



# Queensland launch of PeaceWise

Thursday 25 October 2007, 5:30pm  
Banco Court

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

About 10 years ago, a report by distinguished academics confronted Australian courts of law with a rather disarming question: Why aren't your courts happier places? The answer may have been thought obvious enough. The daily fare of courts is disputation, just as the daily diet of hospitals is illness and disease. These are not aspects of the human condition readily productive of contentment and happiness. The reality is at least half the recipients of judgments of the courts will be unhappy, having lost their cases; and on the criminal side, a goal of satisfaction is rarely attainable.

That said, courts have, over the last decade especially, addressed means of rendering our processes less mysterious and more comprehensible, and so far as we can, less confrontational. But in the end, to speak of a non-confrontational adversarial system is really a contradiction in terms.

We have therefore taken a lateral approach. That has involved substantial recourse, by the civil courts, to the mechanisms of alternate dispute resolution, especially mediation. It is these days a rare case which has not been subjected to some level of mediation.

The potential advantages of a mediated resolution of a dispute, short of an imposed judicial adjudication, are obvious. In the first place, the outcome is consensual. Where parties agree in an outcome, they will invariably embrace it with greater acceptance than they would an externally imposed determination. Also, they avoid the public ventilation of their conflict. That is increasingly an advantage, with the capacity of the internet to broadcast these matters with little restraint, not just locally and nationally, but internationally. And potentially very importantly, a mediated resolution enhances the



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prospect of a continuing relationship between the parties, whether social, familial or commercial.

The mediation of disputes otherwise headed for court adjudication has been the most dramatic development in the litigation landscape in Queensland over the last 20 years. Twenty-five to 30 years ago, with many disputes, adjudication was considered the only realistic option. That was because once engaged in dispute, the parties would often not even speak to each other, whether personally or through a lawyer. There was an unfortunately misconceived notion that to do so would immediately imply an absence of merit or substance in one's own case.

There has been immense change over the last 20 years. Now parties in conflict sensibly realise the advantages of a non-adjudicated resolution. One result for the courts has been a substantial reduction in the volume of cases proceeding to trial. But the more significant consequence is societal. The interaction of human beings inevitably and regrettably spawns conflict. Conflict diminishes individuals, and if left unresolved, it diminishes society. Hence my enthusiastic support for the diversion of disputes from litigation to mediation, and that enthusiasm is, I am confident, shared by my colleagues.

PeaceWise would, I surmise, share the sentiments I have just expressed, while injecting a unique flavour into the mediation process. Its Christian base approaches this, obviously enough, from a particular religious perspective, and I am conscious of our constituents' imperative stipulation as to the separation of church and State. But the ingredient which ultimately informs the PeaceWise approach to the process, the attainment of peace, supervenes all religious and secular boundaries.

I am very pleased to support the PeaceWise initiative, not only for its laudable goal, but also because of its comprehensive and careful approach to training and accreditation. In an era where members of the public rely substantially on an increasing range of



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qualifications and accreditations, the responsibility of those presenting people with those accreditations, is correspondingly substantial.

In officially launching "PeaceWise" in Queensland, I express my hope that it may establish a new level of productively consensual dispute resolution in the State.