

## **Swearing-in of The Hon Justice Paul de Jersey as Chief Justice of Queensland**

**Supreme Court, Brisbane, 17 February 1998**

### **Chief Justice's Address**

Your Excellency, Mr Attorney, Your Honours, Ladies and Gentlemen,

I begin by expressing, on behalf of the Judges, gratitude for your attendance here today. On this significant occasion in the life of the Court - in the life of the State, it is encouraging to experience such a vital display of public interest and support.

Insofar as your attendance may involve acknowledgement of any achievement on my own part, may I say at once that the achievement is also that of my family. My wife and children are here, of course, as are my slightly ageing parents and my mother-in-law: indeed the only member of our immediate family not here is our 9 year old black English cocker spaniel dog! But she will be given a full report this evening!

My family's support has always been critically important to me and I am profoundly grateful for it. My wife enthusiastically looks forward to carrying out the responsibilities of her new position. I know she will do so with charm and distinction.

When I confirm that my family's support has been critically important, I may add that they have, also importantly, from time to time been helpfully critical of me. In my own case, there has been no more potent antidote to occasional bouts of intolerable judicial loftiness than the reprimand of a down to earth family!

Your Excellency, I acknowledge the honour you and Mrs Arnison do the Court by your distinguished presence. That presence greatly enhances the lustre of the occasion.

I am honoured today by the presence of three former Chief Justices of Queensland. Sir Charles Wanstall was Chief Justice from 1977 to 1982. Seeing him here raises nostalgic feelings in me. I was privileged to be Sir Charles's Associate in 1970, and eventually followed him into two significant public positions, as Chancellor of the Diocese of Brisbane, and as Chairman of the Queensland Cancer Fund. When I joined the Court in 1985, Sir Walter Campbell was Chief Justice. I have greatly regretted that my exposure to Sir Walter's wise and inspired leadership of the Court lasted only a few months until his appointment as Governor of Queensland. He was succeeded then by Sir Dormer Andrews. With great charm and generosity,

Sir Dormer encouraged me through the early stages of my judicial life, a period inevitably not free of some complication because of the age at which I was appointed.

May I mention, also with delight, the presence of Justice Ian Callinan of the High Court of Australia, especially so soon after His Honour's appointment to that eminent position. I also note the presence of Chief Judge Shanahan of the District Courts, and Chief Stipendiary Magistrate Deer.

I hope I may be pardoned for not naming the other retired Judges, and current Judges of other Courts, present here this morning. I do acknowledge the Court's sincere appreciation of their presence.

Mr President, I am grateful for your most generous observations. Our relationship now spans many years. Over that time I have developed high respect for your many fine qualities and capacities. I regret that our cooperative future leadership of the Court will now cover only an attenuated period.

Mr Attorney, thank you for your complimentary observations. I am acutely conscious of the immense confidence reposed in me by the State through this appointment. Through you, I wish to assure the people of Queensland that I will be doing my utmost to discharge the duties of this high office in a progressive way, with enthusiasm, wisdom and discretion.

Mr Gotterson and Dr Mann, you have, I am afraid, been unduly complimentary. But I do thank you for the spirit of your observations, and for your confirmation of the support of the profession. That support will be extremely important to my effective leadership of the Court. I was confident of the support. But I am, of course grateful now for your additional public confirmation. I have already conveyed to each of you a wish to consult comprehensively on a regular basis, to facilitate our better serving the interests of the litigating public.

My predecessor, Chief Justice Macrossan, led the Court with great dignity and effectiveness. I am personally grateful for his contribution, and now warmly endorse what was said of His Honour in this court last Friday.

My challenge is to ensure that the Court works cooperatively now to continue to fulfil reasonable public expectations. There is, I know, a view that my comparative "youth" - albeit, I might say, approaching 50 years! - that my comparative youth will facilitate a vigorous, active approach to the leadership of the Court. I certainly hope it will justify that description.

