

# ***ADMISSIONS CEREMONY***

*Monday, 7 November 2005*

On behalf of the judges of the Supreme Court, I congratulate you on your admission as legal practitioners and warmly welcome you to the legal profession. It is late springtime in Brisbane; the Jacarandas are blooming; students are sitting for exams. But for once, this is not your concern. Enjoy your well-earned moment.

I also welcome to the Court this morning all your families and friends who have contributed to your present success. They have also earned an entitlement to enjoy your moment.

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 an executive under 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 powers, that is, 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 recognizes that a democratically elected legislature makes laws; an independent judiciary interprets those laws, ensuring citizens' rights under the law are recognized; and an independent executive impartially enforces the laws made by parliament and the orders made by courts.

You have just become part of an independent legal profession which plays a vital role in a democracy. As a legal practitioner you are part of an institution that ensures every citizen has access to the rule of law so that everyone regardless of gender, race, skin colour, religion, power, wealth or sexuality, has access to justice according to law. Independent lawyers are duty-bound to protect and pursue their clients' rights, unswayed by the power, privilege or wealth of others, whether individuals, corporations or the State, 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 in 1998 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."<sup>1</sup>

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

Those powerful words remain deeply apposite to our 21st century Australian society as it grapples to find a sound balance between individual liberty and freedom and the individual and collective right to live in a society free from terrorism.

For the newly admitted women practitioners, I cannot let your special moment pass without reminding you that this week marks the Centenary of the *Legal Practitioners Act 1905 (Qld)* which enabled women to be admitted as legal practitioners for the first time. Thank heavens it is now nothing more than an amusement to remember that until then legislation enabling the admission of "persons" as legal practitioners was considered not to include women persons! On Wednesday at 9.15 am in this very Court, there will be another ceremonial sitting, this time presided over by the Chief Justice, to recognize the Centenary of this important democratic step, the legislative enablement of women to be admitted as lawyers. We hope that many of you, our newest members of the legal profession, and your friends and supporters will attend. The celebration will include an exhibition curated by the Supreme Court Library in the Rare Book Room precinct outside this Court and on Wednesday evening the launch of *A Woman's Place: 100 Years of Queensland Women Lawyers*. Those of you admitted this morning, although not in the book, have just made it into that first 100 years of history. I think it means that you will make it into the second edition!

Significantly, this week also marks the swearing in of Justice Susan Crennan as a judge of the High Court of Australia and the reason for the Chief Justice's absence.

As newly admitted legal practitioners you have already demonstrated your intellectual abilities and your tenacity in obtaining your qualifications for admission and in ignoring the intoxicating perfume of the fermenting Jacaranda blossoms of past years! 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, by ensuring the services you offer are of the highest standard you can deliver and, if called upon, by defending the often overlooked but nevertheless essential third arm of democratic government, an independent judiciary.

In many years time when you are old men and women and slowing down in your practice of the law, may you look back on and relive your professional life and enjoy it all a second time, knowing that you have honourably given the best you can give to society through your profession.