



**Presentation of Senior Counsel and
traditional exchange of Christmas greetings
Banco Court
Wednesday, 13 December 2006, 9:15am**

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

Senior Counsel

I invite the recently appointed Senior Counsel to make their announcements.

Mrs (Wendy Lavender) Pack

Senator (George Henry) Brandis

Mr (Gary Patrick) Long

Mr (Bernard James) Clarke

Mr (Glenn Charles) Newton

Mrs (Leanne Joy) Clare

Mr (Douglas Robert Murtagh) Murphy

Mr (James Dawson) Henry

Ms (Kathryn Ann) McMillan

Mr (Richard Ian Mitford) Lilley

Mr (Anthony William) Moynihan

Would those Senior Counsel please come forward to sign the roll?

...

It should be appreciated that although I am the nominated appointor of Senior Counsel, the process is intensively collegial, and benefits substantially from the recommendations of the Senior Counsel Consultation Group established by the Bar Association.

The appointments are obviously greatly significant to the appointees, in terms of recognition, career advancement and influence within the profession. It is of note this year that the proportion of female appointees to the office is comparatively high.



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You present, ladies and gentlemen, as Counsel of singular probity, learning and accomplishment. Mr Dan O’Gorman, appointed Senior Counsel this year, cannot attend today: he is engaged in voluntary work in Bangladesh, in support of the legal profession and people there, as indeed is the Central Judge, Justice Dutney.

Now there is no doubt the position of Senior Counsel is very different from that of Queen’s Counsel, remembering an era where a silk could not appear unless with a junior, and fee rules required the junior receive substantial remuneration.

But those things aside, the position of Senior Counsel remains one of signal accomplishment and distinction.

We are confident you have the capacity to rise to the particular challenge which now confronts you. We wish you well.

...

(Senior Counsel return to their seats.)

...

Welcome and acknowledgements

On behalf of the Judges, I welcome you all to this ceremony at which traditionally we acknowledge, in festive spirit, the contribution of many people and agencies to the discharge over the last year of our important public mission. And as to that festive spirit, I at once thank the Crown Law Choir for its brilliance in enhancing it.

I especially welcome the Speaker of Legislative Assembly of Queensland, the Hon Mike Reynolds AM MP; the Attorney-General the Hon Kerry Shine MP; the Presidents of the professional associations; Mr Don Seawright, Secretary of the Society of Notaries; the



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Chief Judge and Judges of the District Court; the Chief Magistrate and his colleagues; retired Judges, and tribunal members.

Attorney-General, your support of the courts, and that of your immediate predecessor the Honourable Linda Lavarch, is much valued, as has been the support of the Directors-General, now Mr Jim McGowan and previously Ms Rachel Hunter. You and your officers have striven to facilitate the achievement of what, in the public interest, we regard as worthwhile, and for that we are grateful. We particularly welcome you, Attorney, on this your first attendance in that capacity at a Supreme Court sitting.

Presidents, I venture the level of cooperation between the courts and the profession has rarely been stronger – not of course in any doubtfully collaborative way, but to ensure the best service to our mutual constituents, those involved in the criminal justice process and civil litigation. Thank you and your members for your respect for, and support of, the judicial process.

The portrait of the Hon T J Byrnes

We are distinctly honoured this morning by the presence of the Speaker of the Legislative Assembly. We believe this is the first time in the history of the Supreme Court that the Speaker has attended the court in that capacity.

I understand the Speaker will formally present the court with the portrait, which is on display before us, of the Honourable Thomas Joseph Byrnes, who was Solicitor-General of Queensland from August 1890 to March 1893, appointed at the request of Sir Samuel Griffith, and Attorney-General of Queensland from March 1893 until his death on 27 September 1898. Mr Byrnes also served as Premier for six months prior to his death at the age of 38.



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Ms Rosemary Gill is present today at our invitation. Ms Gill wrote an account of Byrnes' life which is included in the work "The Premiers of Queensland", published in 1978 by the University of Queensland Press.

