



Presentation of Queen's Counsel; recognition of newly-admitted
barristers and traditional exchange of Christmas Greetings
Banco Court
Wednesday 14 December 2016, 9:15am

**The Hon Catherine Holmes
Chief Justice**

I welcome the Honourable the Acting Attorney-General and the shadow Attorney-General, Judges of the District Court, Judges of the Federal Court, the Family Court and the Federal Circuit Court, President and members of the Land Court, Magistrates, retired Judges and Tribunal members, the federal Attorney-General, the Presidents of the Bar Association and the Law Society, the Director-General and Deputy Director-General of the Department of Justice, departmental officers, ladies and gentlemen.

I thank the Crown Law Choir for their singing this morning. To hear the choir is an annual treat. This year, it is conducted by Linda Tolmie. The charity that they are supporting is Aunties and Uncles Queensland, which is a mentoring program for vulnerable and socially isolated children, so I urge you all to give generously.

Announcements by Queen's Counsel

I invite Queen's Counsel appointed this year to make their announcements.

Ms Vicki Anne LOURY

Mr Bernard Thomas PORTER

Mr Matthew Thomas BRADY

Mr Christopher James MURDOCH

140 years ago, Sir Samuel Griffith signed the roll as Queen's Counsel in this Court. I invite you all to come forward to do likewise, and to add your signatures to the roll in order of seniority.

I have recommended the appointment of each of you in accordance with the protocol for the appointment of Queen's Counsel. Appointment as Queen's Counsel is both a very significant recognition of your ability, and a holding-out of you to the public as a practitioner of great skill and competence. So the recommendation is not made lightly or freely. It certainly does not represent some individual preference of mine. It comes only after consideration of the Bar's list of suitable candidates and an extensive process of consultation with my colleagues on this court and other courts, who see all the candidates in practice.

You can be confident, therefore, that your appointments are supported by judges across the jurisdictions.

Each of you now has the opportunity to take your practice to a new level. But I hope that you will look beyond that and consider what you can contribute to the profession as leaders of the Bar. One obvious example is this: we live in a time of an accelerating rate of legislative change, much of which needs serious consideration by, and contribution from, the profession. The committees of the Bar Association are critical in that process, and I hope you will be prepared to give your time and

assistance. I may be preaching to the converted, and perhaps you already do. We all congratulate you on your achievement, and we look forward to your appearances in your new capacity.

Newly admitted barristers

Mr Hughes.

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The President says:

“May it please the court. I have the pleasure of announcing that the following practitioners present in court today have become barristers of the Supreme Court of Queensland since July of this year.

(As each barrister’s name is announced, that barrister stands and bows to the court.)

Ms Rachel Maree De Luchi

Mr Vinson Facer

Mr Robert Francis Boal

Ms Mary Rosina Keaney

Mr John Joseph Ware

Mr Samuel Terry Lane

Mr Matthew John Forbes

Ms Kathryn Allison Milbourne

Mr Travis O’Brien

Mr Maxwell MacLeod Walker

Ms Susan Jean Forder

Mr Joseph Michael Manner

Ms Bianca Jane Kabel

Mr Gabriel Damian Bednarek

Mr Philip Dalway Swaine

Mr James Edward Doyon
Ms Jade Marr
Mr William Matthew Slack
Mr Travis Charles Schmitt
Mr Thomas Grice Zwoerner.

I am pleased to commend each of these barristers to the court, Chief Justice.”

Chief Justice

Congratulations on joining the ranks of the Bar. I extend to you much the same message as I gave the silks. Get involved in your profession. Do not regard your admission as simply an opportunity to earn fees or gain promotion. This is not merely an occupation you have taken up. Take an interest in what is going on, think about running for the Bar Council, contribute to the Bar Association’s activities where you can. Meanwhile, we Judges will look forward to your appearances before us as independent and fearless advocates, on whose hard work and integrity we will expect to rely.

Christmas greetings

Ladies and gentlemen.

