

**ADDRESS TO THE DISTRICT LAW ASSOCIATION PRESIDENTS' WORKSHOP
FRIDAY, 7 AUGUST 2015 AT 8.45 AM
LEVEL 2, LAW SOCIETY HOUSE, 179 ANN STREET, BRISBANE**

**The Honourable Justice Margaret McMurdo AC
President, Court of Appeal, Supreme Court of Queensland**

Attorney-General and Minister for Justice and Minister for Training and Skills, the Honourable Yvette D'Ath MP; President of the Queensland Law Society, Mr Michael Fitzgerald; QLS Chief Executive Officer, Ms Amelia Hodge; Presidents of Queensland's DLAs; and friends all.

I am delighted to be spending time this morning with you and especially with the Presidents of Queensland's District Law Associations at this QLS 2015 DLA Presidents' Workshop on this perfect Brisbane winter's morning in Exhibition Week. I could not help wondering whether QLS's invitation to the DLA Presidents to attend this conference was QLS's effort to celebrate Bush Week!

I am something of a fan of regional Queensland and its DLAs. And not just because I recognise that, in taking leadership roles in DLAs, legal practitioners are fulfilling their ethical obligation to give back to their profession and the wider community through involvement in their legal professional associations. Like QLS President, Michael Fitzgerald, I encourage you to also participate on the QLS committee and sub-committees.

For a number of reasons on which I will shortly expand, I firmly believe that DLAs, and QLS's support for them and this workshop, are especially valuable in Queensland, the most decentralised of all Australian states. Like Queensland's population, its DLAs extend throughout the south-east corner to the Bayside and Ipswich, up the long coastline from the Gold Coast to Cairns, and inland to the Downs and South-West and the South Burnett. Even a cursory look at Queensland's demography quickly demonstrates the self-evident importance of DLAs in regional Queensland. They provide a local professional network for regional lawyers and are an essential link between their members and the large and influential Brisbane-based QLS.

The fact that Queensland law firms are as decentralised as its population is confirmed in the Legal Services Commission's 2013 – 2014 Annual Report.¹ 17.18 per cent of all law offices in Queensland are located on the Gold Coast; 2.93 per cent in the Ipswich region; 3.43 per cent

¹ Legal Services Commission 2013 – 2014 Annual Report.

in the Toowoomba region; 0.5 per cent in Western Queensland; 9.01 per cent on the Sunshine Coast; 2.38 per cent in the Hervey Bay to Gladstone region; 1.82 per cent in the Rockhampton region; 1.49 per cent in the Mackay region; 5.69 per cent in the Cairns region; and 3.37 per cent in the Townsville region; with 19.6 per cent in Brisbane City; 16.69 per cent in Brisbane north suburbs and 15.86 per cent in Brisbane south suburbs. Interestingly, these statistics demonstrate that there are more law offices on the Gold Coast than in either Brisbane's north or south suburbs and almost match the number of law offices in Brisbane City.

I apprehended that you would also be interested in the Legal Services Commission's statistics on solicitors subject to investigation by the Commission in regional areas. Of their investigations in the 2013 – 2014 year, 19.52 per cent involved Gold Coast offices; 3.21 per cent offices in the Ipswich region; 2.94 per cent offices in the Toowoomba region; 9.09 per cent offices on the Sunshine Coast; 3.48 per cent offices from Hervey Bay to Gladstone; 2.41 per cent in the Rockhampton region; 1.87 per cent in the Mackay region; 4.55 per cent in the Cairns region and 4.01 per cent in the Townsville region; compared to 21.66 per cent in Brisbane City; 13.37 per cent in Brisbane north suburbs and 13.9 per cent in Brisbane south suburbs. There were no solicitors subject to investigation in western Queensland in the 2013 – 2014 year. You will be pleased to note that there is no obviously large disparity between the percentage of investigations and the percentage of law offices in each region.