It is thought – though this is not universally accepted – that the portraitist was the renowned Godfrey Rivers, who also painted the definitive judicial portrait of Sir Samuel Griffith, which hangs behind this bench. Something of the interesting provenance of the Griffiths portrait is recorded in a note displayed outside the courtroom. If Rivers also painted Byrnes, that is interesting, for Byrnes was Griffiths' protégé.

The Byrnes portrait hung in the courthouse which burned down on Sunday 1 September 1968. It was removed by workmen from the smouldering ruins of the building on the morning following the fire, and resided elsewhere – really who knows where – for the ensuing 38 years.

Prior to its removal from the burnt building, then Crown Prosecutor Ken Mackenzie, now Justice Mackenzie, took slide photographs of the fire damaged building. One of them clearly shows the Byrnes portrait hanging in the upper gallery of the charred courthouse. An enlargement of the photograph is among the collection displayed on the wall of the public corridor outside, and I invite you to look at it later this morning.

When I was appointed Chief Justice in 1998, the absence of the portrait from this courthouse was drawn to my attention by the then Court Administrator, Mr Bernard Yorke. Mr Yorke suggested the portrait may be languishing in a government warehouse in Fortitude Valley. But attempts at that time to locate the portrait failed. Mr Yorke, I note with pleasure, is present today.

Seven years on, in July this year, I was looking through the court's historical file relating to the 1968 fire. The file had been sitting in the Deputy Director General's office in the Department of Justice and Attorney-General, and was noticed during a reorganization, and



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then returned to the court. Included in the file were clippings from the “Courier Mail” and “Telegraph” newspapers. One of them included a photograph showing the removal of the painting from the damaged courthouse (show photograph). Seeing that photograph reignited our determination to find this elusive piece of Queensland history.

I was aware of a survey of government art conducted in recent years, and so I raised the matter with the Coordinator-General and Director-General of the Premier’s Department, Mr Ross Rolfe. Mr Rolfe’s officers identified the portrait shown in the newspaper as one and the same as a portrait hanging in the Premiers’ Gallery in the Parliamentary Annexe. Mr Rolfe is present in court today and we particularly welcome him. The officer mainly responsible for tracking down the portrait was Ms Colleen Conway, and I am pleased to note she also is present – I am told with particular enthusiasm. The Clerk of the Parliament, Mr Neil Laurie, is also present. It was he who, in consultation with the Speaker, subsequently confirmed to me that the original painting would be returned to the Supreme Court, and replaced in the Annexe with a replica. The replica was completed last month, and it is the replica which now hangs in the Premiers’ Gallery.

This serendipitous saga illustrates a good level of cooperation among the three branches of government, with a publicly productive outcome. I acknowledge the role of the newspapers in sparking the enquiry which eventually proved fruitful, an interesting example of their fulfilling the role of journals of record. The work will now, 38 years later, rejoin the court’s historically significant art collection, and that is its historically correct, if maybe not natural, home. On behalf of the Judges, I thank all who have contributed to this excellent outcome.

There are three other matters of which I should this morning make brief mention.

A new courthouse in Brisbane

The first is the prospect of the construction of a new courthouse for the Supreme and District Courts.



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This is not a purely material thing: though securing acceptable, contemporary accommodation for jurors is obviously important; providing decent working environments for our valued staff is critical; providing optimal technology in well-planned courtrooms must be a given; and ensuring court security also goes without saying.

Beyond rectifying those and many other long-standing material deficiencies here, there is need to supply a supervening omission: and that is our people's lack of a metropolitan courthouse for the State's highest courts of which the people can be proud, an appropriate symbol of accessible 21st century justice, a worthy nearby counterpoint to the grace of Parliament House and the command of the Executive Building.

I was reassured on 10 October when Her Excellency the Governor, in her address at the Opening of the 52nd Parliament, confirmed the government's commitment to our first stage, an appropriately resourced design competition, which will take place early next year. Our current expectation is the opening of a new courthouse in the year 2011, the year which will mark the 150th anniversary of the establishment of the Supreme Court. I respectfully commend the government for its firm commitment to this remarkably important public initiative. I use the word "firm": I would like of course to be able to say "irrevocable", but I am content with firm.

