

**EXCHANGE OF CHRISTMAS GREETINGS  
and  
PRESENTATION OF SENIOR COUNSEL**

**Banco Court  
9.30am  
Wednesday 13 December 2000**

**Chief Justice s observations**

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

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

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On behalf of the Judges, I congratulate the newly appointed Senior Counsel on their considerable personal achievement. Your clients will expect a high level of learning. We are confident you possess it. They will also expect substantial expertise, which you will no doubt strive to apply. You assume heightened public obligations: you join a rank within the profession from which judicial appointments are often made, and you take on new responsibilities of leadership in the profession. Strive to be true leaders: and that involves retaining and developing your creative imaginations! Best wishes to you all, as you go forward in this new role.

Whatever one s particular religious belief, we customarily all expect the Christmas season to uplift the spirit. An aspect of our progression into this courtroom today bears on that. You, ladies and gentlemen, are among the thousands of Queenslanders who annually visit this courthouse - litigants, jurors, witnesses, friends and relatives, victims, media representatives, primary, secondary and tertiary students, members of the legal profession. I hope that in passing along our second floor corridor on the way into the Banco Court this morning, your spirits rose, with the particular experience of so many interesting additions to our landscape: and I hope your experience may have typified that of all our visitors. A courthouse will rarely be a happy place for litigants: but at least it should inspire a sense of the continuity of an institution which seeks to do equal justice to all according to law.

We have been greatly assisted in rendering the physical presentation of the courthouse more inspiring, by the generosity of others. A very good example is the pair of brilliantly

restored portraits hanging adjacent to the Rare Books Room. They depict Queensland's first Supreme Court Judge, Mr Justice Alfred James Peter Lutwyche, who held office as resident Judge at Moreton Bay from 1859 and from the inauguration of the Supreme Court in 1861 until 1880; and Mrs Mary Morris, whom the Judge married in 1855. We discovered these historically important and fascinating portraits a couple of years ago in the reserve stocks of the Queensland Art Gallery.

They were in dilapidated condition. In 1998, the Queensland Library Foundation had generously restored for the Supreme Court the portrait of Sir James Cockle, Queensland's first Chief Justice, which now hangs on the wall behind me.

Learning of the Lutwyche portraits, the Foundation enthusiastically undertook their restoration as well, with gracious financial assistance from members of the judiciary and the legal profession. Today we see the superb result. Cockle and the Lutwyches are reunited, and we are interestingly reminded of the continuity of our immutable mission: securing the great goal of justice according to law.

I warmly welcome to the Banco Court this morning representatives of the State Library Foundation and the State Library, especially the Foundation Chairman, Mr Neil Roberts, and the State Librarian, Mr Des Stephens.

The project exemplifies the publicly beneficial results of great institutions working cooperatively together. The Judges are enormously grateful to the Foundation, and to the Gallery, and to the generous benefactors, for contributing so finely to the public interest, and in saying that, we speak for the people. This acknowledgement today is materially commemorated by means of a brass plaque on the wall adjacent to the portraits.

We greatly look forward to the re-creation, by the end of next March, in the area outside the lifts in the same corridor, of a replica of the constitutionally significant "smoking room" of the Queensland Government vessel "*Lucinda*". In that smoking room Sir Samuel Griffith, sometime Minister of the Crown, Premier, Chief Justice of Queensland and "Queensland's" Chief Justice of the High Court of Australia prepared, with others, one of the early drafts of our Commonwealth Constitution. That display, again funded by others substantially the Centenary of Federation Committee, will, from next March, wonderfully complement the Rare Books Room. In the meantime, we revel in a steady accumulation in this interesting precinct of other pieces of Queensland's judicial and legal heritage. Let me provide examples.

There are engraved water glasses which belonged to Sir Pope Alexander Cooper, Chief Justice from 1903 to 1922, generously provided by Judge Alan McCracken, formerly of the District Court; there is a tricorne worn in Admiralty jurisdiction by Mr Justice Patrick Real, a judge of the Court from 1890 to 1922, generously lent by the Bar Association of Queensland; also lent by the Bar, a chair which resided behind the bar table in the High Court in Melbourne prior to that court's move to Canberra; an 8<sup>th</sup> edition of Phipson on Evidence presented to a former Solicitor General, Mr Thomas Parslow QC, when he was a

student at the University of Queensland in 1950 and awarded the Virgil Power Prize this generously provided by Mr Joel Barnett, a member of the Bar.

A solicitor, Mr Desmond McCawley, recently gave the Court, on indefinite loan, the desk used by his grandfather, the Honourable Thomas William McCawley, while Chief Justice from 1922 to 1925 that has been superbly restored at virtually no cost to the Court, by students of the Ithaca TAFE as part of their course work. For their excellent work, which we have previously gratefully acknowledged in relation to other donated furniture of historic interest, I again record our sincere thanks.

In November, the Hon Peter Connolly QC, a distinguished judge of this Court from 1977 to 1990, gave the Court his robes of judicial office, including the distinctive Advent and Lenten robes already on display. The Lenten and Advent robes were originally owned by Sir William Mack, who was Chief Justice from 1966 to 1971. The Royal Historical Society of Queensland has provided us, on long term loan, with the splendid museum-type cases you may have seen outside the courtroom. They await further interesting items for display. The list goes on )

I hope many others will be encouraged, by our palpable enthusiasm for this public initiative, to donate other interesting items which also will enliven the spirit and interest of visitors to this place.

