



State Reporting Bureau

Am J CJ

TRANSCRIPT OF PROCEEDINGS

SUPREME COURT OF QUEENSLAND

de JERSEY CJ
PINCUS JA
DAVIES JA
McPHERSON JA
MOYNIHAN J
SHEPHERDSON J
DERRINGTON J
AMBROSE J
LEE J
MACKENZIE J
BYRNE J
FRYBERG J
HELMAN J

IN THE MATTER OF THE SWEARING-IN OF
THE HONOURABLE JUSTICE M A McMURDO
AS PRESIDENT OF THE COURT OF APPEAL
AND THE HONOURABLE MR JUSTICE J B THOMAS
AS A JUDGE OF APPEAL

BRISBANE

..DATE 03/08/98

Also present

On behalf of the Government of Queensland:

The Honourable Matt Foley, Attorney-General and Minister
for Justice, and Mr P Keane QC, Solicitor-General

On behalf of the Bar Association of Queensland:

10

Mr R Gotterson QC

On behalf of the Queensland Law Society:

Mr P McCafferty

20

MR JUSTICE THOMAS: Chief Justice, I present a Commission
appointing me a Judge of Appeal of the Supreme Court.

THE CHIEF JUSTICE: Let the Commission be read.

30

COMMISSION READ

THE CHIEF JUSTICE: I now ask Mr Justice Thomas to take the
Oaths of Allegiance and of Office.

OATHS OF ALLEGIANCE AND OF OFFICE ADMINISTERED

40

JUSTICE McMURDO: Chief Justice, I present a Commission
appointing me President of the Court of Appeal of the
Supreme Court of Queensland.

THE CHIEF JUSTICE: Let the Commission be read.

50

COMMISSION READ

THE CHIEF JUSTICE: I now ask Justice McMurdo to take the
Oaths of Allegiance and of Office.

OATHS OF ALLEGIANCE AND OF OFFICE ADMINISTERED

60

THE CHIEF JUSTICE: On behalf of the Judges I congratulate Their Honours on their new appointments and wish them well in the discharge of these important responsibilities. I note with pleasure the presence of the Chief Judge of the District Courts, other Judges of the District Court and Judges from the Federal and Family Courts.

10

Her Honour Justice McMurdo brings comparative youth and a substantial Criminal Court experience and expertise to the Presidency of the Court of Appeal. Her Honour spent 13 years in the Public Defender's Office, 12 of those as Assistant Public Defender. She was also later commissioned as a Prosecutor. Since 1991 she has been a Judge of the District Court. Her Criminal Court experience will be of great benefit to the Court of Appeal, so will her wisdom and maturity gained in part from extensive community activity, not to mention her being the mother of four children. I welcome her to this new role in which she will be asked to bring both intellectual leadership and administrative talent to an important division of the Court. I wish her well.

20

30

40

The Honourable Justice Thomas rises to a position on the Court of Appeal for which he has always been well fitted, through legal acumen, undoubted integrity and wide experience of life and the law. He has been a most distinguished member of this Bench for 16 years, appointed here following 23 years successful practice at the Bar.

50

60

He is academically brilliant, awarded, for example, an open scholarship on matriculation.

He, likewise, has the benefit of substantial community involvement, centring especially around his love of music and chairmanship of the Conservatorium of Music for nine years into the early nineties. He is very well known and highly respected in the general community, especially for his definitive work on Judicial ethics. His joining the ranks of the Court of Appeal is very much in the interests of the Court as a whole.

10

20

I use this occasion to say that it is encouraging to see the Court of Appeal enlarged. The Judges of the Trial Division regularly sit on the Court of Appeal. I consider it vitally important that they continue to do so in order to ensure that the Appeal Court is always assured of the Trial Court's perspective. That will continue, but it is the fact that Appeal Benches in recent times have drawn on the Trial Division to somewhat too great an extent. This appointment should relieve that problem while reinforcing the identity of the Court of Appeal Division of the Court as a specialist core of Appellate Judges within it.

