



Opening of Law Year Service, Rockhampton
St Paul's Cathedral
Tuesday 12 July 2011, 9am
Homily

**The Hon Paul de Jersey AC
Chief Justice**

I begin by commending the Central Queensland legal profession for its annual public acknowledgement, through this service, of the gravity of its commitment.

Our joint mission is ultimately to uphold the lynchpin of civilised society, which is maintenance of the rule of law. We all play a potentially important part in securing that goal, however pedestrian a particular task may seem.

We join together to reflect on these issues this morning in surroundings which, for many of us, have a particular additional significance which is predominant and abiding. I sincerely thank the Dean for facilitating this service today.

It is a singular honour for me to be invited to Rockhampton each year for this important demonstration of the unity and dedication of the Central Queensland profession. I am grateful that I have been able to accept the invitation, thus far, for each of my years as Chief Justice. This is not the occasion to elaborate on my respect for the Central Queensland profession, beyond acknowledging that it is uniquely collegial, and thereby discharging its role particularly well.

It is important that we note this morning the presence of our indigenous fellow citizens, to be commended in particular for their valuable contribution to the Murri Court, and also representatives of related agencies, the Queensland Police Service, the Office of the Director of Public Prosecutions and Legal Aid (Qld).



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May I particularly commend the Police, for their courageous daily service in a society which is, sad to say, increasingly volatile. That sentiment is particularly aptly expressed this year, with the tragic recent loss of Detective Senior Constable Damian Leeding.

I also note the presence today of representatives of the Queensland Justices Association: Justices of the Peace daily carry out important functions on a voluntary basis, which is much appreciated.

Another feature of our mission to deliver justice according to law is that it is timeless, and significantly this year we mark the sesquicentenary of the Supreme Court's discharge of that mission. The presence of students here this morning is reassuring, as a reflection of the continuity of our commitment. We are all, as human beings, inherently committed to just outcomes. To see our younger citizens acknowledging that is a matter for optimism.

The daily professional diet of a legal practitioner is problems: their identification and their resolution. By the time of court proceedings, the problem has usually degenerated into disputation: like hospitals, courts are generally not happy places. The lawyer addresses the problem by the application of legal expertise. The court increasingly seeks to resolve the dispute without adjudication, and lawyers facilitate that end – courts may become happier places.

The most distinctive development over the last 20 years of my judicial career has been the embrace, by the courts and the profession, of the mechanisms of alternative dispute resolution, especially mediation, with the focus on productive concord rather than intractable discord.

We lawyers are primarily concerned with the resolution of conflict between individual citizens, or citizens and entities. In a later passage in the Sermon on the Mount, Christ revealed himself, unsurprisingly, as the progenitor of ADR when he said, (Matthew 5 verse 25):



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“Come to terms quickly with your accuser while you are on the way to court with him, or your accuser may hand you over to the judge, and the judge to the guard, and you will be thrown into prison. Truly I tell you, you will never get out until you have paid the last penny.”

I hope our Lord was not therein condemning judges for any predictable lack of compassion.

And then earlier, as we have this morning been reminded, “blessed are the peacemakers, for they shall be called the children of God”.

But conflict is not confined to individual persons. The prophet Micah spoke of a transition from angry disputation on a national level, to productive conciliation when he said:

“He shall judge between many peoples, and shall arbitrate between strong nations far away; they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more, but they shall all sit under their own vines and under their own fig trees, and no one shall make them afraid; for the mouth of the Lord of hosts has spoken.”

For both individuals and broader bodies politic, I think it is interesting and heartening to notice the transition in the delivery of legal services to which I have referred: once stamped with adversarialism and almost indelible conflict, but now very often leading disputants into amicable and mutually productive resolutions, though mediation has undoubtedly been more effective at the individual rather than the national level.

Our own cherished profession was once, more frequently than now, maligned for materialism and self-absorption. Our continuing challenge is, by conduct, to rebut that criticism, and on sustainable grounds. One avenue, congruent with today's readings, is the proper exploration of the prospects of consensual resolution, where that can be achieved consistently with the objective of justice according to law, producing less expensive, more timely outcomes which better preserve human relationships.



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We know that important aspects of the law have long fed on Christian principle. Lord Atkin's development of the law of negligence is probably the best example. I would like to think it more than coincidental that today's readings, chosen by the clergy, turn out to be consistent with what I have suggested is possibly the most significant development, over the last two decades, in the way the profession operates, in all its branches.

Today's readings provide a timely admonition: they speak of relations between individuals, relations between nations. In this contemporary world beset by conflict, peace seems persistently elusive. The reality is peace between nations will only ever be achieved if there is peace between citizens. To some people it may be a surprising prospect, but lawyers can actually help secure that end.

May I, in conclusion, on behalf of the Central Queensland community, and the State of Queensland, thank you all for your continuing dedication and contribution, for taking your role appropriately seriously, and for your preparedness to declare that publicly, as you now do.