



Swearing in of the Hon Justice Chesterman RFD as a Judge of Appeal; presentation of Senior Counsel; recognition of newly-admitted barristers; and traditional exchange of Christmas greetings Banco Court Wednesday, 17 December 2008, 9:15am

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

Swearing in

I note with pleasure the presence of the Attorney-General, the Presidents, Justice Kiefel of the High Court, the Chief Judge and Judges of the District Court, Judges of the Federal and Family Courts, Magistrates, retired Judges and Tribunal members. Justice Daubney, who cannot be present today, has asked to be associated with my remarks.

I warmly congratulate Justice Chesterman upon his appointment as a Judge of Appeal. A member of the court since 1998, His Honour has exhibited judicial acumen of the highest order. I particularly mention his highly applauded contribution to the effectiveness of the Commercial List since its re-establishment in May 2002.

Justice Chesterman becomes the 11th Judge appointed to the Court of Appeal Division in its 17 year history, and the fifth appointed directly from the Trial Division.

His Honour brings a broad experience of life to his judicial work, and in particular, I mention his chairing since 2001 the Queensland Cancer Council, the State's pre-eminent anti-cancer charity. His Honour is closely supported by Mrs Robin Chesterman, who rightly shares in the Judge's achievement we celebrate today.



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I respectfully commend Executive Government for continuing determination to maintain the high quality of both Divisions of the Court, and I wish His Honour well as he enters this new chapter of a most distinguished judicial career.

Mr Attorney...

Mr Stewart...

Ms Mahon...

Justice Chesterman...

Announcements by Senior Counsel

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

Mr Litster

Mr Hunter

Mr Copley

Mr Diehm

Mr Burns

Mr Rangiah

Ms Downes

Mr Sullivan

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

Chief Justice

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



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

You present 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.

...

(Senior Counsel return to their seats)

...

Recently admitted barristers

Mr Stewart...

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 2008:

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

Miss Lily Pema Thinley Coulstock Brisick

Mr Roly William O'Regan

Mr James Gerard Lyons

Mr Andrew Barron Fraser

Mr Peter Aaron Glover

Mr Christopher Keith George

Ms Yulia Chekirova

Mr Anthony Gordon Reilly

Mr James Earl Smith

Mr Simon David Morrison Brown



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Mr Liam Peter Burrow
Ms Susan Fajardo
Mr Emmanuel Theodore Samios
Mr David John Renfrey
Ms Lucia Hawkshaw
Ms Stacey Caroline Coker
Ms Geraldine Bradley Dann
Mr Craig Douglas McIver
Ms Sally Elizabeth Jenkins
Mr Elliot William Muir Dalglish
Miss Melissa Jane Neill
Mr Andrew John Radley

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.

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



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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.

We welcome you to the ranks of the Queensland and thence the Australian Bar.

We urge you to discharge the high public duties of your role, as barristers, with 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

I pass now to the seasonal character of this morning’s sittings, and begin by warmly thanking the Crown Law Choir, and its conductor Ms Lydia Daly, for again transporting us melodically and festively.

I do not intend on this occasion to traverse the court’s performance over the last 12 months. A picture of that may be gleaned from the published annual report. My primary message this morning is one of gratitude, to my judicial colleagues and the profession.

This year I reached 10 years in my present position – as did the President of the Court of Appeal in hers. Over that period – which I may say, my now having reached the age of 60, seems quite short – I have been privileged to serve with as many as 37 judges of the Supreme Court; and I have sworn in 17 judges of the present complement of 24, about 70%: a remarkable privilege.



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I firmly believe that the best performing courts are those characterized by collegiality in administration, and harmonious mutual relationships. Throughout the last decade, my colleagues have willingly cooperated in the collegial administration of the court, and they have been astute to ensure harmonious personal relationships within the court. The result, in the context of well-established high level judicial quality, has been optimal performance by the court in the interests of the people of Queensland. I am enormously grateful to my judicial colleagues for their unstinting and well-measured support over these years.

I also gratefully acknowledge the cooperation of the Chief Judges and the Chief Magistrates in our joint stewardship of “Queensland Courts”.

I turn to the profession. Over that decade, the Bar Association of Queensland has been led by 8 Presidents, and there have been 10 Presidents of the Queensland Law Society. As well as leading their branches of the profession with distinction, the Presidents have been careful to assist the court in discharging its mission, by exhortation of their members.

