



Sesquicentenary sitting to mark the 150<sup>th</sup> anniversary of the  
Supreme Court of Queensland  
Banco Court  
Friday 5 August 2011, 9:15am

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

The court is greatly honoured by the presence on this historic occasion of Her Excellency the Governor of Queensland, Ms Penelope Wensley, Companion of the Order of Australia, and we sincerely thank Her Excellency for her attendance today.

I also note with pleasure and thanks the presence of the Honourable the Deputy Premier and Attorney-General, the Presidents of the Bar Association of Queensland, the Queensland Law Society and the Australian Bar Association, the Shadow Attorney-General, Justice Kiefel of the High Court of Australia, Judges of the Federal Court of Australia and the Family Court of Australia, twelve retired Judges of the Supreme Court, the Chief Judge and Judges of the District Court, the Chief Magistrate and Magistrates, members of the Land Court, the Director-General, Deans, court officers and members of the profession.

Before inviting the Deputy Premier to address us, I note something else historically uncommon. To my recollection this is the first time, in my 26 years on the court, that all Judges of the court, including our colleagues the Central, Northern and Far Northern Judges, have been able to be present on this bench together: the whole court today sits en banc in its eponymous courtroom.



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Mr Deputy Premier and Attorney-General? ...

Mr Solicitor-General?...

Mr Douglas of Senior Counsel, President of the Bar Association of  
Queensland? ...

Mr Doyle, President of the Queensland Law Society? ...

Mr Stewart of Senior Counsel, President of the Australian Bar Association?...

Deputy Premier and Attorney-General, Mr Douglas and Mr Doyle, my  
colleagues and I thank you for your commendation of the court.

The court's journey to this substantial milestone has been long, at times  
colourful, but always desirably steady. I say "desirably" because that is what  
our citizens reasonably expect. They expect to be served by a Supreme  
Court which delivers both timely and predictable justice according to law. We  
would concede that the work has not always been accomplished in a timely  
way, but fortunately that era of some slippage is now long gone. And it must  
be said in fairness to our predecessors that the facilities now available to the  
Judges greatly assist in mitigating delay.

Marking an anniversary at this level, one may however be pardoned for  
straying beyond issues of efficiency. Today we celebrate the enduring legacy



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of this great State's highest emanation of the third, judicial branch of government, and the Supreme Court's valuable contribution over 150 years to the peace, order and good government of the people of the State, of all our citizens, including of course our indigenous fellow citizens, whose ancestral association with these lands has endured far longer.

Today's ceremony involves some recovery of position. I am reliably informed that the court's centenary in 1961 passed unnoticed and unacknowledged, which went to explain our enthusiastically marking the 125<sup>th</sup> anniversary in 1986. There can be no question that the 150<sup>th</sup> anniversary should be accompanied by fanfare.

The prompt for the 125<sup>th</sup> celebration actually came from Justice Martin, then a member of the Junior Bar. With characteristic and commendable attention to detail, Mr Martin realized from reading the bronzed letters patent displayed in the forecourt that the Court's 125<sup>th</sup> anniversary was on the way, and he drew this to the attention of the then Chief Justice Sir Dormer Andrews. Sir Dormer embraced with alacrity the celebration of an anniversary which would not ordinarily command such attention. As the only current member of the Court present on the bench at the ceremonial sitting in 1986, I remember thinking as much at the time. No such doubt could attend the marking of the 150<sup>th</sup> anniversary.

The significance of this court is congruent with the significance of our State within the federation, a State large in geographical area and population and with an economy assured by abundant natural resources. The court has



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done its utmost over the past 150 years to serve the people well in all its jurisdictions, and in all localities, with the criminal jurisdiction obviously the most significant. Furthermore, especially through its Commercial List, the Supreme Court has for many decades supported the economic development of the State. In all its jurisdictions, the court has been assisted in large measure by the independent legal profession, which also significantly, accounts for approximately 18% of the overall national profession. In celebrating the Supreme Court's sesquicentenary today, we particularly acknowledge also the Supreme Court's productively collaborative relationship with all other Queensland Courts, especially the District Court, the Magistrates Court and the Land Court, as well as the Queensland Civil and Administrative Tribunal headed indeed by one of our own judges.

