



**Opening of the Law Year 2003: Alice Springs  
5 February – Alice Springs  
“Unique contemporary challenges; a lawyer’s response”**

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**Chief Justice Paul de Jersey AC**

I am greatly honoured to be here. I warmly thank the Society for giving me this wonderful opportunity. I will revert in more detail as to why it is wonderful, but may I first acknowledge the presence of the Administrator. His Honour’s being here signifies the greatly important public role of the legal profession. It also, of course, signifies a refusal to bend to metropolitan obsessionism.

The Northern Territory and Queensland share the feature of being geographically vast, with all centres tremendously important. One of the great advantages of being Chief Justice of Queensland is that I have the regular opportunity to visit many non-metropolitan centres. As someone who grew up in the country, that especially appeals to me. Now I know about the “Berrima line” – there once was a “Brisbane line”, although differently explained.

Speaking within the jurisdiction of another Chief Justice one should be careful! But just as I moved from the country to Brisbane, so Chief Justice Martin always proudly recognizes his long-term residence in the Alice. I am sure I would please him, and undoubtedly the Attorney-General, in saying that the residents of a capital benefit from a regular substantial dose of regional common sense. We are, as I say, enthused that the Administrator joins us here today: his presence boosts us, and of course the Alice community.



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This is my first time in Alice Springs, and it was my seventh in Darwin. As to the Alice, I am charmed, unsurprisingly, by the landscape, charmed by the people. As to the physical beauty of the place, as Ian Morris said yesterday, “There’s a painting in every view”. Lexicographers may have devised the word “unique” by reference to Alice Springs. I hesitate to utter an overused word. Modern life seems to foster this crime: paradigm, new millennium...but your situation is, dare I say it, “uniquely unique”: true Australians sustaining the continental centre: Australians unperturbed by southern sophistication. You ladies and gentlemen epitomise the spirit which tradition says best ensures our heritage.

I spent a week late last year at the Law School of the University of Indianapolis in Indiana. The locals were very interested in our locale. Indiana would fit 30 times into Queensland, probably 25 times into the Territory. When I told them that flying 5 to 6 hours across our continent, looking down, you see green for half an hour and brown the rest, they said: “Why don’t you pipe in water from somewhere?” This land is of course different. The lack of water inspires in unusual ways: arid beauty, resilient spirit.

But your situation is unique in many ways other than the environmental. You share with Queensland especially, the enormous challenge of dealing, with justice, with the interface between two cultures, one ancient, another much younger. We have some experience of this in Queensland, but this is the more ultimate Aboriginal heartland.

The Chief Magistrate mentioned briefly to me yesterday some of his initiatives to streamline the procedural workings of the courts here, and they sound encouraging. In Darwin on Monday the Attorney spoke to me about his thrusts in the area of community justice. We also spoke, by the way, about personal injury



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reform: but today is not the time for that! With reconciliation shuffling rather than striding, one of the profession’s contemporary challenges is to lead in the crafting of a criminal justice system of meaning to all Australians, including those imbued with the spirituality borne of ancient time. I congratulate you on the persistence and sensitivity which undoubtedly characterize your uniquely experienced approach to those particular issues – but what unique problems subsist! The real issue, perhaps, is whether all cultures accept the legitimacy of our approach: we struggle to ensure that occurs.

Though your situation, ladies and gentlemen, is unique in the respects I have mentioned, we all, as professionals, share challenges borne of these times. The most graphically demanding is to play our part to establish or re-establish the rule of law as the only reliable guarantor of civil society.

Edmund Burke said, “It is sufficient for the triumph of evil that good men should do nothing”. Lawyers are not only good people: they are also highly talented in abstruse but significant fields. I have no doubt that Territory lawyers have worked valuably in restoring lives dishevelled by the Bali bombings. Australian lawyers have done a lot to establish a worthwhile new legal system in liberated East Timor. Lawyers, particularly from the USA, were instrumental in fashioning constitutions and legal codes for areas of the now fragmented former USSR. By such participation, lawyers can instil understanding and acceptance of the importance of the rule of law; likewise by interaction, within Australia, with foreign nationals from contrasting regimes.

In a recently published article entitled “The Bali Bombing”, Colin McDonald QC points from a Territory perspective to what he calls “a new unexpected mutuality” in the joint action of Indonesia and Australia responding to the Bali tragedy. He



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expresses the sentiment that “information, understanding and reason are the enemies of ignorance, hatred and bigotry”. Lawyers are well-placed to promote acceptance of the rule of law for what it is – the lynchpin of civilized society, both through direct involvement with less sophisticated regimes and, as I have suggested, through interaction, at home, with those not familiar with the stipulation.

In all of this, it is mutual engagement which is fundamentally important. The author concludes his paper with reference to Dr Martin Luther King’s words spoken in 1968:

“Now let me suggest first that if we are to have peace on earth, our loyalties must become ecumenical rather than sectional. Our loyalties must transcend our race, our tribe, our class, and our nation; and this means we must develop a world perspective.”

Another challenge we all share, but accentuated now, is to maintain our core professional values against the pressure of an age increasingly business orientated. Public service is, we proclaim, of the essence of professionalism, but we are so often criticized as materialistically inclined. Ours is a grand profession.

Our profession facilitates and ensures the due administration of justice: maintaining the rule of law, upholding basic rights and freedoms, monitoring the exercise of executive power, implementing the system of criminal justice...A narrow self-absorption with material success is repugnant to the effective discharge of such significant responsibilities: the orientation must fundamentally embrace high ideals, integrity, self-restraint, diligence, profound ethical



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commitment. The established rapacity, venality of only even a few practitioners can erode public confidence in the professional generally, as the experience of recent times in Queensland and New South Wales would regrettably suggest.

The last three decades since my admission into the practice of the law have witnessed an utter transformation in the scale of legal practice. Indeed, such transformation is perfectly exemplified by the evolution of the legal profession in the Northern Territory. In this jurisdiction membership of the Law Society has grown from a mere 25 upon inception in 1968 to over 500 today, while the Bar Association now counts over 25 practitioners as members. Such changes have spawned additional pressures: to meet high and relentless overheads; to attract and keep clients who are more inclined these days to move from firm to firm, with firms now often obliged to tender competitively for work, and being driven even to the length of retaining marketing staff; to operate in an increasingly regulated domain such that to protect and promote both the position of the firm and the rights of individual people, human resources staff need often to be employed; to command an increasingly complex bank of legislation and judge-made law; to master intricate legal concepts, the courts unfortunately sometimes not assisting with judicial definition marked by particular precision. These sorts of pressures, the product of the changes in practice which have characterized the whole of my professional life to date, mean that the modern practitioner is challenged to display true professionalism in the face of intense business pressure.

The shameful, arrogant self-indulgence recently alleged through the public dissection of HIH and Enron in particular, should provide the catalyst for intense ethical review on the part of any professional tempted to stray from proper acknowledgement of the primacy of the core values to which I have referred.



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I have spoken of the significance of our public orientation post-Bali, and the way we lawyers can rise to the challenge of crafting a more secure society. I have spoken of the individual qualities we as lawyers seek to nourish to ensure the professionalism on which the community in truth depends. But is this commitment to public service properly acknowledged by those we seek to serve?

Probably not, and I think the alacrity with which we were criticized so trenchantly for the woes last year of the insurance industry and medical profession tends to confirm that. But such criticism, however curmudgeonly it may be, cannot distract us from the steady pursuit of this noble profession.

Ladies and gentlemen I hope I have not presumed in offering advice today. The presumption seems to be that as Chief Justice one should. I thank you again for your gracious welcome and wish you all well.