Not only should the physical surroundings of the courthouse inspire interest and respect, so also should the apparent commitment of the Judges to the discharge of their role. The Supreme Court's annual report amply confirms that dedicated commitment.

The efficient disposition of the Court's caseload has meant that we end the year with only 89 civil cases awaiting trial, only 171 outstanding criminal cases, and 238 appeals. And this despite the disposal of a multitude of cases in the course of the year, with steady improvement despite the unremitting accession of new work. This leaves the Court in a particularly healthy position, one which should inspire great public confidence. This achievement depends in no small degree on the co-operative assistance of the legal profession. I gratefully acknowledge that, and as well, the profession's concern for the optimal delivery of legal services a matter which receives insufficient public acknowledgement.

This is not the occasion for me to expound unduly on those issues which distend the other side of the balance: but they do warrant some mention. Those issues, covered comprehensively in the Court's Annual Report, centre about long term persisting failure on the part of Executive Government to provide adequate financial resources to the higher courts.

The absence of a plan, set in place and properly resourced, for the redevelopment of this aging and inadequate courthouse, is a glaring example of that executive neglect especially bearing in mind that we have been drawing attention to this for years. We are increasingly

proudly displaying the public corridors of the courthouse. The enhancements, as I have said, have not been achieved by deployment of court resources, but thanks to the financial and other material generosity of other people and organisations.

Public corridors aside, I would be ashamed, however, to show you the jaded, outdated, degraded jury rooms where members of the public are expected to perform their important duty, a duty they in fact perform with great dedication; I would be ashamed to expose you to the depressing orange walls, and furnishings more appropriate to the 50s, which envelope our registry and administrative staff. Again, the list goes on ) We are not even in this system provided with enough money to attend properly to what are termed "minor works".

If you were carefully to survey the building, you would find a substantial proportion of the light bulbs in fused condition. Absurdly we lack the resources to keep them all in working condition. Even the straightened Russian economies apparently extend to replacing the light bulbs in administrative buildings: their problem is the employees take them home! Our own problem may partly be explained, by the way, by a system which obliges us to submit to the often extraordinary charges of Q-Build, which earlier this year levied us as much as \$70 merely to replace a light bulb!

The deficiency is deeper. There remains an urgent need to continue to develop the use of technology to improve access to the higher courts, to plan for training of court staff and to attend to the replacement of ageing or obsolete equipment. There are few signs these matters are being addressed by executive government in any planned and purposeful way despite the need s having been identified many times in recent years.

It is little wonder in this context that the Executive Government s contrastingly generous approach to tribunals which fall short of the position of courts of law engenders on this side a not insubstantial degree of public concern. For the year to the end of June, Executive Government allocated of the order of \$10m to run the Supreme Court, a court of 24 Judges exercising plenary civil, criminal and appellate jurisdiction at 11 centres State-wide, a court which last year disposed of more than 6,000 matters.

According to Hansard, the budget for the Land and Resources Tribunal, by contrast, a tribunal comprising but three members, and with a statutorily very limited jurisdiction, was \$3.3m for the same period, with a budget of \$4.7m forecast for the ensuing year.

This approach on the part of Executive Government involves unreasonably depressed treatment of court staff. It is interesting to compare the Public Service classification of the Registrar of this Court with those of lesser tribunals. The Registrar of the Land and Resources Tribunal, for example, is responsible for registry staff of only 11 persons. The Public Service classification of that registrar s position is Senior Officer 2, which attracts an annual salary of between \$74,000 and \$77,000.

By contrast, the Registrar of the Supreme Court of Queensland, an officer with State-wide

responsibilities covering the registries in Brisbane, and three others outside Brisbane, who is as well Registrar of the District Court, the Planning and Environment Court, the Children's Court and the Health Practitioners Tribunal, and directly responsible for as many as 64 staff, is inexplicably pegged at the lesser level of Administrative Officer 8, which commands a reduced salary range of \$67,000 to \$71,000. Significantly also, the Registrar of the Building Tribunal, responsible for a staff of only 14, and confined to Brisbane, is on the same AO8 level as this Court's registrar, notwithstanding this Court's Registrar's plainly vastly more extensive responsibility. As this illustrates, court staff are being left to languish while Executive Government skews resources discriminatorily in favour of less significant tribunals.

Developments in recent years have meant that court staff in many positions have embraced expanded functions and assumed increased responsibilities. We seek continually to monitor the effectiveness of our approaches. The Chief Justice of the Federal Court has, at my request, generously made the principal registrar and chief executive officer of that court, formerly registrar of the Supreme Court of New South Wales, available to us to investigate and report to me on the appropriateness, for example, of our current registry structures and functions. That review will take place next week. I am confident it will affirm the strength of our registry operation.

I will continue to draw public attention, as graphically as I may, to the paucity of the financial treatment accorded by our Executive Government to the people's courts of law. They must not be taken for granted!

And so, as with all human experience, ours here this year has been a mixture of substantial achievement in certain respects, and enduring frustration in others.

But it is the splendid positive achievement of the institution which of course buoys the spirit, and which should leave the people of Queensland with great confidence in this enduring institution of such significance.

I thank the people for their support, and on behalf of the Judges and the administrative and registry staff of the courts, I wish all a very happy Christmas, and a most fulfilling year 2001!