



**Presentation of Senior Counsel, recognition of newly-  
admitted barristers, and traditional exchange of  
Christmas greetings  
Banco Court  
Wednesday, 12 December 2007, 9:15am**

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**The Hon P de Jersey AC  
Chief Justice  
Senior Counsel**

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

Bradley Wayne FARR

Michael Patrick KENT

Declan Anthony KELLY

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

...

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

The appointments are obviously greatly significant to the appointees, in terms of recognition, career advancement and influence within the profession.

You present, gentlemen, as counsel of singular probity, learning and accomplishment. We are confident you have the capacity to rise to the particular challenge which now confronts you. We wish you well.

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*(Senior Counsel return to their seats)*

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**Recently admitted barristers**

Mr Fraser...

The President says:

"May it please the court. I have the pleasure of announcing that the following practitioners present in court today have become barristers of the Supreme Court of Queensland since 1 July 2007:

Mr Scott Hooper  
Mr Gavin Rebetzke  
Mr Brent Turnbull  
Ms Holly Blattman  
Ms Alexandra Brook  
Mr Neil Sadler  
Mr Andrew Balzamo  
Mr Russell Rose  
Mr Derek Kordick

*(As each barrister's name is announced, that barrister stands and bows to the court.)*

I am pleased to commend each of these barristers to the court."

Chief Justice:

Queensland remains an Australian jurisdiction in which citizens, natural and corporate, still enjoy the benefit of an independent bar. I certainly hope that situation persists.



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All lawyers should present as specialist professionals. Members of the bar profess a particular specialization. It is one which allies them closely with the courts in the discharge of the charter of the delivery of justice according to law.

One of the best expressions of the relationship between the bar and the courts came from Sir Frank Kitto in *Zeims' case* (1957) 97 CLR 279, 298:

“...the Bar is no ordinary profession or occupation. These are not empty words, nor is it their purpose to express or encourage professional pretensions. They should be understood as a reminder that a barrister is more than his client's confidant, adviser and advocate, and must therefore possess more than honesty, learning and forensic ability. He is, by virtue of a long tradition, in a relationship of intimate collaboration with the Judges, as well as with his fellow members of the Bar, in the high task of endeavouring to make successful the service of the law to the community. This is a delicate relationship, and it carries exceptional privileges and exceptional obligations.”

As legal practitioners, you also assume a responsibility for the maintenance of the rule of law. The rule of law is a stipulation which must never be taken for granted, even in a highly developed and sophisticated society. This truth is strikingly evident in many parts of the world today. Indeed, the courage of the lawyers of Pakistan, confronted by the deplorable abrogation of the rule of law in that nation, has been conspicuous; although unfortunately, it has not to this point been sufficient to restore the right of the citizens of that country to an independent and impartial judiciary.

On behalf of all the Judges, I welcome you, ladies and gentlemen, to the ranks of the Queensland and thence the Australian Bar.



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We urge you to discharge the high public duties of your role, as barristers, with fierce independence and high competence, while exhibiting undoubted integrity. We also encourage you to develop a marked degree of expert specialty through your endeavours.

**Christmas greetings**

On behalf of the Judges, I welcome you all to this ceremony, where we traditionally acknowledge the many people and agencies who have contributed to the discharge of our important public mission over the past year. I also again thank the Crown Law Choir for enhancing the festive spirit of the event.

I especially welcome the Honourable the Attorney-General, the Presidents of the professional associations, the Chief Judge and Judges of the District Court, the Chief Magistrate and his colleagues, Judges of the Federal and Family Courts, retired Judges and Tribunal members.

Attorney-General, your support for the courts over the past year has been greatly appreciated. I also recognize the support of the Director-General, Mr Jim McGowan, and the Acting Director-General, Ms Julie Grantham, both of whom are present. Attorney, you and your officers have facilitated the smooth administration of the court and its initiatives and for that, we are sincerely grateful.

Presidents, I suggest the level of cooperation between the courts and the profession has rarely been stronger. That ensures 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.

This is the tenth consecutive “Christmas Greetings” ceremony at which I have, as Chief Justice, been privileged to preside. And I wish, for a moment, to reflect on some of the judicial imprints of that decade.