30

40

But although I speak of that "identity", this Court is a unified whole: the Trial and Appeal Divisions must work harmoniously together in a complementary way, with the overall leadership and direction which I am, as Chief

50

60

Justice, privileged to be in a position to provide, and I look forward to Justice McMurdo's support in that regard.

On this significant day in the life of the Supreme Court I congratulate both the Judges and wish them well in the discharge of these important new responsibilities.

10

Mr Attorney?

20

30

40

50

60

THE ATTORNEY-GENERAL: May it please the Court. On behalf of the Government and the people of Queensland, I offer my warmest congratulations to Justice McMurdo and Justice Thomas on your appointments to the Court of Appeal. Since the Court of Appeal was introduced in 1991 the Court has established a formidable reputation for intellectual excellence in doing justice according to law and providing appellate leadership to Queensland Courts. I have no doubt that President McMurdo and Justice Thomas will uphold and enhance that reputation in the service of the Queensland people.

10

20

Justice Thomas, you bring to your new role a wealth of legal scholarship, a self-effacing humour and a courageous willingness to address the sensitive question of just what ethical standards a modern community demands of its Judges.

30

Justice McMurdo, you bring to your leadership role on the Appeal Court a deep love of justice, an intellectual rigour, a commitment to Aboriginal reconciliation and extensive experience and expertise in the major area of that Court's work, namely, criminal law.

40

As the first woman in Australia's history to attain the Presidency of a Court of Appeal, Your Honour is a source of inspiration, not only to other women, but to all who believe the law's quest for equality and fairness must entail a redressing of the gender bias that too often chokes the administration of justice.

50

60

Along with Chief Justice de Jersey, you bring a vigour and relative youthfulness to the leadership of the Court at a time of uncertainty and change in our economy, our society and our legal system. Such vigorous judicial leadership is critical.

10

The common law does not command its enduring place in our hearts and our culture because of a perfunctory reliance on the dead hand of precedent. The common law endures because Judges have the courage to look outwards to the world and not merely inwards to the cloister. So it was in the Eighteenth Century when Lord Mansfield looked to the realities of the marketplace to reform English commercial law. So it is now.

20

30

Justice McMurdo, your willingness to look outwards from the Court to address neglected and complex issues has been evident in your role as Convenor of the District Court Aboriginal and Torres Strait Islanders' Committee. This has helped the Court to become more aware of the difficulties facing the Aboriginal community in our criminal justice system.

40

When Your Honour delivered The Fourth Trent Lang Memorial Lecture in the chapel of St Paul's School on 6 May this year you observed:

50

60

"We as Australians must all come to terms with our history, including our pre-1788 history, so that we can become a mature nation, whether or not as a republic.

Reconciliation with Aboriginal Australians is an essential part of our national coming of age."

10

Justice McMurdo, since your admission to the Bar 22 years ago, you have enjoyed the respect and admiration of your colleagues in the legal profession. You have given outstanding service as a District Court Judge since 1991, and as a Children's Court Judge since 1993. You were a founding member, in September 1978, of the Serious Offenders Review Panel dealing with child offenders.

20

Your commitment to law reform is evident from your past membership of Criminal and Family Welfare Law Reform Committees of the Queensland Law Society and from your membership of the Litigation Reform Commission. You were a founding member in 1978 of the Women's Lawyers Association and served as President in 1980 and 1981.

30

40

Your involvement in education is apparent, not only in your membership since 1991 of the QUT Faculty of Law Advisory Committee, but also in your position since 1994 as elected Trustee of Brisbane Girls' Grammar School. Your breadth of involvement in the law and community affairs will equip you as a worthy successor to the inaugural Court of Appeal President Justice Tony Fitzgerald, to whom Queensland owes so much.

50

60

Justice Thomas, you were admitted to the Queensland Bar in 1958 and have an extensive association with the Judiciary and with legal education. You were Director of Barristers' Chambers Ltd, a member of the Litigation Reform Commission and a lecturer in Legal Ethics at the University of Queensland. You have authored a comprehensive body of internationally acclaimed publications on legal ethics and your dedication to that field, and to music education, was recognised with your being awarded the Order of Australia in 1994.

