that experience, but there was a case a couple of years ago that Justice Priest did where one of the jurors was seen to fall asleep and in the end he discharged the jury and put another jury in that was prepared to stay awake.

There are techniques that barristers learn. If the judge seems to be nodding off during a particularly boring submission - often what a barrister would do is just drop a law book on the bench, so judge wakes up and 'As I was saying,' and you go back and repeat a bit and life goes on.

Greg Muller

This question came in on an email from Phil. Now, the pretext to the question first. And I quote;

‘I assume judges do a good job of sentencing and for this to be misrepresented to the community creates problems: We are left with the ridiculous situation where ordinary people, through their interaction with newspapers/TV/Facebook, have come to believe they know better than judges.’

I put this to Justice Lasry, and the question is, ‘Why aren’t more journalists ever charged with scandalising the Court?’

Justice Lasry

Well, we’ve been close to that a few times but I think the answer is because not many journalists do scandalise the court. If they were then there’d be a consequence. But most journalists - sounds like I’m sucking up to them - but really, most journalists do the best they can to report what they see in court and what happens in court. So it only happens when a journalist decides in a particular case to take on the judge or to be critical of the judge in a way that is scandalous.

I’ve said many times, I have no problem with sentences of mine or anyone else being criticised so long as the criticism’s reasonably objective and informed. And if it’s informed criticism - I understand why people want to criticise us. And the pretext of the question refers to the fact that what you get is an article in a newspaper that may be half a column long - the devastating consequences of a crime and a figure.

And to a lot of people, that figure just isn’t long enough imprisonment because they haven’t understood what else is in there. The only way people can be informed obviously is to go online and read the judge’s reasons and they don’t always make really interesting reading but they’re there.

Evan Martin

A few people wanted to know whether judges miss wearing wigs.

In case you missed it, judges at the Supreme Court no longer wear wigs. This was a decision made by former Chief Justice, Marilyn Warren, effective from May 1, 2016.

Chief Justice Ferguson

I don’t miss wearing wigs.

Evan Martin

Chief Justice Anne Ferguson.

Chief Justice Ferguson

I think they had a role to perform in the past but the time had well and truly come for us to move forward and not to wear wigs in court. There are some who think wigs should be worn and should still be worn and basically there are three reasons that are given for that.

The first is based on tradition and continuity. I think that tradition has a very important part to play but you look to the tradition to inform the future. You don’t look to tradition to straightjacket what you do.

And if you think about it, there are lots of people whose clothing that they wear for their role has changed over time. So, police don’t wear the same as they used to, nurses don’t. There’s so many

SUPREME COURT OF VICTORIA

people that don't wear the same that they did in the past and I think that we're no different to that. We could move forward without wearing wigs.

The second reason that's given is that it gives you some form of anonymity so when you leave the court you take your wig off, you won't be recognised. Again, I think that's a bit overplayed. I don't know of any research that supports that and whilst the person wearing the wig might feel it gives them some kind of protection, I'm not sure that in reality it does.

And the final reason that's given for wig wearing is that it gives a gravity and dignity to a court proceedings. I absolutely agree that court proceedings need a level of gravity and dignity because of the serious matters that we dealing with but I don't think that you need to get that from the wig. I think you can get that from what you say in court and the formality of the proceedings themselves - the way court proceedings are conducted rather than the attire.

Evan Martin

And it wasn't just controversial for judges.

Chief Justice Ferguson

No, it certainly wasn't. There are still some members of the bar who speak to me and I think they would like to go back to wearing wigs, but there's no intention on my part to do that.

Greg Muller

And finally, direct from the Bourke Street Mall.

Questioner

OK, if a fine in your name, okay, you got a fine but they misspelled it. Do you actually have to pay the fine?

Justice Taylor

Can I tell you, I have no idea. I suspect the kind of fine that's being talked about is in the, is in the street, as opposed to the fines that get yes, I don't know. I don't know.

Justice Whelan

Yep, you've still got to pay it. I think. I think. Check with the police.

Greg Muller

Gertie's Law is brought to you by the Supreme Court of Victoria.

If you enjoyed this episode but still want something cleared up - then keep sending in questions to Gertie@supcourt.vic.gov.au

We'll try and include them in a later episode this season.

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