



***Remarks of the Honourable Chief Justice Richard Niall at the Launch of the  
Warren Centre for Civil Justice, Monash University Law Chambers,  
Melbourne***

Wednesday 29 April 2026

**Introduction**

Good evening. I also acknowledge the Traditional Owners of this land, the Wurundjeri People of the Kulin nation. I pay my respects to their Elders, past and present, and to First Nations people here this evening.

I am delighted to be here to mark the renaming of the ACJI as the Warren Centre for Civil Justice, and the launch of an exciting new chapter for the Centre.

I acknowledge Professor the Honourable Marilyn Warren AC, Professor Steven Vaughan (Dean of Law), Associate Professor Genevieve Grant (inaugural director of the Warren Centre), academics, judicial officers and other distinguished guests.

Without any disrespect to her achievements, I will refer to our guest of honour as Marilyn. Whenever anyone refers to Marilyn everyone knows exactly who is being spoken of. The name has inspired affection and respect from judges, the profession and beyond, and occasional anxiety in officials of State.

The renaming of the Centre in honour of Marilyn is a fitting recognition of the significant and enduring contribution she has made to civil justice in this State, particularly in her 14-years as Chief Justice of Victoria. It adds to the many honours that Marilyn has received, which also reflects well on the Court she served with distinction.

No doubt many of you are already well acquainted with Marilyn's career and achievements but I will touch on them briefly. The citation accompanying her appointment as a Companion of the Order of Australia captures some, but only some, of her achievements. It records that Marilyn was appointed as a Companion of the Order of Australia for service to the judiciary and to the legal profession, particularly the delivery and administration of law in Victoria, to the community in areas affecting the social and economic conditions of women and to forensic medicine internationally.

Anyone who works in the Supreme Court develops an acute sense of history. The building we work in has remained largely unchanged over its almost 150 years, and in many ways our role in applying the law without fear or favour, affection or ill will, remains a constant. Marilyn has a keen appreciation of that history. Her history of the Court given at a conference to celebrate the Court's 175th anniversary, and reprinted in the *Victorian Historical Journal*, repays rereading.<sup>1</sup>

But, as the 11th Chief Justice of Victoria, and the first woman to be appointed to that office, Marilyn has always understood the importance of innovation and breaking new ground. Change and adaptation were defining characteristics of Marilyn's career from the outset. Innovation for Marilyn has never just been about who she is, but rather what she does.

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<sup>1</sup> The Hon Marilyn Warren, 'Reflections on the history of the Supreme Court after 175 years' (2017) 88(1) *Victorian Historical Journal*, 4.

In 1974, she was the first female articled clerk in the Victorian public service. Marilyn joined the Victorian Bar in 1985, practising in commercial and administrative law, and took silk in 1997.

The following year, Marilyn was appointed to the Supreme Court, and from 2000, she was the Judge in Charge of the then Commercial and Corporations Lists. Marilyn was appointed Chief Justice in 2003, and as I said, she was the first woman to occupy that role in Victoria, or in any other Supreme Court in Australia. Internationally, for a woman to lead a Court of the scale and importance of the Supreme Court of Victoria was rare indeed.

Each Chief Justice benefits from and seeks to build on the legacy of those who have gone before. After the Honourable Anne Ferguson, I am the second Chief Justice to benefit from Marilyn's extraordinary work, which continues to influence the Court in most profound ways.

I want to mention a few areas where Marilyn's innovation and drive have brought about significant and important changes, and which remain seminal influences on the Court.

### **Leadership and impact**

As Chief Justice, Marilyn was a dynamic and highly respected leader. She had strong, clear visions, and was tireless in her efforts to ensure the Court delivered for the Victorian community. She cared deeply about access to justice, fairness, and the experience of all who entered the Court (and those who worked within it). There is no doubt that Marilyn had a transformative impact on the Court as an institution.

Central to Marilyn's ethos was a clear and sophisticated appreciation of the central place the Supreme Court, and the judicial branch more broadly, plays as a branch of government. Within that context, independence, impartiality and judicial excellence were organising principles. Marilyn understood and championed the idea that independence is not just about decisional independence in a given case, but institutional independence. Central to that was the role the Courts and the Chief Justice play in the administration of the Courts and the creation of an independent Courts agency overseen by Courts Council.

She understood that institutional independence is a driver of innovation and excellence. Independent, impartial courts play a critical role in democracies and in the economic success and sustainability of our society. A fair, efficient and reliable civil justice system encourages innovation and investment.

These remain cardinal considerations for a modern, responsive and high achieving court system.

As Chief Justice, Marilyn also understood that the judicial process is above all a human undertaking, and that it has to operate in a modern and effective way with humans at its centre.