The court grew from humble beginnings, as did the State from the former colony, and the growth of the court reflects the growth of the State.

At the establishment of the court on 7 August 1861, there was only one judge, Mr Justice Lutwyche, and he sat in the Chapel of the Old Convict Barracks in Queen Street. The annual Opening of the Law Year Church Service is of rather more recent origin.

We are grateful to the State Archivist, who is present today, for lending the Court the *Supreme Court Constitution Amendment Act of 1861*, which constituted the court: it is displayed today in the Rare Books Precinct, along with an historical display mounted by the Supreme Court Library.



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Let us move on to the point half-way along the timeline.

Seventy-five years later in 1936, there were but seven Supreme Court judges led by Sir James Blair, including by that stage a Northern Judge and a Central Judge, and the court occupied the grand Italianate-style courthouse on this site which burned down, as the result of an act of arson, in 1968.

And now another 75 years on, our Supreme Court of 2011 comprises 26 Judges, including six permanent Judges of Appeal, and in addition to a Northern Judge and a Central Judge, a Far Northern Judge. The court in Brisbane occupies this building which was opened in 1981, and the court keenly anticipates its relocation next year to the new metropolitan premises at the western end of George Street. Of particular note is that the last two decades have seen the appointment of women to the court, now numbering nine of its complement of 26, a ratio lower only to that of the High Court and the Family Court.

It is a substantially larger, and much altered court from that of 1861 or, for that matter, the somewhat more recent court of 1936. What of its jurisdiction?

The years have seen some erosion of the jurisdiction of the court, especially with the establishment in 1976 of the Federal Court, and in 1975 of the Family Court, and though to a lesser extent, the diversion of work to tribunals.

Yet in other areas the court's jurisdiction has expanded, for example in 1991 when through the *Judicial Review Act* the court was accorded jurisdiction to



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pass upon the legality of administrative decisions unfettered by the complicated strictures which had attended the prerogative writ regime. Some newly-acquired jurisdictions have exposed the court to controversy, as with the *Dangerous Prisoners (Sexual Offender)* legislation. For 37 of those 150 years, between 1922 and 1959, the court's workload noticeably increased because of the absence of a District Court.

Despite those oscillations, the court remains, alongside the Supreme Courts of the other Australian States, a court whose plenary jurisdiction assures our citizenry of appropriate remedies in both the civil and criminal domains. While some judgments have drawn criticism, that has generally been overtaken by supervening public confidence in the true commitment of those who comprise this resilient institution.

Unsurprisingly, over the years the court has adapted the exercise of its jurisdiction in response to an ever increasing workload. The year 1991 saw the reconstitution of the Court, with the establishment of the Court of Appeal Division and the Trial Division. Each Division this year reaches its 20 year anniversary. The Mental Health Court and its predecessor wrought substantial changes in our approach to offenders against the criminal law who are afflicted by unsoundness of mind. The court's embrace from the late 1980s of the mechanisms of alternative dispute resolution meant that judicial adjudication came to be reserved, largely speaking, for only those disputes actually in need of it, thereby working substantial economies in the interests of disputants. Our procedures have over the years been streamlined in other



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ways, by the use of electronic trials and other electronic facilities, and the reform of the procedural law effected by the Uniform Civil Procedure Rules.

There have been many changes, in the composition of the court, its jurisdiction, and its procedures.

But those changes aside, the mission of the court remains unchanged 150 years on, and it is a mission now discharged in many centres throughout our vast State. The discharge of that mission is facilitated by the support given to the Judges by the court's valued Registry and administrative staff, and also as I have said by the practising profession, levels of support which the Judges greatly appreciate.

I venture that each of the 110 Judges appointed to this court over its 150 year history has regarded it as an immense privilege, and likewise responsibility, to discharge the duties of this high office, and to become part of the fabric of a significant body politic.

While it is for others to assess the effectiveness of our endeavours, I have no doubt that the public is reassured by the role the court has played, and will continue to play, in the delivery of justice according to law, and thereby, in the maintenance in our State of the rule of law.

Let these proceedings be recorded!

Adjourn the court...