10

20

During my practice at the Bar I had the pleasure of appearing before Your Honour in various trial and appeal cases. Your disarming courtesy and penetrating intellect are greatly admired. Your prowess on the tennis court continues to be a worry for solicitors facing up to the annual Bar Association-Law Society tennis match. Junior counsel in particular appreciate that you are a Judge whose savage backhanders occur on the tennis court rather than in the Law Court.

30

40

The Government has acted on the recommendation in the Annual Report of the former Appeal Court President Justice Fitzgerald and on the advice of Chief Justice de Jersey to appoint an extra Appeal Court Judge, thereby increasing the overall complement of the Supreme Court by one. This reflects the Government's commitment to the principle of enhanced access to justice for all Queenslanders.

50

60

Again, on behalf of the Government and the people of Queensland, I extend my warmest congratulations to Justice McMurdo and to Justice Thomas. May it please the Court.

10

THE CHIEF JUSTICE: Thank you, Mr Attorney. Mr Solicitor?

Mr Gotterson?

20

30

40

50

60

MR GOTTERSON: May it please the Court. Justice McMurdo, the Bar of Queensland congratulates you on your appointment, both as a Judge of the Supreme Court and as the President of the Court of Appeal. You come to your new office as a Judge well respected in the legal community for your integrity, fair and balanced approach to cases and strength of character. You have courageously taken on the burdens and responsibilities of the office of President, a position which you did not seek out and which, no doubt, has come to you rather unexpectedly.

10

20

In your career as Assistant Public Defender, briefly at the private Bar and then as a Judge, you have gained extensive experience and expertise in the conduct of criminal trials. It should be remembered that criminal appeals occupy a large amount of the time of the Court of Appeal. The first report of the Supreme Court reveals that in the 1996/97 financial year, of the 830 matters filed in the Court of Appeal, some 582 were criminal ones. These matters took up 126 of the Court of Appeal's 212 sitting days in that year. It must be said, however, that Your Honour has limited experience with the civil jurisdiction as it is exercised by the Supreme Court, yet skill in handling this testing side of the Court's work is required in every Judge of Appeal. Your Honour now faces the challenge of demonstrating this skill.

30

40

50

Your Honour's appointment today is a milestone in Queensland legal history. You were the first woman to be

60

appointed a District Court Judge, now you are the first to be appointed President of the Court of Appeal. You have been reported as hoping that your appointment will be an encouragement and a positive role model to women. There can be no doubt that it will be seen this way. You may take a great deal of personal pride in your achievement, a pride justifiably shared by your family, including your husband Philip who is a member of the committee of the Bar Association.

10

20

All judicial appointments are important ones.

Traditionally, the Bar is consulted in this process. It can provide useful advice on the selection of individuals according to the governing principle that those best qualified by knowledge and experience be appointed to office. At this ceremony, I confirm that the Bar welcomes consultation and expects that it will continue.

30

Justice McMurdo, today you begin a very long journey. The members of the Bar wish you every success in it, and offer you our support.

40

Mr Justice Thomas, on behalf of the members of the Bar Association of Queensland, I congratulate you on your appointment as a Judge of Appeal.

50

Your appointment is welcomed for two very good reasons.

First, it represents an increase by one in the number of Judges of the Court of Appeal. The second reason has to do

60

with the admirable judicial qualities that Your Honour has. I wish to say something about each of these reasons.

The Bar Association has, for a number of years, held the view and expressed it to Government, that there is a good case for increasing the number of Judges of the Court of Appeal. That Court has a large docket. The work is exacting and unrelenting. The increase in numbers will moderate, to some degree, the undoubtedly very heavy demands on the members of the Court. It may be noted that the Courts of Appeal in the two other States which have them, New South Wales and Victoria, have considerably more Judges. It is frequently said that an advantage in permanent Courts of Appeal is greater consistency in judgments at the appellate level. This advantage does not have a full chance of being gained when the size of the Appeal Court is unduly limited in number. The Bar Association therefore welcomes the increase to five of the Judges of the Court of Appeal.

10

20

30

40

To turn to the second reason, I am pleased to say that Your Honour's appointment has met with the universal endorsement of the members of the Bar. Over 16 years now, we have appeared before Your Honour as a Judge at first instance, as a member of the Full Court, and more recently, when you would sit, as often you did, on the Court of Appeal.

