The view from across the Dingo fence

May I make an immediate disclaimer. The title is not mine.

It was invented by Murray Gleeson QC as he sat beside me at the recent annual general meeting of the Law Council of Australia.

"Write something," he said. "Write something in a light-hearted vein, something that will at the same time make my constituents laugh and justify the resistance by Queenslanders to the intrusion of southern practitioners into the Queensland courts."

I saw immediately the complete compatability of the two objects.

The title suggests a defensive attitude which neither I nor most of the members of the Queensland Bar believe exists, or is necessary.

The Queensland Bar's view, and indeed as I understand it, the views of the Queensland Government are that there should be a strong Queensland Bar, and ready access by the Queensland public to that Bar: that that strength and access should not be put in jeopardy by an unrestricted right of practice by other barristers from out of Queensland.

One of the principal reasons why Queensland resists unrestricted right of practice is that most commercial activity in Queensland is carried out by companies with bases in New South Wales and Victoria.

It is possible to identify to my certain personal knowledge several major corporations whose most remunerative business is conducted in Queensland, but whose Boards, administrative staff and head offices are located in Sydney and Melbourne.

What is sometimes overlooked in other places is the extent of decentralisation in Queensland. More people in Queensland live outside Brisbane than in Brisbane.

There is a network of circuits in Queensland and many regional Court centres which require strong local Bars.

In practice, it is thought those who service these demands should have the opportunity of doing what is perhaps the more attractive work in Brisbane.

It has often been said that in practice interstate counsel would not wish to exercise, or exercise to any intrusive degree, the right to practice in Queensland. This seems to be contradicted by the Western Australian experience.

I am told that there are eight resident silks in Perth, but that twenty-seven visiting silks have taken advantage of the right to practice there.

Views may of course change, even, it may be said, in Queensland.

There is no doubt that the expansion of the Federal Court has brought counsel in all States into more frequent contact with one another. This will no doubt be an increasing trend.

It may be that with time a more relaxed attitude will develop but it would be ingenuous to believe that any changes will occur quickly.

There is a suspicion in Queensland — we are usually neither suspicious nor, I observe here, xenophobic — that perhaps it is presently a little easier for a junior to make a beginning in Queensland than elsewhere.

It is rather unlikely that Queensland juniors would wish to put at risk this advantage, if advantage there be.

As unpersuasive as all this may be to you in the south, with apologies to L.P. Hartley, I would point out that Queensland, like the past, is another place, and because we sometimes do and see things differently here, we find the arguments canvassed here and other arguments compelling enough for us.

The argument is no less compelling because nobody here really believes that true reciprocity is likely, that is the appearance of Queensland counsel in southern Courts.

Finally, may I thank you for allowing me to volunteer, military fashion, to write an article for what I understand to be the inaugural magazine of the New South Wales Bar Association. I congratulate you on it, and wish you and it all the best for the future.

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