At a farewell breakfast hosted by the Women Barristers' Association and Victorian Women Lawyers, the Honourable Pamela Tate noted that Marilyn 'has been responsible, practically single-handedly, for the transformation of the Court to a modern efficient organisation that is welcoming to women, both as judges and as lawyers.'<sup>2</sup>

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<sup>2</sup> The Hon Pamela Tate, 'Speech for the Honourable Justice Marilyn Warren AC Chief Justice of Victoria' (Speech, Farewell Breakfast hosted by the Women Barristers' Association and Victorian Women Lawyers, Melbourne, 14 September 2017) 1.

Marilyn was a visionary when it came to the Court's digital future, striving for a paper-free Court. The Commercial Court was established and thrived under her leadership, and she was passionate about the Court's built environment.

This evening, I will reflect on just a few areas in which Marilyn's leadership of the Court had a meaningful and lasting impact on civil justice in Victoria.

### **The Commercial Court and modern case management**

First, the creation of the Commercial Court. It was established in 2009 following the VLRC's 2008 Civil Justice Review report,<sup>3</sup> which focused on issues such as efficiency and reducing the cost of civil litigation. Largely based on the London Commercial Court, it was a successor of the Court's Commercial and Corporations Lists and was initially a sub-division of the Court's Commercial and Equity Division.

Designed to meet the demand for specialist judicial management of a greater number of commercial disputes, the Commercial Court emphasised efficiency, flexibility and innovation. It operated as a 'think tank' for case management and trial reform, and its techniques were adopted in other parts of the Court.<sup>4</sup> It was also the model for significant parts of the new *Civil Procedure Act*.<sup>5</sup>

Today, our Commercial Court continues to facilitate the just, efficient and cost-effective resolution of large and complex disputes. It also continues to adapt, having recently added two

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<sup>3</sup> Victorian Law Reform Commission, [Civil Justice Review](#) (Report, 2008).

<sup>4</sup> Supreme Court of Victoria Annual Report 2010-2011, 3.

<sup>5</sup> Ibid.

new lists: a Short/Expedited Cases List and a Regulatory and Civil Penalties List in recognition of the importance of timely decision-making and the increased importance of the regulatory state in commerce.

Marilyn's focus on the Commercial Court as a Judge and as Chief Justice reflected her appreciation of the importance of civil justice to the maintenance of the rule of law and the prosperity of the State.

The advent of judicial mediation was another notable development during Marilyn's tenure. In 2005, Masters of the Court (who were known as Associate Judges from 2008) began conducting mediations.<sup>6</sup> Judicial mediation remains an integral aspect of modern case management, providing a cost effective and efficient resolution of many disputes. The early resolution of a dispute via mediation saves time and money for the parties and the Court, freeing up judicial resources allocated to hearing a case and producing a judgment to deal with other matters.<sup>7</sup>

## **Technology**

Now let me turn to a critical aspect of Marilyn's legacy, the digital transformation of the Court, driven by her vision of the Court as a modern centre for innovation and excellence.

During Marilyn's tenure, the Court evolved from an entirely paper-based institution to one that embraced and utilised technology in meaningful ways. Developing and strengthening the Court's digital capability has had a particularly significant impact on large civil disputes which are often long running and involve a huge number of documents.

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<sup>6</sup> The position of Judicial Registrar was created in 2011, and they also act as mediators.

<sup>7</sup> Supreme Court of Victoria Annual Report 2013-2014, 3, 8, 50.

Acquiring an independent, high quality IT system was not without its challenges. Navigating and implementing such significant changes required perseverance, agility, collaboration and leadership, all of which are hallmarks of the Marilyn Court. The systems she introduced unlocked efficiencies for the Court and its users.

In 2012, Marilyn recognised that the Court's IT capabilities needed to 'undergo a revolution to match modern expectations.'<sup>8</sup> Harnessing technology was a priority for the Court.

In 2013-2014, conduct of the Kilmore East Bushfire and the Great Southern Investment Scheme trials demonstrated the benefits technology could provide. Marilyn noted that 'Independent analysis conducted of both trials ... disclosed that the trial time was reduced by about one third. Further, there was a very real facilitation of access to justice by the streaming of the trial.'<sup>9</sup>

The live streaming of hearings remains an important practice, allowing far-reaching access to the Court and increasing the public's understanding of its work.

In late 2015, the Court endorsed a digital strategy with the aim of '[overhauling] the Court's reliance on paper and [creating] a modern, sophisticated system of electronic files and digitally-enabled courtrooms that made it possible to hear cases electronically.'<sup>10</sup> The first phase of the

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<sup>8</sup> Supreme Court of Victoria Annual Report 2011-2012, 2.

<sup>9</sup> The Hon Marilyn Warren, 'Embracing Technology: The Way Forward for the Courts' (Speech, 23<sup>rd</sup> Biennial Conference of District and County Court Judges Australia and New Zealand, Melbourne, 19 April 2015) 17.

