

**ADDRESS AT VALEDICTORY OF THE HON THE CHIEF JUSTICE OF THE
SUPREME COURT OF QUEENSLAND, 9.15 AM, FRIDAY 27 JUNE 2014,
BANCO COURT, BRISBANE**

I respectfully acknowledge the traditional custodians of this land, the Turrbal people and Jaggera people. For tens of thousands of years before European contact, they prospered here, from time to time holding important ceremonies to honour tribal elders. I welcome you all to this beautiful space as we continue that ancient tradition this morning.

I also warmly acknowledge the presence of the Honourable the Attorney-General, the Honourable the Leader of the Opposition and Shadow Attorney-General, Justices of the High Court, the Honourable the Commonwealth Attorney-General, the Honourable the Chief Justice of the Supreme Court of Victoria, the Honourable the Chief Justice of the Family Court, Justices of the Federal and Family Courts, Her Honour the Chief Judge and Judges of the District Court, The Acting Chief Magistrate and Magistrates, the Federal Circuit Court judges, the Vice-President and members of the Industrial Court, the President and members of the Land Court, and retired judges.

There are many people who would wish to be here but cannot. Justices Muir and Jackson from this Court, Justices Bell and Benjamin from the Family Court and retired judge of this Court, the Hon George Fryberg QC, have specially asked that I mention their apologies.

The Hon Paul de Jersey AC has resigned his commission as the 17th Chief Justice of the Supreme Court of Queensland as and from 8 July when he will have served 29 years 5 months and 1 day as a judge of this Court. He will enjoy a brief holiday before becoming head of the executive arm of government as the 26th Governor of Queensland on 29 July. This morning, judicial officers from across the nation and members of the legal profession, the Department of Justice and Attorney-General and the wider community, not only in this court room, but also by video-link to court 4 in this building and to Cairns, Townsville and Rockhampton, gather to acknowledge the Chief Justice's mighty contribution to public life.

Before I address the Chief Justice, I note that today is also significant in another respect. At midday, Peter Flanagan QC will be sworn in as a judge of this Court in the Chief Justice's chambers. Mr Flanagan is a highly respected senior counsel with a broad practice in public, administrative, media, commercial and criminal law. All the judges of this Court, including Justice Holmes who is overseas, and particularly asked to be associated with these remarks, join me in warmly congratulating him, welcoming him to the Court and wishing him well in his new role.

Chief Justice, your fine intellect, honed by your teacher-parents, was obvious early. You excelled at the Anglican Church Grammar School and graduated from the University of Queensland with a Bachelor of Arts and a Bachelor of Laws with honours in 1971. You were a member of the Queensland University Regiment, something you share with a number of judicial

colleagues. You served as Associate to Mr Justice Wanstall who was to become Queensland's 13th Chief Justice from 1977 to 1982 and was a significant influence on your life. Whilst membership of the University regiment is not something we have in common, we did share the same speech and drama teacher, the talented Daphne Roemermann, a doyenne of Queensland's arts world in the middle decades of the 20th century.

After your admission to the Queensland Bar, you developed a busy practice, particularly in the commercial field, taking silk at the tender age of 33. In 1985, aged just 36, you were appointed a judge of this Court. Your astute legal mind, industry, energy and ability to produce reasoned judgments quickly, even in difficult cases, was, and remains, legendary.

At different times you were also President of the Queensland Industrial Court and the judge constituting the Mental Health Tribunal. This Tribunal, the predecessor of the present Mental Health Court, was instituted to partially reform the law's antiquated approach to assessing whether those charged with criminal offences were mentally ill. With the assistance of specialist psychiatrists, you determined complex issues of fitness to plead and criminal responsibility in often heinous cases

You also chaired the Law Reform Commission (Queensland). With that background, you must be disappointed that the Commission is presently unable to carry out its work as its members, all of whose terms expired last December, have not been replaced.

On 17 February 1998 you became Chief Justice of this Court, leading it through a period of dynamic, positive change. In the words of erstwhile legal affairs journalist, Mark Oberhardt, you led the Court into the 20th century.

And what change there has been. When you became a judge there were no women judicial officers, not even a magistrate. For a time during your stewardship, one third of the judges were women and half of the Judges of Appeal were women. You have proudly quoted those statistics to local, interstate and overseas audiences. Regardless of gender, the judges of the Court you lead are fine lawyers of varying ages and backgrounds with broad interests in and outside the law. They are not remote from the community they serve.