Turning to the events of the year, I note that early in the year my colleague, President McMurdo, passed the milestone of her 25th year of service as a Judge. She is outdone in that regard only by the Senior Judge Administrator, who has now spent 27 years on the bench of this Court. Justice McMurdo is not going to attempt his record but, to our great regret, has announced that she will leave us for the tranquillity of retirement early in 2017. Before her Honour leaves, on 3rd of February

next year we will celebrate the 25th anniversary of the establishment of the Court of Appeal, so we will hope to see you all again at that ceremony. And I note that we have already lost to retirement this year our great friend and colleague, Justice Peter Lyons, but we hope very soon to greet his replacement. Another significant event for us is the appointment of Justice Susan Kiefel, a former member of this bench and a colleague of many of us at the Bar, as the next Chief Justice of the High Court.

This has been a year of hard work for this Court, with one fewer Judge sitting in the Trial Division. Over the last financial year, we finalised 1480 criminal matters, about 350 more than the previous financial year. Unfortunately, over the same period, the number of lodgements shot up from around 1200 to around 1700. The pattern for criminal filings is on a seemingly inexorable trajectory upwards. It has doubled over the last three financial years, and there is no reason at all to suppose that the rate of acceleration will slow. Meanwhile, the length of the average jury trial has increased.

Last week, at a welcome ceremony for his new Judges, the Chief Judge pointed out that his court had significantly lower costs per finalisation than any other District Court in the country. Not to be outdone, I would like to point out that in Queensland, the average cost of finalisation for a Supreme Court criminal matter is \$8500. In Victoria it is almost eight times as much, about \$63,000. And of course, we have the lowest number of judicial officers per head of population in the country. To add to the pressures which we are already under, I might mention the advent of class actions early next year, the increased complexity of sentencing under the serious organised crime provisions recently

introduced, the abolition of the limitation period for actions concerning sexual abuse of children, and the capacity to apply to the court to set aside settlements previously reached. It has been a hard year for the Judges of this court, with the prospect of its getting harder next year and an increasing need for more resources. So I am absolutely delighted, Dr Lynham, to hear the good news of the government's greater than expected budget surplus.

Since it's Christmas, I will not dwell on this but will move onto an interesting piece of research this year: the Victorian Jury Sentencing Study. It expanded on the first study of that kind conducted in Tasmania nearly a decade ago, questioning respondents – who, as jurors, had returned guilty verdicts – about what they thought was an appropriate sentence for the relevant offence. The Victorian study arrived at similar results to the Tasmanian: 62 per cent of the jurors suggested a more lenient sentence than the Judge, and 87 per cent considered the actual sentence imposed, when they were informed of it, was very appropriate or fairly appropriate. So, community attitudes to sentencing may be a little more nuanced than you would glean from some of the debates.

Essentially, views of sentencing change and align more with the sentence imposed the more the detail of the circumstances of the case is actually known.

In the hope that more information assists understanding, the court has this year adopted a protocol for a trial of the filming and broadcasting of sentencing remarks. To date, there has been one sentencing hearing filmed in a high profile case, and I think it would be regarded as a success. But of course care has to be taken in selection of appropriate

cases and it remains to be seen whether the process can operate consistently with the expeditious and effective administration of justice.

Another consideration is ensuring that dealings with applications for permission to film cases does not add unduly to already busy Judges' workloads. In connection with those workloads, I would like to close by expressing the appreciation of the Judges to the Court's registry and administration staff, ably led by Ms Julie Steel, for their assistance during the year.

Finally, on behalf of the Judges I thank you all for joining us on this occasion and I wish you a calm and happy festive season.

Mr Acting Attorney.

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President of the Bar Association of Queensland, Mr Hughes.

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President of the Queensland Law Society, Mr Potts, noting that it will be your last appearance here in this capacity.

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Thank you. I invite all of you to morning tea. Let the proceedings be recorded. Adjourn the court.