



EXCHANGE OF CHRISTMAS GREETINGS AND PRESENTATION OF SENIOR COUNSEL

Banco Court
Wednesday, 14 December 2005, 9:15am

Chief Justice, Paul de Jersey AC

I invite the recently appointed Senior Counsel to make their announcements.

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Would those Senior Counsel please come forward to sign the roll?

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On behalf of the Judges, I congratulate you on your appointments. They signify distinctive and distinguished personal achievement. We are confident you will demonstrate the high level skill and learning which should characterize Senior Counsel, not to mention the integrity, honesty, independence and diligence which are assumed.

An important part of the role of Senior Counsel is to lead the bar – to influence novice practitioners for example. Seniors are well-known for their generosity in giving time to assist juniors.

Another is influencing public assessment of what is a critically important profession. To advance that, we hope you demonstrate not only integrity and learning of the highest order, but also restraint. Unaffordable justice is an oxymoron.



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I am pleased to see a commitment on the part of our Senior Counsel to pro-bono work: may it increase.

We wish you well as you embark upon this new important phase of your professional careers.

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I am very pleased to welcome you to the Banco Court, ladies and gentlemen, for this traditional end of year exchange of greetings. Our orange and green themed courts, if not the leading edge of contemporary decoration, at least lend themselves to a ceremonial sittings in the Christmas season.

This annual occasion helpfully, and essentially, symbolises the interdependence of the courts and profession, and the significance of the courts' dependence on the executive government for necessary resources.

I particularly welcome the Honourable the Attorney-General and the Director-General, the Vice-President of the Bar Council, the President of the Council of the Law Society, the Chief Judge and Judges of the District Court, Judges of the Federal and Family Courts, Magistrates and Tribunal members.

It has been a predictably busy year for the Supreme Court, as for all courts. In the Supreme Court, we disposed of an enormous amount of work: the Court of Appeal Division, for example, disposed of 357 criminal appeals and 224 civil appeals; and the Trial Division disposed of 750 incoming criminal matters and 286 on the civil trial side. The workload is unrelenting, but efficiently managed.

I am told some young students visiting the Banco Court have impertinently likened it, with its portraits of former Chief Justices overseeing proceedings, to



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the Headmaster's Office at Hogwarts School. If these portraits could move and speak, I am sure they would nod their heads in enthusiastic agreement when I now express gratitude to my colleagues, and to the Registry and Administration staff, for their conscientiousness and efficiency: something which I am proud to say in the flesh. This court performs very well, by national comparison, and for that, the people should acknowledge the Judges and those who support them. I do so unstintingly.

The year witnessed a number of progressive new initiatives.

On the structural side, we embarked on a comprehensive review of the Supreme and District Courts Registry – a process directed to continual improvement in Registry operations.

On the criminal support side, we commenced in January a juror support program, providing special counselling services on request to disturbed jurors upon the completion of criminal trials.

Also, an appropriately furnished and decorated suite of rooms was developed in the District Courthouse for the giving of evidence by children and other potentially vulnerable witnesses, remote from the trial courtroom. That impressively modern facility, opened recently by Her Excellency the Governor, serves both the Supreme and District Courts. I record my particular gratitude to the Director-General for her assistance in the development of that important facility. Attention is being given to the adequacy of similar facilities in other courthouses State-wide.

A distinctly progressive development was the compilation of our Equal Treatment Benchbook, a collection of resource materials directed to our goal, to "manage matters...in a way that is fair to all litigants and other participants



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irrespective of their circumstances". Equality of treatment sits, side by side with transparency, at the very heart of "justice according to law". The pendent fragility of Australian society was recently and abhorrently demonstrated at Cronulla, at a beach of all things. The courts of law stand, as they have stood for centuries, as bastions of unflinching objectivity, in secular terms the "cornerstone". There is not now, and never has been, any room for differential judicial treatment based on essentially irrelevant distinctions. As society evolves, so does the judicial determination to keep apace. Hence this production.

The circumstances covered by this interesting book include cultural diversity, Indigenous Australians, disability, self-represented parties, children, gender and sexuality.

Preparation of the book, which constitutes a reference source not a code, was facilitated by Justices Atkinson and Philip McMurdo. It has been published on the courts' webpage, and will also be available in hardcopy.

I am very pleased, this morning, formally to launch the Equal Treatment Benchbook.

Now many people would be disappointed were I not on this occasion to say something at least about the record of executive government in providing the courts with adequate resources. I will, but the festivity of the occasion encourages me to be more complimentary than curmudgeonly.

What I do positively report is that detailed planning commenced this year in relation to the establishment of new or redeveloped courthouses for the Supreme and District Courts in Brisbane. Over a number of years I have emphasized the marked inadequacy of the present facilities for both courts, especially because of the limits they place on our capacity adequately to



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utilize modern technology. Then there are the occasions we Judges may arrive a few minutes late at court – if we look flustered and red-faced, it is because the lifts have broken down yet again and we have been compelled to utilize the fire escape. It is a rare week when we do not welcome those extremely talented elevator men from Kone to the Supreme Court: they have become our friends! I thank and commend the Attorney-General, her predecessor in that office, and the Director-General, for their assistance in actively progressing the important issue of a new or redeveloped courthouse.

I sincerely hope other recently identified future drains on the public purse will not disrupt our accelerated progression now towards Supreme and District Courthouses in Brisbane which will properly serve the needs of the people. This development, long overdue, is at last progressing, and I earnestly hope will now progress rapidly.

I would be grateful, Attorney, if you would gently remind the Premier of our keen interest in this.

The people should have courthouses which don't from three sides resemble sullen fortresses; our much valued jurors should discharge their momentous function in reasonable comfort; visitors to the court – and there are many thousands annually – should find themselves relishing the amenity of the buildings; and our courthouses should be able readily to harness the latest in technology, which, more than anything else, will enhance accessibility to justice – its antithesis being our persisting challenge. Let the people be given a courthouse which reflects recognition of the fundamental role of the courts in the good government of society.

Finally, may I mention one aspect of the focus which has this year dwelt on the criminal justice system in this State. In November 2003, the Premier announced a review into the operations of the Director of Public Prosecutions.



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The review report recommended establishing a monitoring committee, chaired by the Director-General, involving key leaders involved in the criminal justice system. Such a committee was established, and included, as members, the Chief Judge and the Chief Magistrate, the Director of Public Prosecutions, the Commissioner of Police, the Chief Executive Officer of Legal Aid, the Director-General of the Department of Corrective Services, and me. The committee met a number of times, and this year provided a report to the Attorney-General, recommending various ways of ensuring the appropriate quality of the prosecution services provided in this State. This is not the occasion to go into the detail of those recommendations. They are being followed through, and they do in my view provide firm ground for substantial optimism about enhancement of the quality of the State's prosecution service.

The vast bulk of the work of the courts is accomplished without great fanfare, and as I have observed elsewhere, the people would tend to respect the courts of law more for their predictability than for the delivery of startling surprises. Occasional controversial reversals have, in recent times, demonstrated a feature of our system which ensures its endurance: that is, its resilience exemplifying the healthy operation of the rule of law. It is a system in which the people of Queensland should, and I believe do, have confidence.

I thank all who have assisted the court this year to discharge its important mission, State-wide. On behalf of the Judges, I wish you all, ladies and gentlemen, a restful, reinvigorating and safe Christmas season. Above all, I wish you that state so seemingly elusive to complex communities, but within the more ready reach of individuals ... peace.