<sup>10</sup> Supreme Court of Victoria Annual Report 2017-2019, 15.

strategy was creating a network which allowed judges and Court staff to work remotely and access Court documents securely at any time, including while on regional circuit.<sup>11</sup>

Other key components of the strategy included an electronic lodgement facility and a document management solution for civil matters court-wide, which extended beyond the Commercial Court, and electronic trial technologies.<sup>12</sup> The Court was already contemplating the use of virtual hearings where appropriate.<sup>13</sup>

At this time, Marilyn was working closely with Louise Anderson, the then CEO of the Supreme Court and the current CEO of Court Services Victoria. Louise joins us here this evening, and I also acknowledge the pivotal role she played in the Court's digital transformation.

In January 2017, the Court published its Practice Note on Technology in Civil Litigation. During the 2016-2017 financial year, three common law electronic trials were conducted, and two further matters which settled prior to trial were prepared to run electronically.<sup>14</sup> The Court was allocated funding in the State Budget to upgrade technology in the courts.<sup>15</sup>

In March 2019, the Court's new electronically-enabled eCourt was launched.<sup>16</sup>

Years before COVID-19 emerged, Marilyn appreciated the vital role of technology in delivering justice. She led the transition to systems and practices that would allow the Court to continue to provide critical justice services to the Victorian community during lockdowns.

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<sup>11</sup> Supreme Court of Victoria Annual Report 2015-2016, 4, 14.

<sup>12</sup> Supreme Court of Victoria Annual Report 2015-2016, 14.

<sup>13</sup> Ibid.

<sup>14</sup> Supreme Court of Victoria Annual Report 2016-2017, 39.

<sup>15</sup> Ibid 44.

<sup>16</sup> Supreme Court of Victoria Annual Report 2017-2019, 12.

Without her foresight and vision, the COVID years would likely have been a very different experience for the Court and its users.

Technology constantly changes and evolves. It is said that we are now living in a new epoch with the rapid development of AI. In a changing environment there are those that say it is best to stay out until things become clear and settle down. Marilyn understood that this is counterproductive. In order to harness change, you have to have an innovative mind set. Changes are progressive and even large jumps are usually built on existing frameworks, so by staying out you risk being generations behind. More importantly, in order to have judges and court staff that are open to change, it is essential that they are inculcated and supported in a tech heavy environment. That is the case in the Supreme Court of Victoria.

The Court remains committed to harnessing innovations in technology for the benefit of the Victorian community. Currently, AI presents great opportunities and challenges for all of us.

### **Academia**

As Marilyn's professorial title reveals, she has also had a long and close association with the academy and this University in particular.

Marilyn has dedicated her time to legal academia and education. In 2018, she was appointed a Vice Chancellor's Professorial Fellow of Monash University, and she is a member of the Monash University Global Leaders' Summit. She is involved in teaching various postgraduate programs in the Faculty of Law, including advanced commercial law and international

arbitration, and has co-authored the major arbitration text, *International and Australian Commercial Arbitration*.<sup>17</sup>

Like Marilyn, I too recognise the vital role that academics play in our legal community. That community is a diverse, thriving one, which includes academics, practitioners working across government, community organisations and the private sector, and members of the judiciary.

As academics, you make an essential contribution through your research and legal scholarship, and your dedication to educating the next generation of legal minds. Thank you.

## **Conclusion**

The Warren Centre's vision is 'Shaping better civil justice access and outcomes through high-quality and impactful research.'<sup>18</sup> Its central mission is strengthening civil justice systems to ensure they are fair, efficient and accessible.<sup>19</sup> That was a priority for Marilyn as Chief Justice and it remains a focus across the Victorian Courts and VCAT. Civil justice is a central component of the rule of law. It is important that the Courts and their role in the society they serve are not just viewed as a criminal paradigm.

The work of the newly named Warren Centre for Civil Justice has tangible, real-world impact. A well-functioning civil justice system is critical to the success of our society. A comprehensive understanding of civil justice, and the dynamic challenges the system faces as our world evolves at rapid speed, is the first step towards identifying evidence-based ways to improve and strengthen it.

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<sup>17</sup> Croft, Stamboulakis and Warren, *International and Australian Commercial Arbitration* (LexisNexis, 2022).

<sup>18</sup> Monash University, [Warren Centre for Civil Justice](#).

<sup>19</sup> Monash University, [From ACJI to the Warren Centre for Civil Justice](#).

I look forward to seeing the fruits of the Centre under its new name. I have no doubt that the Centre will continue to produce high quality, impactful research in the years to come, and can think of no better namesake than the Honourable Marilyn Warren, for its next chapter.

Thank you.