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I suggest that during that time, the three State courts have functioned together with an unprecedented level of cooperativeness, and that the profession's support of the courts has remained reliably high. We have also now reached a point, where the interface between the courts and our resourcing partner, executive government, is in a particularly healthy state.

The composition of the Supreme Court has changed markedly over the past 10 years. The striking change concerns gender composition: one woman Judge in 1998 and now eight, representing almost one-third of the court. I say almost one-third, noting this year's increase of the strength of the court from 24 members to 25 – with the appointment of the sixth Judge of Appeal.

The Supreme Court's performance in the national survey conducted by the Productivity Commission is annually encouraging, and also highlights that our court remains the most cost-effective jurisdiction in the nation. I am indebted to my colleagues for the harmony and efficiency which characterize the dispatch of our work.

As to core business, the more timely disposition of our caseload has been a distinctive feature of the last decade. Ten years ago, it was largely delay on the civil side which provoked the development of the groundbreaking Uniform Civil Procedure Rules. Very early determination can now be guaranteed by this court for parties in a state of readiness for trial or hearing.

Our unrelenting criminal jurisdiction remains a focus for constant active management. The Commercial List is another initiative of this period and is, I believe, greatly valued by the commercial community. Another specialist jurisdiction highly regarded is that of the Mental Health Court, a Queensland innovation which still beneficially distinguishes this jurisdiction.



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Over recent months, we have comprehensively addressed a long-standing problem of the assessment of party and party costs in litigation. This has been an important development and the effectiveness of the new regime will be closely monitored.

We also have considerable cause for optimism as we look forward to the opening, in the year 2011, of the new metropolitan Supreme and District Courthouse. This will mark an outstanding advance for all Queenslanders, and in that year, we will join to celebrate the Supreme Court's 150<sup>th</sup> anniversary. Dr John Hockings from Architectus is here this morning.

The government recently committed \$29 million for the ongoing design work, and we hope the "turning of the sod" ceremony will occur next year. Meanwhile, we are making the most of the stunning design. The building stars on the front cover of this year's annual report, and on the Court Christmas card. I hope you may have an opportunity to look at the presentation in the foyer before you leave. If hope be needed for the endurance of this institution, this initiative offers not a glimmer, but a flame.

There is one other matter to which I will refer this morning. Last month, State Parliament enacted the *Judicial Remuneration Act 2007*, which repealed the *Judges (Salaries and Allowances) Act 1967*, and dissolved the Salaries and Allowances Tribunal. The legislation ties the salaries of Queensland judicial officers to those of Federal Court Judges, and statutorily enshrines judicial allowances. It is beneficial legislation which strengthens judicial independence by distancing the setting of judicial remuneration even further from the political process.

I wish this morning to acknowledge the important work, over 27 years, of the Salaries and Allowances Tribunal. It has discharged a large public obligation with distinction, bringing down 27 annual reports. And in its history, only one of its determinations was disallowed by the Parliament, and that was because of a purely formal, technical problem.



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The three member Tribunal was over time led by four distinguished Queenslanders, Sir John Nosworthy, Mr Graeme Morris, Sir Bruce Watson, and most recently Dr Joan Lawrence AM, who is present this morning, seated next to Kaye. I pay tribute to their leadership, and to the commitment of the eleven other Tribunal members over that period. For the last six years, the Tribunal comprised Dr Lawrence, Dr David Solomon AM and Ms Elizabeth Jameson.

Ladies and gentlemen, in thanking the members of the profession for their support of the court, and the Attorney-General, Director-General and the Acting Director-General and their officers, I also personally acknowledge the unstinting support and dedication of my judicial colleagues, and all involved in court administration – not overlooking our spouses and partners. I say “not overlooking”: for most of us, that familial support is indispensable to our properly doing what the people expect of us.

We join in wishing you all the compliments of the season.

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Mr Attorney

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I greatly appreciate the Attorney-General's embrace of this initiative. Potentially in a substantial way, it should help us confront our persisting albatross – that is, limited accessibility to justice on the civil side. Also, it should help relieve the burden borne by unrepresented litigants, and correspondingly, the pressure their situation imposes on the court. I commend the government for this advance.

Mr Solicitor



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Mr Fraser

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Ms Mahon

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

Let these proceedings be recorded.

Chief Bailiff, adjourn the court.