



Central Queensland Law Association Annual Conference

Saturday 23 October 2010, 10am
Rydges Capricorn Resort, Yeppoon

The Hon Paul de Jersey AC Chief Justice

Kaye and I are very pleased to be with you again at this important annual conference. Also memorable for me, earlier in the year, was attending the opening of the Law Year Service at St Joseph's Cathedral on 13 July, attended for the first time by the Attorney-General, and the opening of old Supreme Court Chambers later in the day.

Wresting the old court precinct back from the university into court-related usage is something about which I remain very pleased. The first step in that process was actually taken at one of these conferences, when I commented publicly about the deplorably minimal use being made of the old buildings by the university.

It was shortly following my appointment on 13 February 1998 as Chief Justice, that the Virgil Power building was opened in Rockhampton, on 6 April 1998. I was then very pleased, so early in my term, to be present on such a momentous occasion outside Brisbane. The corridor in my chambers in Brisbane displays a photograph of then Premier Rob Borbidge handing me the symbolic key to the courthouse, signifying the transfer of control from executive government to the judicial branch of government. That corridor also, incidentally, displays another manifestation of my respect and admiration for the Central Queensland profession, a portrait presented to me by the Central Queensland Judiciary and Bar on my reaching 10 years as Chief Justice ... in fact a portrait of the nude female form.

The welcome you accord Kaye and me, ladies and gentlemen, is epitomised by the welcome we have always been given by the Central Judge, Alan Demack, Peter Dutney



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and now my colleague Justice McMeekin, and I add reference to the District Court Judges and the Magistrates.

I respectfully commend Justice McMeekin for his effective leadership of the Central Queensland profession, and for the enthusiastic commitment he gives to the management of the busy lists in Rockhampton, Bundaberg and Mackay. The size of the profession is a reflection of the amount of the legal work which needs to be accomplished in these economically vibrant centres. At last count, there were 110 solicitors practising in both Rockhampton and Mackay; and nine counsel in Rockhampton and five in Mackay. You will tell me if there is any inadequacy in the extent of court sittings in Central Queensland centres outside Rockhampton.

You may not know that the judges of the Supreme Court meet at 9 am on the second Tuesday each month to monitor the disposition of the work of the Court and to discuss administrative and other aspects of Court operation. I mention this to inform you that the judges sitting outside Brisbane, where the meeting is held, participate by telephone link, and that of course includes Justice McMeekin. The Supreme Court is run along strongly collegial lines, and those meetings especially lead to streamlining in our processes.

Speaking of streamlining, the Rules Committee has largely completed its revision of the Supreme Court of Queensland Act 1995, leading to a Civil Proceedings Bill, which we hope will reach the legislature prior to the Supreme Court's sesquicentenary, which occurs on 7 August 2011. The 1995 Act is a hotchpotch of 301 disparate provisions dealing with the Court's multifaceted jurisdiction. The reform and relocation of the provisions of the 1995 Act were committed to the Rules Committee by legislation in 1999. It has taken the Committee a substantial time, in close consultation with Parliamentary Counsel, but the task has been substantially accomplished. The Committee has consulted with the professional associations, and the draft Bill has been published on the Courts' webpage. I urge you to look at it and communicate any concerns to Justice Muir in his capacity as Chair of the Rules Committee.



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I earlier mentioned the Virgil Power building, which is serving the Central Queensland court system very well, although we are needing to utilise buildings in the old precinct in a complementary sense. The Mackay and Cairns courthouses are faring fairly well. Unfortunately an overdue redevelopment of the Townsville courthouse remains outstanding, although I know the Attorney-General and Director-General acknowledge the need for that work, and I expect that project will soon be progressed. That provides a neat segue into my next subject, the construction of the new metropolitan Supreme and District Courthouse in Brisbane.

Work on that vast project proceeds apace. The shell of the structure has risen to above ground level 7, which is three floors above the Banco Court. The overall construction will reach 19 stories above ground. The Banco Court may now been seen from George Street. The tower should be completed by the end of this year, with internal fit out next year. The Building Committee Judges have had substantial input, in close association with the architects, Architectus, and the managing contractor Bovis Lend Lease.

I had been hoping for an opening late next year, which as I have said will see the sesquicentenary of the inauguration of the Supreme Court, but more likely is an opening early in the year 2012.

The State will then at last have a metropolitan courthouse optimally 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 will 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 has reminded me, this will be the most significant public building constructed in the capital city since the current Executive Building, which was completed some 39 years ago. Parliament House, by the way, opened in 1868. One hundred and forty four years later,



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likely in 2012, we will see the emanation, at the other end of George Street, of the “headquarters” of our third branch of government.

I urge you to look at the Bovis Lend Lease webpage for depictions of the construction. The cost of the project, \$600 million, itself gives an idea of its magnitude. The design, with the focus on a transparent presentation, is captivating if not enthralling.

This 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 new courthouse is rightly located in the State capital. It will nevertheless be the metropolitan courthouse of all Queenslanders. It will be a source of community pride, and signify the esteem in which all proud Queensland citizens hold their pivotal institutions.

The capacity of fine public buildings to engender community pride in that way is very well illustrated in Rockhampton, where the public buildings never cease to inspire.

The Supreme Court was established on 7 August 1861, upon assent to the *Supreme Court Constitution Amendment Act 1861* so that the sesquicentenary will occur on 7 August 2011. It is however the fact that the first Supreme Court sitting in Brisbane was held on 13 May 1850, with Mr Justice Therry of the Supreme Court of New South Wales presiding. Former Justice McPherson records, in his history of the court, that Judge’s public adjuration that intoxication was “the hotbed from which crime springs”, noting the colony’s then reputation for drunkenness (Supreme Court of Queensland, Butterworths, p 8).

We will mark the sesquicentenary next year with a ceremonial sittings in the Banco Court on Friday 5 August. That and a following dinner will be modelled on the way the court acknowledged its 125th anniversary in August 1986 – when I had been but one year on the court. The Library has commissioned a book, a high quality production, on the



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courthouses of the State, with Professor Kay Saunders as the author. It will include historical vignettes and biographies of Judges and others. That will be launched in the Banco Court on 4 August, and Professor Saunders has agreed to deliver an address, which will then be repeated in Rockhampton, Townsville and Cairns.

The opening of the new metropolitan courthouse is intended for a Friday, probably in April 2012, and the Supreme and District Courts will not sit that day. The building will be open to the general public following the opening ceremony. I am hoping that the Council of Chief Justices of Australia and New Zealand may be meeting in the courthouse proximately to the opening, so that the Chief Justices will attend the opening ceremony. On the following day, it is intended that a seminar be held at which distinguished overseas judicial members would present papers, with commentaries by distinguished Australian Judges.

So that 2011 and 2012 will be momentous years for the higher courts. And you, ladies and gentlemen are the first members of the profession to have been told of our present plans in those respects.

May I observe in conclusion that this is the twelfth consecutive annual Central Queensland Law Conference which I have been privileged to attend in my capacity as your Chief Justice, and I am very grateful that Kaye has accompanied me. We have regarded it as a privilege to be invited with such frequency, and to have been able to attend. Your spirit, ladies and gentlemen, is enlivening and reassuring. I greatly admire your professional dedication, and treasure the opportunity to be able to say so. I wish you continuing professional and personal fulfilment.