



Centenary of Bar Association of Queensland
Ceremonial Sittings, Banco Court
Thursday, 12 June 2003, 9:30am

Chief Justice Paul de Jersey AC

The court is pleased to have the opportunity to acknowledge, today, and with gratitude, a century of beneficial public contribution by the Bar Association of Queensland.

We are honoured that these tributes be delivered in the presence of His Excellency the Governor, Major General Arnison, especially now, as His Excellency's term draws to its close with a substantial round of engagements. During his term, the Governor has graciously visited the court on two previous occasions, to attend my being sworn in to this Office, and to open the Rare Books Room. It is timely now we again express thanks for that vice-regal recognition of the courts of law.

We welcome, as always, the State's first law officer, the Honourable the Attorney-General.

Also significantly present on this occasion, are Judges of congruent courts: in the Federal stream, the High Court of Australia, the Federal Court of Australia and the Family Court of Australia; and in the State stream, the Chief Judge and Judges of the District Court of Queensland and members of the Magistracy and Tribunals; and many former Judges.



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I also note with pleasure the presence with us, on the bench, of former Presidents of the Bar Association who rose to judicial office: former Chief Justice of the High Court of Australia, Sir Gerard Brennan; Justice Callinan of the High Court; former Chief Justice Macrossan and Mr Justice Connolly of this Court and Justice Drummond of the Federal Court. Justice Davies, currently of the Court of Appeal, was also President of the Bar, as was retired Justice Pincus, also in attendance today.

The presence here today of so many persons bears testimony to the esteem felt for the Bar Association's achievement in the discharge of its fundamentally important role.

The Supreme Court Library is to be commended for the interesting historical display mounted outside, and we thank the Bar Association for providing a lot of fascinating archival material. Please pardon my mentioning the rather quaintly expressed letter of reference from J Mowbray Esq AM in support of then Mr Samuel Walker Griffith's application for admission to the Queensland Bar. In that letter dated 3 October 1867, Mr Mowbray said:

"I have much pleasure in certifying that I have been acquainted with Mr Samuel W Griffith for several years, that I have had frequent opportunities of observing and hearing of his manner of life, and that, as far as known to me, his conduct has been marked by correctness and propriety and his character been consistent with his position as a scholar and a gentleman."

In light of the subsequent achievements of the person who became this State's third Chief Justice, and our nation's first – achievements of Olympian proportions – that testimonial may now be read, I suggest, as a model of understatement!



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Also recently mounted outside, in this the High Court's centenary year, is a gallery of photographs of those who have risen from the ranks of the Queensland Bar to the position of Justice of the High Court. Our Bar may justly be proud of its comparatively substantial contribution to the nation's highest court.

The feature which distinguishes a barrister's professionalism from that of kindred professionals, is the barrister's overriding duty to the court and to the administration of the law; which is one of the indispensable keys to the legitimacy and authority of the judicial process. That ultimate independence of the barrister – independence from absolute control by the client's inclinations – melds with the independence of the judiciary to ensure the delivery of the "justice according to law" this court has now guaranteed for approaching 143 years. Yet notwithstanding the independence of its individual members, our Bar has, for more than 100 years, recognized the public benefit to be drawn from formal collegial organization.

Foremost amongst that advantage is fostering and expressing two aspects of the ethos of the Bar: first, as guardian of the promotion, through advocacy, of the legal rights of individual people; and second, standing, with the court, as a bulwark of the rule of law, fearlessly drawn up between citizen and State, and as additionally put by Sir Owen Dixon, "between the rich and the poor, the powerful and the weak". Through the communal interaction it inspires, the Bar Association has helped ensure its members exhibit that ethos in their professional application. Many practical initiatives have ensured the goal is made fast: the pupillage and continuing education schemes are good examples.



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Complementing that role of indelibly defining the barrister as ethically and professionally oriented, has been the Association's broader commitment to the administration of the law. That has extended to its boldly calling governments to account, where fundamental principle has been challenged or plain injustice proposed. The signal courage and strength of successive presidents and their supporting committee or, as now known, Council, warrant particular commendation.

By fulfilling this important role effectually, the Bar Association of Queensland has been a valuable partner in the discharge by the courts of their own charter, the delivery of justice according to law.

It should be noted the Bar Association has over the last century displayed considerable resilience, accommodating some quite radical change – I instance the creation of new courts, including the Federal and Family Courts and the Court of Appeal Division of this Court, the vastly increasing complexity of legislative regimes, the introduction of reciprocity among State bars, the transition from Queen's to Senior Counsel, and change in the very essence of advocacy, with the embrace of alternative dispute resolution and a large retreat from oral to written presentation. The Association has weathered those changes well, exhorting its members to develop new skills as necessary, and itself facilitating that process.

As I said recently when closing the Association's centenary conference in Cairns, it is not enough that a separate Bar survive to feed the personal satisfaction of those who prefer to work independently, or to satisfy courts which have become accustomed to streamlined presentation by counsel. The rationale for a separate Bar must rest in its unique contribution to the maintenance of the rule of law, through optimal attention to the position of the individual litigant or disputant,



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thereby enforcing our system of law as the enduring source of civilized social regulation. As society becomes even more complicated, with consequently more sophisticated problems, the intellectual acuity and refinement necessary for the resolution of its legal concerns will rise. The Bar will be increasingly challenged to meet those demands.

As the Association moves into its second century, it will, we Judges are confident, continue to attend to the welfare of its members; it will continue to fulfil a role as watchdog of the public interest in areas of justice and law; it will continue to exhort its members to absolute ethical dedication and the highest level of competent achievement. And it will continue to assist and encourage its members to adapt to the changes which will inevitably characterize the contemporary legal landscape from time to time, for only then will it fulfil its part in assuring the up-to-date relevance which, in the public interest, our Queensland Bar has traditionally maintained.

The Association's insignia incorporates the Queensland State badge, a light blue Maltese cross with St Edward's crown at the centre, embellished by a contemporary representation of the scales of justice. There we see symbolic confirmation of actual adherence to enduring traits: the Maltese cross signifying courage; the crown of St Edward the Confessor – benign justice and incorruptibility; and the scales of justice, the rendition to any litigant of what is due, no more, and no less.

May the Bar Association of Queensland, through its corporate leadership of that great public institution the independent Bar, continue to inspire its members to aspire to those lofty ideals.