



Royal Commonwealth Society Luncheon Queensland Club Wednesday, 24 September 2008

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

I am grateful for the opportunity to speak briefly this afternoon, in support of the endeavours of the Society.

It struck me that the Society and the judiciary share some common territory. At the heart of our work is conflict, though our missions are different. The Society, in support of the Commonwealth, seeks to forestall conflict by promoting knowledge and good relationships. The courts bear the sorry burden of dealing with established conflict. But our methods are in some respects similar. One of the principal tools employed by the Commonwealth is mediation. You may be interested to hear that the last two to three decades have seen a seismic shift in the approach of courts to civil disputation: most of it is now mediated to a resolution, with court trial and adjudication reserved only for those intractable cases which must run to an imposed judicial determination.

In support of the Commonwealth of Nations, ladies and gentlemen, you acknowledge the critical importance, to humanity, of relationships – and by contrast, the dire risks which can arise from isolationism, as we see now with Zimbabwe and Fiji. I was privileged last year to visit two dramatically contrasting members of the Commonwealth, the immense Republic of India and the tiny kingdom of Tonga: India at the invitation of the Chief Justice of India as part of a delegation of Australian Chief Justices and a High Court Justice; and Tonga to attend the 17th Pacific Judicial Conference.

The Indian courts struggle to deal with immense caseloads, and many cases are not concluded within the litigant's lifetime. But is that surprising in a nation of 1.2 billion people? It was a privilege to share with the Indian judges some of our Australian approaches to case management.



**Royal Commonwealth Society luncheon
Queensland Club
Wednesday, 24 September 2008**

Tonga has been restored to democracy, following the riots a couple of years ago and the King's recent ceding of substantial power to the parliament. A major problem facing the court systems of most of the Pacific nations is the lack of what we would regard as basic material resources: computers, research material, even in some cases notepaper and writing implements. AusAid and NZAID are helping fill those vacuums.

What reassures is the deep attachment of such regimes to the principles which imbue our system, and for which we are the grateful beneficiaries of Westminster: the rule of law, and its subsets, the separation of powers and the independence of the judiciary. The Commonwealth Secretariat, with the support of this Society, importantly maintains vigilant concern that there be no erosion of those principles within Commonwealth countries.

I mentioned at the outset the value of healthy established relationships. As family members, Commonwealth nations directly benefit from those relationships. But they additionally offer a very good example for others. There is no doubt that the Australian courts stand as a model of stability, of the assured delivery of justice according to law, corruption-free, with their work attended by a desirably high level of efficiency and predictability. Certainly we have our moments, and some recent cases in this jurisdiction readily come to mind. But in each of those cases the mission was accomplished, if only following appeal. It is therefore not surprising that other regimes outside the Commonwealth, should be looking to us for guidance, in relation to the streamlining of their own court systems.

Japan, for example, has exhibited considerable interest in the operation of our Queensland jury system over the last few years, and is now on the verge of reintroducing trial by jury, dormant in that nation since the end of World War 2. Chinese judges visit the Supreme Court of Queensland to learn about our processes, most recently two judges from the courts of Shanghai for a period of three months early this year. No doubt they were inspired by the utter transparency of our judicial process. I lead a delegation of



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Queensland Club
Wednesday, 24 September 2008**

Queensland judges to Shanghai and Beijing next May, at the invitation of our Chinese colleagues.

A particular feature of the Commonwealth countries is generally high public confidence in the courts – explained in large part, I believe, by the open accountability of our process. There is also public respect for the courts as significant institutions. I say that notwithstanding the occasional depredations of the media. As a reflection of that public respect, governments also rightly acknowledge the critical importance of this third, judicial branch of government. In Queensland there is a very recent illustration of that.

In its budget brought down in early May, our government committed \$600 million to a new metropolitan Supreme and District Courthouse, with an initial \$236 million to be applied this year and next. The 19 storey building, to be constructed on the vacant government land adjacent to the new Magistrates Court at the end of George Street, will feature approximately 47 courtrooms and the latest technology. The external construction will be of glass, symbolically reflecting the transparency of the process within. Maximum exposure to natural light in all courtrooms is a rigid stipulation. The building's forecourt will be a substantial grassed plaza, linked by pedestrian bridge across the river to the Gallery of Modern Art, which was designed by the same architectural firm, Architectus. That comparatively massive financial commitment by the government will ensure Queenslanders will at last have an inspiring metropolitan courthouse. The project is on track for completion in the year 2011, which will mark the 150th anniversary of the Supreme Court. As I say, the government has thereby acknowledged the critical importance of this third, judicial branch of government, and public respect for the courts as significant institutions.

This world of the 21st century faces amazing challenges: climate change; the earth's capacity to support, say, eight or nine billion people by mid-century; the increasing poverty of nations where people somehow manage to survive on less than \$1 per day; the elimination of the nuclear weapons which have the capacity to eliminate mankind; and



**Royal Commonwealth Society luncheon
Queensland Club
Wednesday, 24 September 2008**

more positively, the utilization of exponentially developing technology as a power for good. In confronting these challenges, we must think globally, and interaction facilitates that.

I commend the Society for its role in fostering that interaction, both for the promotion of good relations and beneficial developments within the Commonwealth, and by providing a demonstration to others of just what can be achieved through enduring friendships leavened with a good dose of common sense.