50

If I may say it, Your Honour is known for having a very good knowledge of the law and of legal technique, for

60

displaying an equitable judicial temperament, for being prompt in delivering judgments and for taking care to ensure that every litigant in your Court is fairly heard however modest the level of legal representation. All of these qualities fit you very well for your new office.

10

Your Honour's contribution to professional and public life have been noteworthy. Your text book on judicial ethics is often quoted as a respected authority. It has no rival in the field. As well, you are a Member of the Order of Australia. But, as the Attorney noted, these lofty achievements must not overshadow your recent success in representing the Bar at tennis. Last year, you combined with Justice Beaumont of the Federal Court to contribute towards an all too infrequent event, a Bar victory in the Sir Douglas Wadley Trophy series.

20

30

Mr Justice Thomas, we wish you very well in your new appointment, you have the Bar's support. If it please the Court.

40

THE CHIEF JUSTICE: Thank you, Mr Gotterson.

Mr McCafferty?

50

60

MR McCAFFERTY: May it please the Court. Justice McMurdo, it is with great pleasure that I rise on behalf of all Queensland solicitors to congratulate Your Honour on your appointment as President of the Court of Appeal. The solicitors of Queensland are completely confident that Your Honour is well endowed with the resources of character, wisdom and intelligence sufficient to meet the great challenge which lies before you.

10

As was said by Madam Justice McLachin of the Canadian Supreme Court:

20

"Judging is not what it used to be. Judges are more important now, judges are more criticised and judges face more difficult tasks than they ever have before faced in the history of the Commonwealth."

30

Just as the job of judging has become more difficult, it is clear that the task of appointing Judges also has become difficult. I believe that time and history will show that Your Honour's appointment was a wise one.

40

Your Honour's experience, especially your long experience with the criminal law, your experience as a Children's Court Judge and your wider community service contributions already alluded to by the Attorney, have given Your Honour a capacity to look with sympathy on the often tangled affairs of your fellows. Yet, at the same time, your rigorous forensic experience in the criminal Courts has brought an attachment and distance which is such a critical part of the rendering of wise judgment.

50

60

Your Honour, you are no stranger to the Queensland Law Society, having served as a member of the Queensland Law Society's law reform criminal committee from 1978 to 1986 and also the Queensland Law Society's law reform family welfare legislation committee from 1979 to 1982.

10

In conclusion, it would be remiss of me not mention another Judge who will no doubt have something of a feeling of quiet satisfaction today, and that is His Honour,

20

Mr Justice Demack, who in his long judicial career served as a Judge of the District, Family and Supreme Courts and has been the Central Judge since 1978. Your Honour, of course, had the privilege of being His Honour Judge Demack's clerk when he was a District Court Judge and then his associate when he became a Family Court Judge. And it may well be that your appointment today is in some small measure due to the influence of this wise and longstanding servant of justice. I am reminded of a statement by Cardinal John Henry Newman:

30

40

"The general principles of any study you may learn by books at home; but the detail, the colour, the tone, the air, the life which makes it live in us, you must catch all of these from those in whom it lives already."

50

You have had a good start with a Judge known for his love of both law and justice and the people of Queensland and we can be confident that you will faithfully and diligently discharge the important duties reposed in you today.

60

On behalf of the counsel of the Queensland Law Society and the solicitors of Queensland, I extend to you our complete support and express our hope that yours will be a long and successful career as President of the Court of Appeal.

10

Mr Justice Thomas, Your Honour, you have a long and distinguished record of service and achievement, both in the law and in other fields, including especially ethics and music. I will not re-visit the encyclopaedia of your achievements already opened by the Attorney. Having regard to Your Honour's distinguished service to the judiciary over many years, I will comment more generally on the perception of one aspect of the judicial function today from the perspective of the trenches of the solicitors' branch of the profession.

