

## *ADMISSIONS CEREMONY, TUESDAY, 3 MAY 2005*

On behalf of the judges of the Supreme Court, I congratulate you on your admission and warmly welcome you to the legal profession.

I also welcome to the Court this morning your families and friends who have contributed to your present success.

The profession which you newly admitted legal practitioners have joined today has an honourable tradition dating back to 13th century England, when lawyers first emerged as an organised group. The specialist practitioners known as solicitors evolved in the late 16th and early 17th centuries. The role of the lawyer continued to change and develop as British citizens elected a parliament which, in time, became the major source of law-making and, together with an independent judiciary and a constitutional monarchy, governed Britain. Over centuries, the right to vote for members of parliament was extended to all male citizens and in the early 20th century to women.

Australia has adopted and adapted the British system of government, including the concept of the separation of power, the concept that no single arm of the three arms of government (the legislature, the executive and the judiciary) can exercise, or abuse, total power. The doctrine of the separation of powers recognises that a democratically elected legislature makes laws; an independent judiciary interprets those laws, ensuring citizens' rights under the law are recognised; and an independent executive impartially enforces the laws made by parliament and the orders made by courts.

What, you may ask, has all this got to do with your admission today as legal practitioners? My answer to that question? "A great deal".

An independent legal profession plays a vital role in a democracy, ensuring that every citizen has access to the rule of law, which provides equal justice for all regardless of gender, race, skin colour, religion, power or wealth. Independent lawyers are duty bound to protect and pursue their clients' rights, unswayed by the power, privilege or wealth of others, in independent courts and subject only to the law and their professional duty to the court. This may sometimes mean being an advocate for the least popular and least attractive members of society against governments, the rich and powerful or populist views. It may also involve defending the independence of the judiciary. As New South Wales Chief Justice Spigelman explained at his swearing in:

"The independence and integrity of the legal profession, with professional standards and professional means of enforcement, is of institutional significance in our society. It is an essential adjunct to the independence of the judiciary. ...

... a bulwark of personal freedom, particularly against the hydra-headed executive arm of government, which history suggests is the most likely threat to that freedom. The profession, no less than the judiciary, operates as a check on Executive power. Indeed, if there should ever be an indication that a member of the judiciary was unduly favouring the Executive, the profession would play a primary role in preventing such conduct."<sup>1</sup>

I note that the majority of legal practitioners admitted to practice this morning are women. It is not widely known that until November 1905 women were unable to exercise their democratic right to be admitted as lawyers. In the late 19th and early 20th centuries, the term "person" in statutes throughout the western world, regulating admission to the legal profession, was widely understood not to include "women". If women were to be confident of their right to become lawyers, enabling legislation was needed. It came in Queensland with *The Legal Practitioners Act 1905* which unequivocally stated that women could be admitted as barristers or solicitors.

The right of women to be admitted as lawyers was an essential step in enabling women to exercise their full democratic rights. Both democratic institutions and the lives of the men and women making up the democracy have consequently been enriched through the contribution of women to the independence of the legal profession and the jurisprudence upon which the profession and the courts act.

In November 2005, this Court will recognise the centenary of this important democratic step, the legislative enablement of women to be admitted as lawyers, in a ceremonial sitting presided over by the Chief Justice. The judges of the Supreme Court hope many members of the profession and the public will attend. The celebration will include an exhibition curated by the Supreme Court library in the Supreme Court's Rare Book Room precinct and the launch of a book celebrating the history of women in the law in Queensland.

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<sup>1</sup> (1998) 17 *Australian Bar Review* 105.

You have already demonstrated your intellectual abilities and your tenacity in obtaining your qualifications for admission as legal practitioners. You will ensure the legal profession, with its fine history and traditions, remains relevant in 21st century Australia by maintaining your profession's high ethical standards, including your over-riding duty to the court as its officers; by offering your services to those who might not otherwise have access to justice, including the least popular members of our society, and, if called upon, by defending the often overlooked but nevertheless essential third arm of democratic government, an independent judiciary.

You enter the profession with the Court's congratulations and warmest wishes. May you have many years of personal contentment, community service and professional satisfaction.

Adjourn the Court.