



**Queensland Justices Association
State Conference 2006
Cunningham Room, Ipswich Civic Centre
Saturday 21 October 2006, 10:15am**

**The Hon P de Jersey AC
Chief Justice of Queensland**

I am very pleased to have the opportunity to deliver these opening remarks. It is a matter important to me that I fill the role of Patron of the Queensland Justices Association, which does very good work in coordinating the work of the Justices within the State, and fostering continuing development in that role.

The presence of justices within this State is substantial, which is I suppose unremarkable given our geography. The total number of justices registered with the Department of Justice and Attorney General is 67,755, and – you may already know – in this region hosting the conference, Ipswich and Ipswich West, there are as many as 1,399 registered justices. Now also significantly, within that complement of 67,000, there are 1,555 Justices of the Peace (Qualified).

I believe most Queenslanders would offer, as a “given” in the case of a Justice of the Peace, established good character and repute within the community. That was indeed probably the only pre-requisite for appointment, when the nomination rested with one’s local member. I am pleased to say that this segment of the community is still generally held in that regard, and from the other aspect, the appointments are still rightly valued, and not inconsiderable contributors to self-esteem. Having regard to the public orientation of the role, and its being voluntary, that is as it should be.

The office of JP dates back to 14th century England, when the so-called keepers of the peace were intended to forestall the commission of crime. The role evolved over the centuries in England to the point where justices came to fulfil an important role in criminal court adjudication, and that position subsists to the present day.



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Justices in England were traditionally land-owners without substantial knowledge of the law, who by the 19th century could wield immense power. It was corruption among the justices which led in England to the development of a professional magistracy. But justices continue in England to play a substantial role, including in the criminal justice system.

Over my years as Chairman of the Queensland Cancer Fund, and through my involvement with the Anglican Church especially its social welfare arm Anglicare, I came to an appreciation of the enormous extent to which governments depend on volunteers within the community to carry out much of the work we would ordinarily expect the government itself to discharge. As to the criminal court work of Justices of the Peace in England – what we here in Queensland used to call “petty sessions” – it still intrigues me that such a developed jurisdiction should, in respect of such basically important public work, continue to depend so substantially on volunteers.

When opening the annual meeting of the Australian Council of Justices Associations on 7 October, I dwelt on a feature of the office of justice which has not changed over those many centuries, and that is, its voluntariness. I commend you all for your willingness to undertake the role on that that altruistic basis.

This is not the occasion for a review of the historical impact of justices within Australian jurisdictions. For those who may be interested, there is an interesting article by a Northern Territory Magistrate, Mr John Lowndes, published in the Australian Law Journal in the year 2000 [74 ALJ 509).

The importance to the community of the duties discharged by Justices of the Peace is to some extent corroborated by the numbers of registered justices, especially I suppose the substantial numbers of those who are qualified. It is also evidenced by



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the determination of the government to reform the role, as was accomplished in 1991, with the split into Commissioners for Declarations, Justices of the Peace (Qualified) and Justices of the Peace (Magistrate's Court). A more recent review of the powers of justices was conducted by the Queensland Law Reform Commission in 1999.

The range of duties for Justices of the Peace is very broad, as may be gathered helpfully from the useful book by Mr Albietz and Dr Tronc, "Powers and Duties of Lay Justices of the Peace in Queensland", now in its 8th edition. Among the most important, obviously, are the issue of summonses and warrants, witnessing signatures on significant documents like affidavits and wills, and the emergent in-court role which occasionally arises.

As the forces apparently intent on disrupting our generally ordered 21st century society appear to working ever more insidiously, the responsibility resting on those who authenticate things like passport applications, powers of attorney and declarations is accentuated, as with the role of issuing summonses and warrants. You should know that Judges, for example, rely, in their approach to court documents, on an assumption of authenticity, and it will in many instances be your work which means that assumption can reliably be made.

Another supervening significance, and utility, in the role of Justice of the Peace, arises from his or her being an informed component of the legal system, and therefore capable of adding to public knowledge of what is entailed.

My own assessment is that our citizens have little real knowledge of the detail of our legal and judicial systems. That flows in part from the historical dearth in civics education in our schools, fortunately now somewhat abating.



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A good example was the recent debate over the release into the community, on conditions of strict supervision, of the convicted serious sex offender Paul Vincent Sutherland. The Judge in that case confronted a situation where the expert medical evidence favoured that order, and the Attorney General did not argue the contrary. The Judge found, in short, in accordance with the evidence.

Somewhat strident public rejection of the Judge's decision, evident at least in pockets, betrayed ignorance of a basic tenet on which our courts do, and must, operate: deciding a case on the basis of the evidence adduced, that is, conformably with the rule of law.

Especially justices who are qualified, will have come to a broad understanding of the operation of the court system of which many citizens apparently have little idea. It is encouraging to me to think that justices in that situation may be able to contribute to a better public understanding of what courts are charged to do, and how they accomplish their work, when answering queries or challenges, for example.

The rule of law does not absolve courts from critical comment. Indeed, active commentary on the work of the courts is very helpful: it means the people are alive to the significance of that work, and its being accomplished well. But one always hopes the commentary may be informed and constructive. What I am now saying is that justices may have a role in bringing about that position.

The theme of this conference is "Justices in the 21st century: the way forward". So far as one can forecast, there will always in this State be a substantial and important role for Justices of the Peace; discharging that role will complement the direct



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provision of government services; and that it is discharged voluntarily, warrants considerable community approbation.

I am very pleased this morning you have had an opportunity to inspect the Ipswich courthouse. A courthouse is of course more than a building. It should express the community's understanding of the significance of the work daily accomplished there. Some of the courthouses built in Queensland in the early decades of the last century are splendid examples of the work of the renowned Colonial Architect F G D Stanley. The Maryborough courthouse is a shining example. A courthouse should inspire, as they do. Of course we would not expect these days what the French call the Palais de Justice, but we hope for courthouses consistent with the role of the judiciary as the third arm or branch of government: not something grandly intimidating, but nevertheless significant and remarkable places, while still reflecting what we strive for, which is accessible 21st century justice. I am very pleased the people of Ipswich will shortly have such a courthouse.

I am pleased also, that in your role as justices, you will enjoy that new environment. I look forward to working with the Association in relation to your accommodation in the new Supreme and District courthouse currently proposed for Brisbane.

I wish you all well for the conference, which I trust you will find informative and stimulating. It is my honour now to declare open the Queensland Justices Association State Conference 2006.