

**2013 OPENING OF LAW YEAR CHURCH SERVICE
ST JOHN THE EVANGELIST CHURCH CAIRNS**

Welcome Address - 24 July 2013

By The Honourable Justice Henry

Welcome to our Opening of the Law Year inter-faith church service. I express the gratitude of the legal profession to the array of clergy and other representatives of faiths and other community institutions who have this morning joined us in marking this special event in the annual legal calendar.

In recent weeks I have found myself answering a multiplicity of questions about this ceremony. The two most common questions have been: Why celebrate the opening of the law year in the middle of the year and why celebrate it in a place of religious worship?

As to the timing of the ceremony, the answer lies in the seasons. The opening of the legal year church service dates back to the Middle Ages, when judges gathered in Westminster Abbey to pray for guidance for the year ahead. There and later in Australia the ceremony was generally held at the outset of the first superior court sittings of the calendar year. We in the law recognize that some of our traditions are seen as quaint but we think they are important. One aspect of this traditional ceremony – the wearing of wigs and robes, some fur trimmed – was incompatible with the tradition that the ceremony was conducted at the start of the calendar year when it is winter in England but summer in Australia. Eventually something had to give. When the profession in Queensland finally addressed the anomaly in the 1980's it did so not by giving up its sweltering fancy dress but by moving the ceremony to the middle of the year.

As to why we celebrate the opening of the law year in church the answer lies partly in tradition; this is something our profession has done for centuries. The answer is also that against a recent background of the service in Cairns having lapsed to only being held every second year I consulted the practicing profession's representatives as to the profession's ongoing interest in the ceremony and was informed there remains some substantial support among its members for a continuation of this service and its restoration to an annual cycle. I also understand that the profession supports the ecumenical nature of the service and its annual rotation among places of worship of different and not necessarily Christian faiths.

But, some of my more persistent questioners have asked, why retain the tradition at all in a secular society administered on the premise of the separation of church and state? The answer lies, I think, in exposing the false premise of the question, that the separation of church and state somehow requires that our legal system have no connection at all with religion. That is plainly wrong. The law does not operate in a vacuum separate from society. It has well known and uncontroversial connections with religion. Many witnesses still undertake to tell the truth by swearing an oath on the bible of their faith, as do many legal practitioners and members of the judiciary when taking their oaths of office. Moreover many of our laws have their origins in long held tenets of religious faiths and the law we apply continues to reflect moral values and ethical beliefs largely coincident with the teachings of religious faiths.

Further, many in the profession ascribe to religious beliefs and practice their religious faiths.

The separation of church and state does not require disconnection in all respects. It simply requires that the peoples' government not meddle in their religion and vice versa. In the legal setting it requires that the law be administered impartially, regardless of the religious faith, beliefs or non-beliefs of those who administer law and those who are subject to it.

As you can see from our programme there will be no legal decision making happening here and no-one has been compelled to attend. The conduct of this service in this calm and spiritual place allows each of us, whatever our varying spiritual beliefs may be, to pause and appreciate the importance of our profession's commitment to the timeless goal of the just and ethical administration of the rule of law. It also allows those of us who work in the legal profession to earnestly reflect upon and draw inspiration for our individual commitment to that timeless and righteous goal.

I convey my sincere gratitude to Bishop Ray and Reverend Simons for hosting today's service and for the provision of their church's hospitality in the morning tea to follow. Peace be with you.