The decade has witnessed quite extraordinary expansion in the legal profession in this State: from about 500 barristers to almost 1,200 now and from about 4,500 solicitors to 7,500 now. This simply reflects the increasing dominance of our State within the Federation.

Our legal profession is notable for its ethical commitment and professional proficiency. Like the court, the Queensland profession shows the benefit to be drawn from collegially-based approaches.

I use the opportunity to thank the profession for its support of the courts in many ways: primarily through the efficient presentation of litigation, and the efficient forestalling of litigation through good advice tendered in the office; but in other ways as well – assisting the Rules Committee in its various initiatives to refine the procedural law; committed



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service of practitioners on bodies such as the Legal Practitioners Admissions Board; assisting the court at sometimes short notice in relation to various proposals for change.

I not infrequently also laud the profession for its pro bono commitment. Today I express thanks more generally for the profession's cooperation with the courts: no doubt that eases a practitioner's burden, but more significantly, it facilitates the discharge of our mission, and thereby advances the public interest.

I add thanks to the Director-General Ms Julie Grantham and her staff, in again doing their utmost to ensure that the courts are furnished with the necessary resources, including those which allow us to identify and implement new ways of doing things from time to time, where that will be demonstrably beneficial. A very good example is the accessCourts initiative launched by the Attorney this time last year, which is proving invaluable in assisting otherwise unrepresented parties in the examination and pursuit of their claims.

Departmental officers are invariably constructive and helpful in their work with the courts, and for that I express gratitude to the Director-General for her leadership. I include in this expression of thanks our committed and progressive court staff, on the Registry and administrative sides, led vibrantly by Ms Robyn Hill.

Before going further, I wish to mention that this is the 14th, and last, of these ceremonies covered by Mr Mark Oberhardt, the Courier Mail's chief court reporter. Mr Oberhardt's coverage of the work of the Supreme and District Courts over those 14 years has been comprehensive, accurate and interesting. His reporting has been significant in informing members of the public of the important work accomplished in these courts. We wish him well as he moves to another position within the newspaper, and he goes with our gratitude for his substantial contribution over those many years.

A major highlight this last year has been the government's commitment to the new metropolitan Supreme and District Courthouse: substantial progress has been made in



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detailed design and early site work, the project is well within budget, and it is on track for completion in the year 2011.

I thank the Executive Government for its unshaken commitment to deploying limited public monies, in difficult economic times, into this piece of essential infrastructure for the benefit of all Queenslanders, a project which incidentally has a very important bearing on employment, and the State economy generally.

Notwithstanding the massive public significance of the project, I will in what I additionally say be disproportionately brief.

The State must have a metropolitan courthouse suited to the disposal of the mass of very serious work daily accomplished in the Supreme and District Courts. The 47 courtrooms and related facilities in this new complex constitute essential infrastructure which will serve the people well for many years to come.

We tend to focus on utility, for the litigating public, jurors, court staff and prisoners. But that should not mask a broader, striking public vision. As a former State Architect recently reminded me, this will be the most significant public building constructed in our capital city since the current Executive Building, which was completed some 37 years ago.

140 years after the opening of Parliament House in 1868, it is still breathtaking for Queensland citizens to gaze on that graceful seat of government.

143 years later in 2011, which will mark the 150th anniversary of the Supreme Court, our citizens will, I am confident, be greatly impressed by a new emanation, at the other end of George Street, of their third branch of government.

Executive government is to be commended for acknowledging both the essential need for a new metropolitan courthouse for all Queenslanders, and also, for having the vision to



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respond to that need by pursuing such a “captivating” design – the better epithet is “arresting”, but I must not court any misunderstanding.

What is emerging at the Roma Street end of George Street will fix public perceptions of the role of the courts of law upon the reality, which is, their being bastions of independence and objectivity in the delivery of justice according to law.

The inspired design reflects the challenge of that mission; and the building’s utility will help assure the fulfilment of the undertaking.

This being the season of goodwill, I am pleased there has been no occasion for anything other than positive sentiment from me today. I hope I will not have unduly disappointed any cynical soul in presenting a message so benign.

I need add only this: our wish that you, your families and friends may enjoy a safe, peaceful and refreshing festive season, and a happy and fulfilling year 2009.

Mr Attorney...

Mr Stewart...

Ms Mahon... (Ms Mahon, as the term of your Presidency nears its conclusion, I note this will be your last appearance in this courtroom in that role, and thank you for your willing and valuable contributions on many occasions here over the last seventeen months.)

“Let these proceedings be recorded.”

Adjourn the court...