I pause to say that I intend to sit both in the Court of Appeal and in the Trial Division. That will aid my understanding of the performance of the Court at all levels, and through continuing trial experience, increase the effectiveness of my own appellate contribution. I hope it may also be welcomed as a desirable style of leadership. The administration of the Court will limit somewhat the extent to which I will be able to sit in court. But I will endeavour to sit substantially.

I also confirm that I will visit the Court centres outside Brisbane from time to time on a regular basis. My natural love of the State aside, I am, after all, Chief Justice of Queensland.

The responsibility is substantial. This Court is a large complex institution. It comprises 22 Judges, including three situated outside Brisbane, in Rockhampton, Townsville and Cairns. (I note with gratitude the presence of those Judges here today.) The Judges are supported by many other organs or instrumentalities: a Registry of 63 staff, a corps of 37 bailiffs, 6 Sheriff's Officers, other administrative support staff together with Associates aggregating 28, the Library, the State Reporting Bureau and so on. Running the Court last year cost more than \$16 million. Its workload is enormous. In 1997, the Trial Division alone disposed of 527 criminal proceedings, and 307 civil matters entered for trial. There were in fact more than 5000 civil matters begun in the Court: most of them are resolved short of a hearing, although often with assistance from the Court.

As I say, it is a large complex institution. Leadership of the institution, to ensure it achieves its ultimate goal - the delivery of justice according to law - is, frankly, no mean responsibility. I have been admonished by many well-wishers that the responsibility is "awesome" - I immediately acknowledge that, but I am not daunted by it. One's own capacities aside, I note with reassurance that the Chief Justice has the enormous advantage of being able to draw on the collective wisdom and support of many extremely talented and dedicated Judges, and to rely on the dedication and efficiency of our various supporting agencies.

A reading of the Chief Justice's annual report for last year reveals many areas in which the Court has been progressive, especially with an increased commitment to case management and exploitation of the potential advantages of modern technology: those are two subjects which particularly interest me. I believe they hold much of the key to further enhancement. Past and current initiatives do show a real commitment to service, to improving service. I was heartened to read in last Thursday's "Courier-Mail" editorial, quoting the third Commonwealth/State Report on Government Services, that "Queensland's court system rates particularly well, with genuine reductions in court costs, especially in the superior jurisdictions and in dealing with civil matters."

But one still hears community criticism about the dual problems of the expense of litigation, and delay from writ to the delivery of judgment. A few nights ago a friend cynically observed to me that "the essence of the law is irrelevance": slightly amusing heresy, of course, and uttered tongue in cheek, or at least I think so! But if the cost of litigation inhibits access to the courts by a large section of the public, and if delay diminishes the worth of any ultimate remedy, the people fairly call for revision. As I say, that is already underway.

There is still room for improvement in the despatch of the work of the Court, especially on the civil side. I do not say that in the least critically of the Judges, who work very hard. But I believe there are ways of reorganizing some of our approaches which may very well enhance the output of the Court. In the civil area, as but one example, we remain extremely vulnerable to last minute settlements, "at the court door" as they are called, leading to wasted time for trial Judges allocated to hear the cases, not to mention disadvantage to litigants through increased costs. This is an aspect where cooperation between the profession and the Court is particularly important, and but one area for possible refinement.

Today is not the occasion for detailed reference to these things. Suffice it to say that there is already a range of options for streamlining our operations which I will be exploring actively with the Judges.

As we approach that critical line in time called the beginning of the new millennium, many great public institutions are being inspired to re-examine the effectiveness of their methods. This Court is one of them. The process has already begun. I intend to pursue it with vigour. With the judges, I will be seeking to identify and implement desirable streamlining, through a cooperative process borne of careful though not protracted consideration, consideration fed also by a clear awareness of reasonable community expectations. And in all of that, I will seek to offer dynamic lively leadership, for I know that that is strongly, and reasonably, expected of me.

The challenge is both substantial and exciting: as a proud and devoted Queenslander, I accept it with gusto.

Let these proceedings be recorded!