20

30

The rule of law rests ultimately on the consent of the governed and that consent itself is dependent on a certain minimal level of trust and confidence by the citizenry in the processes of government. To the extent that the processes of government are no longer able to command the trust and confidence - even the faith - of the citizenry, the rule of law is diminished. In historical terms, the rule of law and the trust and confidence of the citizenry which underlies it has not been a quick, or easy or inevitable achievement.

40

50

What has taken much time to achieve can, in the absence of a sense of gratitude and appreciation for the achievement,

60

be diminished in a generation. In less critical times, the judiciary was able to assume without much conscious thought, that the citizenry both accepted and respected, even if it did not understand, its particular brand of magic. It was enough to attend to the traditional defences of public hearings, reasoned, written and public judgments and a selection process which ensured only those of unimpeachable calibre and character were appointed to the Bench. These are fundamental and of no less importance today.

10

20

However, the assumption of legitimacy and authority is gone. The magic is for better or for worse, no longer believed. The judiciary, as with others in authority must, to adapt to the words of Dean stand its trial before the conscience of this generation, to be accepted or rejected on its merits as a guide and repository of wisdom for the men and women of today.

30

40

In essence, the consent which was once assumed must now be informed. It is my respectful opinion that this will require close attention to the nature and pragmatics of communication. Web sites and other means of information delivery are necessary and laudatory. But communication is not only delivery of information or the marketing of a brand; it also requires reception and response. In a word - dialogue.

50

60

Your Honour, you have shown in your many publications and appearances in a range of forums that you have not only a formidable intellect, but also the ability to communicate your thinking in a way which is understood by those without your legal experience. This ability is something which will be an asset in the changed environment in which the judiciary finds itself today.

10

On behalf of the Council of the Queensland Law Society and the solicitors of Queensland, I extend to you our complete support and express our hope that yours will be a long and successful career as a member of the Court of Appeal. May it please the Court.

20

THE CHIEF JUSTICE: Thank you, Mr McCafferty. Mr Justice Thomas.

30

40

50

60

MR JUSTICE THOMAS: Chief Justice. I thank the speakers for their kind words. You don't get many compliments in this job so I'm going to treasure what I've heard today, because I'm not going to disclaim them with false protestations of modesty, but instead I'm going to embrace them all and try to keep this warm inner glow for as long as possible.

10

My role today is that of the local artist who plays a number while the audience waits for the star attraction, so my number will be short and I hope sweet. There are several reasons why this must be so. In the first place, in that wretched book that I wrote, I said that I was in favour of judicial reticence, and I must practise what I preach. In the second place, I am only moving from one Division to another in the same Court, and I do so on basically the same conditions of service as before. That, incidentally, I firmly believe, is as it should be. The main consequence of my appointment is that I shall lose that mix which some say helps to contribute to the sanity of the members of the Trial Division. Instead, I shall be confined to appeals and will join a Court of five as its most junior member. Of course as a grandfather of 10, I will immediately gain the respect and seniority that I deserve.

20

30

40

50

But I can't pretend, so far as today's proceedings are concerned, that my transition is really a big deal. The positive side from my point of view is that appellate

60

jurisdiction is my preferred area of work and has been for quite a long time. This is the Court of the highest authority in this State and its statements of the law bind all other Courts and tribunals.

10

The opportunity to participate in stating the law, sensibly I hope and as far as possible simply, is a challenge that I find exciting and I am grateful to have the opportunity to take it up. Certainty in the law has deeply declined in the last 15 years. It is highly desirable that the law be predictable - predictable enough for members of the profession to advise their clients with some confidence what the law is. That simply cannot be done in many areas at present. The ideal of stating the law so that it is simple, sensible and certain, is probably a mere pipe dream, but I see it as at least a worthy challenge.

20

30

The new president faces a difficult task, not to say ordeal and I place on record my personal respect and my promise that I will do everything I can to make her transition successful and pleasant and to ensure that this enormously talented Court functions to the maximum of its potential.

40

I cannot leave the Trial Division without mentioning my immense respect for the calibre of its members. I am not completely lost to it, because I intend to keep my finger on the pulse by spending an occasional week in Chambers and perhaps even a criminal trial, provided of course that I am still welcome. I must also mention that I never cease to

50

60

be impressed by the high quality of work that is done day after day in the other Queensland Courts, particularly the District and Magistrates Courts. This is not often enough acknowledged and I want to record my genuine respect for those who bear the brunt of the work that is done in our judicial system. Mutual respect is I think an important part of the appeal process if it is to work to maximum advantage.