I particularly thank our Director-General Mr Jim McGowan, and his predecessor Ms Rachel Hunter, the Attorney and his predecessor, and the Director-General of Works, Mr Mal Grierson, for their support for the project.

The re-hanging of Sir Harry Gibbs' GCMG banner

Now moving from the future, back for a moment to the past.



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Sir Harry Gibbs, a distinguished member of this court from 1961 to 1967, was Chief Justice of the High Court of Australia from 1981 to 1987, and a member of that court from 1970.

A distinction is that Sir Harry's is the only portrait to hang in this courtroom which is not that of a former Chief Justice of Queensland.

Sir Harry's highest imperial award was as Knight Grand Cross of the Order of St Michael and St George, the GCMG. Sir Harry was one of only a few Australians to be appointed Knight Grand Cross of the Order of St Michael and St George. Upon admission to that level within that high order, the admittee is accorded a banner which is hung from time to time in St George's Chapel within St Paul's Cathedral, London.

In St Paul's Cathedral on 14 September this year, I was very pleased to receive, from the Gibbs family, Sir Harry's GCMG banner which had previously hung in St George's Chapel. That occurred following the annual St Michael and St George Service, in the presence of the Grand Master of the Order, His Royal Highness the Duke of Kent. My wife and I were privileged to attend the service.

The Gibbs family has generously donated our late colleague's regalia to this court, as was Sir Harry's wish, and it is an extraordinary acquisition. Some important items are on display in cabinets immediately outside the courtroom.

This morning we acknowledge the rehangings of Sir Harry's GCMG banner – from a chapel over 16,000 kilometres distant, to a courtroom in the State for which he felt such attachment. We also note today the repositioning of Sir William Dargie's fine portrait of Sir Harry, so that the portrait and the banner are displayed in a complementary way.

We again express gratitude to the members of the Gibbs family for their generosity. We are delighted members of the family are with us this morning: Mrs Margaret Gibbs, Mrs



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Mary Collings and her daughter Debbie Hodge, all of whom have come from Sydney specially for today's ceremony, and Dr Harry Gibbs.

The Society of Notaries

I come finally to an aspect of the present. We have this morning inaugurated 12 new Senior Counsel, who join the highest rank of the Bar.

There are a number of gradations within the solicitors' branch of the legal profession, but none is more historically significant than the rank of notary public, an appointment made by the Court of Faculties via the Archbishop of Canterbury, with the Chief Justice vouching the suitability of the applicant.

Notaries public constituted themselves a Society in Queensland in 1922. There are presently 150 in Queensland. Over the ensuing 84 years, there have been only four secretaries of that Society, Mr F W Mole, Sir Neville Henderson for some 40 years, Mr George Walters, and since 1995 Mr Don Seawright, who is sitting at the bar table this morning. The Society is the custodian of the high standards of that, the historically highest level of the solicitors' branch of the profession in the State. The Society of Notaries considers it appropriate that its historical records now be held, not at the John Oxley Library, but within the Supreme Court Library. Unsurprisingly, notwithstanding great respect for the State Library, I acknowledge that resolution as completely appropriate. I understand Mr Seawright will in due course this morning present some of those records to the court.

Conclusion

Ladies and gentlemen, in thanking the members of the profession for their support of the court, and the Attorney-General, the Director-General and their officers, I also personally acknowledge the unstinting support and dedication of my judicial colleagues – not to forget our spouses and partners. We all join in wishing you the compliments of the season.



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It has been apt, at this time of the year, to acknowledge this morning some important gifts to the court on behalf of the people of Queensland. Our colleague Justice Mackenzie says we are historically accurate today to be receiving no more than three gifts, its being Christmas time. The courts' response – and I speak with confidence for all judicial officers from all three State courts – is to reaffirm our commitment to the discharge of our high mission in accordance with our oaths and affirmations.

Mr Speaker...

Mr Attorney.....

Mr Solicitor...

Mr Daubney....

Mr Pinder...

Mr Seawright...

I thank all speakers, and invite all present to join the Judges for morning tea.

Let these proceedings be recorded.

Chief Bailiff, adjourn the court.