

Caxton Legal Centre

Launch of “The Queensland Law Handbook”, 7th Edition

Thursday 6 March 2003, 6:00pm

Chief Justice Paul de Jersey AC

I am very pleased again to have the opportunity to speak in support of the initiatives of the Caxton Legal Centre. The work of the Centre should be acknowledged and applauded, and especially the contribution of the 200 or so lawyers, social workers, students and other helpers who so generously donate their time in aid of their fellow citizens in doubt or distress. The core function of the Centre concerns enhancing access to justice, a function the Centre has now been effectively discharging for as many as 27 years. “The Queensland Law Handbook” provides a very good example of that effectiveness.

The new edition launched this evening is the seventh, the first dating from 1983. That it has over that period reached a 7th edition is itself testimony to its worth. Producing the work over those two decades has involved hundreds of contributors who have ensured the evolution of the book into its current impressive form: comprehensive – 1178 pages – yet concise, while informative and interesting, and attractively presented...and as the Centre may wish me to suggest, “a steal” at \$77.00 a copy. I am very pleased to note that either prior to or following their appointment to judicial office, judges and magistrates have made contributions, including Justices Davies, White and Holmes; Chief Judge Wolfe and Judge O’Sullivan; Chief Magistrate Fingleton and Magistrates Herlihy, Lock and Thacker; and this edition is graced by Justice Margaret McMurdo's foreword.

I was pleased to accept in Darwin, as guest of the Northern Territory Law Society at its opening of the legal year events recently, a copy of the Darwin Community Legal Service “Law Handbook” which now resides in the Queensland Supreme Court Library: our Queensland handbook is part of an Australian family of comparable productions.

Browsing through my text book library last week I was somewhat embarrassed to see among my student-day books a copy of the “Nutshell Series” Guide on International Law, my embarrassment compounded by evidence within that extremely short work that I had read only three of its eight chapters. International law was apparently not for me! That led me also to recall the “Monarch Guide” series to which overworked English literature students in my university days would sometimes have frantic recourse, especially as exams approached – but only of course after reading and rereading the novel in its entirety!

By contrast, I should say, the Queensland Law Handbook is no abbreviated guide. It provides a wealth of reasonably detailed information on an extraordinarily wide range of topics, well written by contributors with appropriate qualification and experience. The topics extend from the intensely practical to the rather technical, and the range is reassuringly up-to-date, including for example sports law, biotechnology, and dare I mention it, the treatment of complaints against legal practitioners.

Some of the information is quite arcane. I was interested to learn, for example, that exceeding the speed limit by 45kph or more attracts 6 points – information though of absolutely no practical relevance to me. I was also interested to read Cathy Periera’s account of “life on the inside”: having been inside myself I can confirm its accuracy – that was as a visitor, I should confirm for the record.

The Handbook, as it claims, “unlocks the law”, not only for practitioners venturing into fields with which they are unfamiliar, but more importantly, for the layperson exploring his or her own legal position. Naturally it presents as a practical guide, and does not pretend to digest all relevant considerations. But plainly the book serves as a useful practical introduction to the areas with which it deals. This is particularly important for the person not aided by legal representation, and they are an expanding band.

Last year I read the book “Gideon’s Trumpet”. It is an account of how in the 1960’s a prisoner without means, denied legal representation at his trial and consequently wrongly convicted, persuaded the Supreme Court of the United States to construe the US Constitution so as to oblige the States to ensure legal representation for persons charged with felonies. Four decades on, the case for legal representation for people exploring or pursuing their rights in a complicated society is even stronger.

Yet the extent of self-representation is, in this country, increasing. Apparently up to half the matters dealt with by the Family Court involve at least one unrepresented party, and the incidence of self-representation is especially evident before the Administrative Appeals Tribunal, in refugee and immigration matters and in summary criminal matters.

In the Supreme Court of Queensland, about 29% of litigants before the Court of Appeal are currently unrepresented, and more than 10% in the Trial Division. The District Court is sensing an increase in self-representation in its appellate jurisdiction from the Magistrates Court, and there is a trend towards self-representation by at least one party in applications for de facto property division, and in appeals to the Supreme Court from the Guardianship and Administration Tribunal.

I recall the legal profession’s dismayed reaction in the 1970’s or 80’s, including my own, when the do-it-yourself kits first started appearing, writing a will, administering a deceased estate, conveying land title and so on. The kits were themselves a reaction to the perceived substantial cost of retaining orthodox legal advice or representation. Well, those expedients are now entrenched. Fees have not reduced. People will, I believe, be compelled increasingly to seek to explore their legal position without recourse to the profession – and that notwithstanding the profession’s admirable commitment to pro bono work.

In a paper presented to the Supreme Court Judges’ Pre-Easter Seminar last year, Professor John Dewar and the then Court Administrator, Ms Bronwyn Jerrard,

suggested four factors as contributing to the increased incidence of self-representation in the courts: reduced availability of legal aid, perceived high cost of lawyers’ fees, extended reach of law and litigation, and what they termed “the demystification of law and the growth of a self-help culture through information kits, internet sites and clinics”.

That being the established position, a comprehensive reliable guide of this character, produced largely by qualified and experienced professionals, will continue to prove invaluable in promoting the Caxton Legal Centre’s core function – enhancing access to justice. In launching the book this evening, I warmly congratulate the Centre and all involved in its production. And as I have suggested already, it’s a steal at \$77.00!