10

Today I am very happy to be where I am. Thank you all, particularly those whose presence here today has something to do with the honour that is being done to me.

20

THE CHIEF JUSTICE: Justice McMurdo.

30

40

50

60

JUSTICE McMURDO: Chief Justice, Mr Attorney, Your Honours, Mr Gotterson, Mr McCafferty, ladies and gentlemen, like Justice Thomas, I too am honoured by your attendance here this morning, as I am honoured by Justice Thomas' sweet, short words.

10

Chief Justice, Mr Attorney, Mr Gotterson and Mr McCafferty, thank you for your words of confidence and support. Your congratulations and similar words offered by family, colleagues, friends and even strangers, mean a great deal to me.

20

It seems today I have been given the last word; something which criminal lawyers always tell juries is important and the reason why their client did not give evidence. Like many juries, you may remain unconvinced.

30

Mr Gotterson, as a barrister and member of your Association in another life, and being married for the past 22 years to Philip, an active member of your Association, you hardly need reassurance of my support for the Bar Association and the maintenance of an independent Bar. If you did, be assured I am regularly farewelled by my spouse in the morning with the instructions, "Be nice to the barristers."

40

50

Mr McCafferty, as you have noted, I have a long association with your branch of the profession; in fact, starting very young because my father, Joe Hoare, was a well-known Brisbane solicitor. My two brothers, David and John, are

60

also solicitors, as was my late brother-in-law, Richard Firster. I have a number of close solicitor friends and meet a variety of women solicitors through the Women Lawyers Association. You have noted my work with the Law Society Committees. I have, then, some understanding of the particular difficulties facing your branch of the profession, and a great respect for the excellent work done by the Law Society.

10

20

My 84 year-old mother, Gina Hoare, who is now happy to boast of her age, is here today, ignoring her considerable pain so that she can be part of this occasion. Sadly, my father, who was a great influence for good in my life, died in 1977, less than 12 months after my admission as a barrister. I owe him much and he would very proud today. I am blessed with a caring, large extended family, many of whom are here today. Thank you all.

30

40

Many people have assisted me in my legal career. As Mr McCafferty noted, Justice Demack, for whom I worked when he was a District Court Judge and later in the Family Court, has always provided quiet encouragement and wise guidance. I thank all five Public Defenders for whom I worked, especially Tony Healy QC, now Judge Healy, and Barbara Newton, who gave professional and personal support at that difficult stage of first combining a legal career and motherhood. More recently, Chief Judge John Helman, as he then was, acted as mentor as I transformed from barrister to Judge and especially when I had my fourth

50

60

child as a District Court Judge. It can never be said that the District Court is not a creative Court.

Undoubtedly, my biggest debt of gratitude must go to my husband, Philip, who has given 22 years of unselfish and unflinching support. Is this what is meant, I ask, by truth in sentencing? His common sense, dry wit, and practical help have got us through minor family dramas, such as four children with chicken pox whilst on holiday in the USA, or my losing the travellers cheques just before boarding a plane for New Zealand with a two year-old and me pregnant with twins.

There is very little glamour about the life of the busy professional couple with four children. Believe me, this Judge is in touch, even if she would prefer not to be. I know I will continue to need Philip's support over the coming years.

My thanks also to my four wonderful children; Helen, James, Lachlan and Alexander, all of whom are here today, for sharing our lives and tolerating our hectic and slightly chaotic lifestyle. To my nanny/housekeeper, Sue Randle, thank you. I could not do it without you.

When I accepted the position of District Court Judge, seven and a half years ago, I did so content to complete my judicial service as a Judge of District Courts. Leaving

behind the close companionship of those Judges is the sad aspect of today.

My appointment as President of the Court of Appeal demonstrates the high standing in which the District Court is now held. Since 1990 the District Court has had an increasingly complex criminal, civil, equitable and appellate jurisdiction. The Court is noted for its many talented, hard-working, enthusiastic and innovative members.