Your predecessor, Chief Justice Macrossan, had many fine qualities but his relationship with the executive was often undesirably and unnecessarily strained. Your appointment as Chief Justice appeared to herald an appropriately cooperative working relationship between the judiciary and the executive, delicately balancing the ever-present and inevitable tension, so that each arm acted independently but with mutual courtesy and respect, regardless of the dominant political party in the legislative arm, at least until recently. I recall that, early in your tenure, you spoke publicly about the disadvantages to the Queensland community in the adoption of mandatory sentencing policies. The government of the day politely considered your valuable contribution to the public debate on an aspect of the criminal justice

system, even if ultimately not fully acting on it. And all arms of government continued to function seamlessly, as the public would expect.

You were determined to improve the community's understanding of and confidence in the Court, particularly as to the vexed question of sentencing. With this in mind, you made countless speeches, encouraging the public to attend court and to read controversial sentencing decisions on-line. You and many other judges participated in the Supreme Court Library's program for visiting school groups. You encouraged the use of the Banco Court for public lectures and functions connected to the law. These initiatives helped ensure the judges were in touch with informed community expectations.

With the assistance of the judges of this Court and the District Court and the Court Administration team, you oversaw the modernisation of the registry and the development of a court system where e-trials and e-appeals, and the appropriate use of telephone and video-links, are now commonplace. You encouraged the judges to adopt a protocol for the timely delivery of judgments, further improving this Court's service to the profession and litigants.

The institution of silk has moved from Senior Counsel to Queen's Counsel during your tenure. You have met the difficult challenge of determining who should receive this honour by consulting widely in accordance with a protocol you established. You have usually acted in accordance with the results of that consultation.

Although initially cautious, you now warmly support Indigenous justice issues. You are Patron of the Brisbane Boys' College Indigenous Fund and the Bar's Mullenjauwakka Trust. Last month, you launched the Bar's Reconciliation Action Plan. And only this week you opened, here in this Court, the World Indigenous Legal Conference.

As Chief Justice you have also taken a leadership role in the profession, always maintaining a lively interest in the activities of both the Bar Association of Queensland and the Queensland Law Society. You and your astonishingly supportive – some might say long-suffering – wife, Kaye, attended countless legal professional events here in Brisbane and throughout this large, decentralised State. You generously gave of your time to prepare and deliver addresses on topical legal issues, even guiding the associations as to which judges should speak at major seminars. Your regular visits to the regions mean you have been Chief Justice of *Queensland*, not just south-east Queensland. Your contributions to the profession have been recognised in your life memberships of the Bar Association of Queensland and LAWASIA.

Your supervisory role in the publication of John McKenna's *The Supreme Court of Queensland: A Concise History* reflects your passion for and view of legal history and is a lasting legacy.

Your time as Chief Justice will be especially remembered for the construction of this magnificent court building where we anticipate justice according to law

will be delivered to many future generations. You, together with Chief Judge Wolfe AO and the building committee judges, assisted the architects and builders in creating this award-winning functional piece of 21st century quintessentially Queensland architecture, with its light, space and even open verandahs. You also played a pivotal role in the surprise naming of this building.

Your Honour has undertaken many diverse extra-judicial community roles, including chair of the Council of your old school; Chancellor of the Anglican Diocese of Brisbane; chair of the Queensland Cancer Council; Vice-President and later President of the Australian Cancer Society and, more recently, chair of the QIMR Berghofer Council. Little wonder that you were awarded what was then the highest Australian honour, the Companion of the Order of Australia, as well as honorary doctoral degrees from the Universities of Queensland and Southern Queensland.

For all your public achievements and accolades, your greatest achievement is your marriage to the former law librarian, Kaye, and your children, Carolyn, a secondary school teacher; David, a barrister; and Alison, also a lawyer; and your grandchildren, Sophie, Lily and Alexander, all of whom are here today. Who could hope for more? Thank you, Kaye, for the support you have given the Chief Justice, the Court and so many of the judges and their partners. Your hard work and grace have been appreciated and you will be missed.

Chief Justice, as we move to the future without your leadership, the profession and the public can be confident that the judges of the Trial Division and the Court of Appeal are united in their resolve, as part of the independent judicial arm of the government of Queensland, to continue, according to their oaths and affirmations of office, to do equal justice to all and to discharge the duties and responsibilities of office according to law to the best of their knowledge and ability without fear, favour or affection.¹

On behalf of the judges, I wish you, Kaye and your family well in the next stage of your lives.

¹ *Constitution of Queensland 2001 (Qld)*, s 59(2), Sch 1.