



Christmas Greetings

Wednesday 15 December 2021 at 9:15am

Banco Court

QEII Court Building, Brisbane

- May it please the Court

- I too extend congratulations and best wishes to the new Queens Counsel.

- A year ago, we might have hoped that at 'Christmas Greetings' 2021 we could speak of the pandemic in the past tense. Sadly, 2021 has continued to be a lot about the pandemic.

- Happily, we began 2021, as my predecessor Mr Murphy noted on this occasion last year, well equipped to face the ongoing challenges of the pandemic.

- The strong working relationships that were so important in 2020 provided a firm foundation for our work in 2021.
- We have become very well practised at being adaptable – demonstrated by the almost seamless way in which legislation continued to be made, justice continued to be administered and law continued to be practised in 2021. A fine example was on 29 March when a lockdown was called on just a few hours' notice.
- That afternoon, a hundred or so Sunshine Coast practitioners were relying on the District Law Association's Core CPD event at the Maroochy Surf club, held in conjunction with the Queensland Law Society, to achieve their 10 points before the end of the CPD year. The entire faculty for the event, were Brisbane-based, and unable to attend.
- Proving their adaptability, Plan B quickly fell into place, and the QLS events staff and the District Law Association Committee put together a hybrid event with presenters appearing from their homes in Brisbane.

- So, while we missed the collegiality of an in-person event, and I missed the view of the beach, we kept the show on the road.
- Looking back, those words seem to sum up 2021. We kept the show on the road. And what a show it's been – or rather, shows – because 2021 has not been a single genre.
- We've mostly moved beyond the dystopian drama of 2020. Until this week when the border opened there have been elements of absurdist theatre – nobody comes, nobody goes, it's awful – but in 2021 life in Queensland, particularly outside the south east corner, has resembled nothing so much as the pantomime.
- Behind our closed borders, we played our parts, pretending to be oblivious to the danger lurking just out of sight.

- From time to time we heard the audience, calling out to warn us of peril, but unless it was in our direct line of vision, we ignored it.
- The next couple of months will show whether omicron and its relatives, like the pantomime villain, take flight when directly confronted. Let's hope for pantomime and not a return to dystopia.
- 2021 has been a very busy year for legislative reform. That aspect of the year resembled neither dystopia nor pantomime, but one of quieter episodes of the West Wing – with less drama, equal competence and more bi-partisan co-operation.
- The Queensland Law Society acknowledges the steps taken by the government to deliver on commitments made in response to our election Call to Parties for much-needed reform to a range of legislation. We appreciate the opportunities for consultation at all stages of the legislative process.

- We were particularly pleased to see the passage of the bill making permanent measures introduced in response to the pandemic, including electronic signing and witnessing of some documents. Changes such as these make practical access to justice difference right across Queensland.
- We record our thanks to the Attorney and Departmental staff for working with us this year. We also thank the Members of the Legislative Assembly from all parties who conscientiously undertake their roles in the parliamentary committee process, and the Shadow Attorney General for his willingness to consult with us.
- We are confident that the input by the Law Society's expert committees ensures better laws, and I acknowledge the significant and generous contributions made by our 300 volunteer committee members to good law in Queensland.
- Turning to the courts, some rate the 1957 film *Twelve Angry Men* as the best ever court room drama.

- While angry men are not at all common in our courts in Queensland, the operation of the courts, like that film, relies on a great ensemble cast.
- The ongoing commitment of the Chief Justice, Senior Judge Administrator, Chief Judge and Judge Administrator and Chief Magistrate and Deputies, to discussions with the profession and stakeholders continues to enhance the administration of justice in our state.
- Issues are raised and solved before they become entrenched problems. It not only ensures smoother operations, it also enhances access to justice. The problem-solving around access to the courts for prisoners and children in youth detention is just one example.
- In seeking the greater use of technology in the courts, the solicitors' branch of the profession accepts that we have a stronger appetite for change than colleagues at the bar and on the bench.

- We thank you for listening politely to our advocacy on this point. Like all true believers in the power of theatre to change lives, we won't be deterred by a lukewarm audience, and will continue our advocacy for increased use of technology in routine court matters.
- We do acknowledge, that the State Courts continue to lack the necessary technological infrastructure to operate seamlessly in the digital world, and so continue our advocacy for rapid extension of the e-courts project.
- Because this is the last 'Christmas greetings' at which the Chief Justice will preside, and because I will no longer be QLS President at her valedictory, I must make some remarks about her on this occasion.
- Chief Justice, 'keeping the show on the road' seems an apt description not just of 2021 but of the entirety of your time as Chief Justice.

- You began your appointment when there was considerably more reality TV style drama than is good for a court. You soon became the consummate showrunner, and banished reality TV in favour of well-produced documentary.
- Like the very best documentary film maker, you have let the story tell itself, allowing only glimpses of your perspective from time to time. Enough for the audience to know that we are in exceptionally good hands, and that we need to listen closely because from every so often there will be some great jokes for those paying attention.
- As you noted last year, there was at least one uneventful year in your tenure as Chief Justice. And then the pandemic hit.
- Your calm, intelligent and courteous leadership of the courts, and the profession since then, has made a difficult time much easier.

- Despite the times, you have continued to attend the important events for solicitors, right throughout the State, and for that we are very grateful. There is much more to be said about your contribution, but 2022 will provide that opportunity.
- One aspect of the job of QLS President that I've particularly enjoyed, and which has only been intermittently interrupted by the pandemic, is the opportunity to celebrate, right across Queensland, significant milestones of 25, 50 and even 60 years in practice for our members.
- The contributions that solicitors make not just to the law, but to civil society is the true stuff of heart-warming drama.
- Solicitors are vital to the social, cultural, educational, sporting and philanthropic lives of communities, right across our large, decentralised state.

- Their collective contribution often goes unnoticed, but ‘Christmas greetings’ seems an appropriate time to recognise it.
- Before leaving the stage, I must mention one aspect of our legal system that remains mired in theatre of the absurd.
- The rates paid to the private solicitors and barristers throughout Queensland, who do around 75% of all legal aid representation work, has fallen so far below what is fair and reasonable that the system is unsustainable and likely to lurch into crisis at any time.
- For solicitors, the hourly rate approximates one half of any relevant court scale. The problem is compounded because a grant of aid rarely includes payment for all hours necessary to do the work.

- Like an absurdist play, the logic is circular, and the actors can't see the way out.
- Because of their commitment to justice and ensuring all have adequate representation, barristers and solicitors continue to do legal aid work. Even so, every year, as economic reality intrudes, fewer are able to continue.
- While the work is being done, the government sees no compelling case to increase the rates paid.
- It's one show we won't be able to keep on the road much longer, and like many absurdist plays it's gone on too long already.
- As the year draws to a close, I have been pleased to work with colleagues at the Bar Association to draw attention to this problem and seek its simple remedy – which is a relatively modest amount of additional funding for Legal Aid Queensland.

- Following convention in a multi-season drama, 2021 is ending with a cliff hanger, as the borders open and we are left wondering what the new season will bring.
- But every show deserves a hiatus between seasons. Cast, crew and binge-watching audience alike all need time to refresh and reconnect.
- In this Christmas season, on behalf of the Queensland Law Society and our members, I extend best wishes to all engaged in the production of the administration of justice in our state.
- May it please the Court