10

20

In 1996 the District Court collegiately established a system of committees to assist the Chief Judge in administering this numerically large and geographically diverse Court. I have had the pleasure of chairing the Aboriginal and Torres Strait Islander Committee and to be a member of the Strategic Planning and Budget Committee. I will particularly miss my involvement with these committees, however, as President of the Court of Appeal I expect to fully use my acquired administrative skills and to maintain and improve the warm relationship I have formed with the Aboriginal and Torres Strait Islander communities. Sadly, Aboriginal and Torres Strait Island people remain over-represented in, and feel alienated from, our criminal justice system. This is a problem the Queensland community and the Courts must work together to alleviate.

30

40

50

Despite the important work done by the District Court and the industry of its Judges, the Court remains

60

under-resourced in some significant ways. Twenty of the Brisbane Judges in the Law Courts Complex share a mere two secretaries, who must not only answer phones when Judges are in Court, on circuit, or otherwise not available, but also attend to the 20 Judges very considerable secretarial needs. I know, from experience, that as a result, judgments are sometimes delayed, despite the sterling efforts of the efficient and diligent secretariat.

10

20

The services provided to the people of Queensland by Judges outside the metropolitan area also generally suffer from inadequate secretarial support.

Two of the Brisbane Judges cannot be accommodated in the Law Courts complex and are in premises in Tank Street, some blocks away. This situation is unsatisfactory to the Judges, the Court, the profession and the community. There is no provision for juries; no adequate library access; the Tank Street secretary cannot be used efficiently; communication between Judges is impaired and frequently the public and profession are confused as to venues, causing costly wasted Court time.

30

40

With a forecast population growth in South-East Queensland and the ever-increasing jurisdiction of the District Court, these problems are likely to increase. Despite the inevitable large capital cost, Government, in consultation with the Courts, must with priority plan a Supreme and

50

60

District Court building that meets the needs of the community well into the 21st century.

I know the Magistrates and Supreme Courts, including the Court of Appeal Division, have their own complaints and problems. Of course, Mr Attorney, I am aware of the old-age problem of the inevitable conflict between the need to balance the budget, particularly in difficult times, and the need to adequately resource the Courts. As a result, there is always a potential, if not actual, tension between the Justice Department and the Judges.

10

20

Today we have a relatively new Chief Justice, an almost new Attorney-General and Director-General, and a brand new President. I hope this unique combination of the "new" will herald a beneficial era of co-operation between the Department and the Courts in appropriate areas whilst still maintaining the essential respect for the separation of powers.

30

40

I am greatly honoured to be appointed President of such a highly regarded Court of Appeal. I am conscious of the fine intellect and service given to the people of Queensland by my predecessor, the inaugural President of the Court of Appeal, Justice Fitzgerald.

50

I hold the other members of the Court, including, of course, today's appointee, Justice Thomas, in the highest

60

possible esteem. Each one is an eminent and industrious jurist.

I am also honoured to have become a member of the Supreme Court of Queensland and I look forward to working with, and learning from, all members of the Court.

10

As I said when my appointment was announced, I hope it will be an encouragement to other women in the community, and particularly the legal profession, where women continue to be under-represented at higher levels. I offer the Court my experiences as a woman, lawyer and Judge, humility, enthusiasm, energy, diligence, courtesy and a determined independence.

20

30

Chief Justice, I look forward closely to working with you and under your leadership and with all Judges of the Supreme Court, many of whom are personal friends.

40

We must regularly review Court administration and together form a vision for the Courts that will accommodate appropriate reform for the benefit of all Queenslanders, whilst maintaining that certainty and stability in the judicial system which is fundamental to our society.

50

Together, I hope we will continue to meet the substantial challenges facing the judiciary, and with proper Government resources, the support of both branches of the profession, and the assistance of our invaluable Court staff, provide

60

Queensland in the 21st century with affordable, timely and cost-efficient justice.

THE CHIEF JUSTICE: Let these proceedings be recorded.

10

THE COURT ADJOURNED

20

30

40

50

60