I mention lawyers subject to investigation by the Legal Services Commission because DLAs are uniquely placed to identify and support members who may be struggling with their legal practices, whether because of mental or physical health issues, or family, professional or financial problems. Regional DLAs are well placed to educate their members to detect early warning signs that might point to the need to seek assistance on professional, personal or health issues. DLAs can also provide information to their members on how and where to get the right assistance. Perhaps even more importantly, DLAs are well-placed to disseminate preventative information to members to help them stay mentally and physically healthy, to develop strong personal and family relationships, to achieve and maintain professional competence, and to ensure their members' legal practices remain financially sound. In this respect, today's sessions as to what QLS can do for you and its guide to QLS resources; how QLS can assist DLAs in delivering quality services; and as to how DLAs can use the QLS Ethics Centre and Senior Counsellors, will be invaluable to the DLA Presidents and their members.

I am a big fan of the Queensland regional legal profession and of Queensland's DLAs. As many of you know, shortly after I became President, with the support of the then Chief Justice and the judges of appeal, I initiated annual regional sittings of the Court of Appeal. The first was held in Townsville in 1999 with subsequent sittings in Cairns and Rockhampton. This year the Court of Appeal sat in Cairns in May. The Court comprised Justices Holmes, Morrison and me from Brisbane, Justice North from Townsville and Justice Henry from Cairns. We heard appeals against conviction, applications for leave to appeal against sentence and civil appeals. One of the aims of these sittings was to give regional lawyers the opportunity to appear before the Court of Appeal. In some years I have been disappointed to find that most of the barristers appearing in the regional sittings have been Brisbane-based. But that trend seems to be changing. This year in all ten barristers participated in the one week sittings, most of them from the regions. Three barristers were from Cairns, five from Townsville, one from Rockhampton and only one from Brisbane. Of the 19 occasions where the barristers were instructed by solicitors or clerks, eight (or 42 per cent) were from Brisbane and 11 (or 58 per cent) were from Cairns. Eight litigants were represented by Legal Aid Queensland and one was self-represented. Of the 19 appearances by barristers, only three, (a mere 15 per cent), were female. Unfortunately, this under-representation of female barristers in the Queensland Court of Appeal is also reflected in appearances in Brisbane.

As has become a very pleasant custom in these northern Court of Appeal sittings, the local DLA, on this occasion the Far North Queensland Law Association, hosted a delightful function for the judges to meet the regional profession. Additionally, the judges attended a North Queensland Bar Association Dinner and a lecture and reception at the Cairns campus of the James Cook University Law School.

Next year our regional sittings will be in Townsville. I am hopeful the Townsville District Law Association will once more spoil us with their customary hospitality. The judges very much enjoy meeting the local profession at these DLA functions and I hope the feeling is mutual!

Ideally, DLAs should be an integral part of their communities. DLAs have the opportunity to build close links with community groups, schools and tertiary institutions, particularly regional universities with law schools. I would encourage your associations to support moot competitions, whether at high school or university level. Support can be given either as coaches, judges or sponsors. Have no doubt that great things can be achieved from the regions. My colleague Justice Gotterson recently judged the final of the prestigious Bond University

High School Moot Competition. He awarded the prize to the Kingaroy High School team with the Brisbane Grammar School team the runner-up. Who knows, these young people from the South Burnett could become leading advocates at a state, national or international level, through the support and encouragement given to them at Kingaroy High by local lawyers.

DLAs might involve themselves in establishing formal or informal work experience schemes in the legal profession for law students and, these days with the Australia-wide problem of over-supply of law graduates, such schemes may also be helpful for unemployed newly qualified practitioners. Ideally, the regional DLA should be the “go to” association for regional schools, universities and community groups to find guest lecturers, not only as experts in specialised areas of law but also in explaining to the community more generally the workings of their justice system.

As Presidents of your DLA you can become an advocate on topical legal issues arising in your region. There will probably be controversies during your presidencies about the hoary chestnut of sentencing. Through addressing community groups, writing letters to the editor of the local paper, making phone calls to talk back radio or giving media interviews, as Presidents of your DLAs you can explain that each year magistrates and judges deal with thousands of sentences of which only a tiny proportion become controversial. The vast majority of offenders and victims alike are content with the sentences imposed by courts. Remind the community that a sentence which is manifestly too light or too heavy will be successfully appealed, and explain that the great bulk of sentences are not taken on appeal as they are accepted as appropriate. Tell the public that in the difficult area of sentencing, judicial officers must take into account many competing considerations. On the one hand, there is the seriousness of the offence and the effect on the victim and the victim’s family. On the other, there is the benefit for the community of a guilty plea rather than a lengthy and expensive trial, and the public interest in rehabilitating offenders. Explain that the media has an interest in portraying a controversial story and may not necessarily report all the relevant facts. For example, the press may report that an offender who has committed a serious offence will be released after serving only a further five months imprisonment, without noting that the offender has already spent an additional three years in pre-sentence custody. Encourage members of the public who are concerned about a particular sentence to read the judicial officer’s actual sentencing remarks where these are available. All Court of Appeal sentencing dispositions are published online through the Queensland Supreme Court Library website or the Queensland Courts’ website.

Explain to the public that the 2011 Tasmanian Jury Sentencing Study² demonstrated that when jurors imposed notional sentences on the offenders whom the jurors convicted, in most cases they imposed the same or lesser sentences than those actually imposed by the judges. Do your best to help the community understand that, in combination, these facts convincingly dispel the urban myth spread by some elements of the media that judges commonly impose unreasonably lenient sentences.

Opportunities may also arise, in responding to local issues aired by the media affecting the administration of justice, to explain the work of lawyers and the justice system, or even to fulfil your institutional democratic role as lawyers, defending the independence of the courts. In all these respects, today's sessions dealing with media engagement and advocacy issues will be invaluable.

DLAs can play a significant role in the regions in increasing access to the rule of law for the marginalised and impoverished. This could be achieved through supporting locally community-based legal centres, whether by encouraging your members to provide voluntary services or through fund-raising and financial support. Some DLAs are already involved in organising local QPILCH walks each May to raise funds for and awareness of QPILCH and its wonderful work. In that spirit, DLAs may wish to consider organising a White Ribbon Day Breakfast each November, in the style of the Supreme Court White Ribbon Day Breakfast, to raise awareness about the insidious nature of domestic violence whilst also raising funds for regional community organisations which assist victims of domestic violence. Each DLA will have its own ideas and today presents an excellent opportunity to share those ideas and learn from each other.

DLAs provide an avenue for senior office bearers like you to encourage and increase diversity within the legal profession in your region. Although more women than men are now being admitted as lawyers each year, I suspect it is as true in the regions as it is in Brisbane that far fewer women than men hold senior positions within the legal profession. I urge you to use your leadership roles as Presidents to encourage and mentor talented women lawyers, or those from an Indigenous or cultural minority background, to play a more prominent role in your regional legal profession.

² Kate Warner, Julia Davis, Maggie Walter, Rebecca Bradfield and Rachel Vermey, "Public judgment on sentencing: Final results from the Tasmanian Jury Sentencing Study" *Trends and Issues in Crime and Committal Justice*, Australian Institute of Criminology Annual Report 2010 - 2011, no. 407, February 2011.

Another significant contribution of DLAs to the Queensland legal profession is through their organisation of regular and excellent regional law conferences. The value of these conferences to local practitioners is self-evident. And by ensuring these conferences are of the highest calibre with speakers to match and, dare I suggest, at desirable locations at the right time of year, they provide continuing legal education, not only for the regional practitioners but for practitioners throughout the whole of Queensland and beyond. Attendance at these conferences by lawyers from outside the region will provide additional professional and intellectual stimulation and networking opportunities for your members, as well as ever-welcome economic stimulus to your region. All this may be more achievable if a number of neighbouring DLAs collaborate. As Justice North, who is presently sitting in the Court of Appeal, reminded me, the conference organised earlier this year by the Far North Queensland, Townsville District and Mackay District Law Associations on Hamilton Island was exceptionally well attended by lawyers throughout Queensland and beyond who praised the high standard of presentations.

In conclusion, I congratulate QLS for initiating workshops of this kind and for supporting Queensland DLAs and their Presidents in their important work. I thank you Presidents, and the members of your regional associations, for your significant contribution to Queensland's justice system. I wish you all well. I am confident that you will find today's workshop stimulating and of real practical assistance in your work as Presidents enhancing Queensland's justice system through your DLAs.