

***“Interlaw” Conference Opening  
Stamford Hotel 23 October 2000  
9.20am***

Chief Justice Paul de Jersey AC

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I am very pleased to welcome you to the State of Queensland. I trust you will by now have discovered that our attraction is not confined to our being a neighbour of the State of the city which hosted the Olympic Games. Visitors have said to me – I believe sincerely, that there is an innate charm about Brisbane which surpasses the beauty of its physical environment and the friendly spirit of its people. I hope you will agree!

In welcoming you today, I at once applaud your co-operative focus. While I acknowledge your own obvious personal interest in successful practice, you all share a wish to render the most effective service to your clients. Upon that public orientation in particular, I congratulate you, and recall the words of JB Priestley’s “Inspector”:

“We don’t live alone. We are members of one body. We are responsible for each other. And I tell you that the time will come soon when if men will not learn that lesson, then they will be taught it in fire and blood and anguish. We don't live alone.”

Sobering sentiments, although I must acknowledge that the legal profession does in this country recognise public service as the root of its professionalism; and that, despite what sometimes seem the best endeavours of the popular press to persuade the people otherwise. Your own links, of themselves, evidence a similar worthy disposition.

The word “globalisation” will I fear, through overuse, soon enter the well established category of cliches, a category which now includes other expressions some might be tempted to utter at a meeting like this, like “new millennium” and “paradigm shift”. Your meeting will however interestingly reflect what I understand of this rather amorphous concept, essentially its denoting an increased international focus.

The thrust took on after World War 11, gaining impetus with the establishment of the United Nations, and has certainly intensified markedly over the last ten years or so. The reasons include, plainly enough, the information technology revolution and the lowering of international trade barriers.

I wish to speak briefly this morning on the place of law, and lawyers, in this progressive development. Now for reasons so obvious they may remain unexpressed, no-one would sensibly advocate universal uniformity in the law. Yet, I believe beneficially, legal systems are becoming more interdependent, and more susceptible to influences inter se. Witness the role of European law, especially by its injecting, into national legal systems, particular standards of human rights. Consider similarly, in relation to the Australian State and Territory systems, the impact of international human rights directives and drug control imperatives, as two examples.

Just as there cannot reasonably be a universally applicable system of law, so in a comparable way, there cannot be a universal lawyer trained to operate effectively in all jurisdictions. Lawyers are these days nevertheless recognising the usefulness of a broadened international outlook: a capacity to understand foreign systems and to adapt to them, which necessitates also a sensitive appreciation of the cultural nuances of other societies.

There is no doubt that lawyers are, increasingly, important agents for national and international development. To illustrate, Australian lawyers are currently working to help establish a worthwhile new legal system in liberated East Timor. Lawyers from the United States in particular, one reads, have been instrumental in facilitating the production of constitutions and legal codes in areas of the now fragmented former Union of Soviet Socialist Republics. Simply, the complexity of modern society demands the finely honed, sophisticated talent of lawyers for the resolution of some of its most complex problems. The raw talent must, though, be accompanied by an appropriately international attitude, rising above the rather more parochial approach generally tolerable on the domestic national scene.

It has been interesting to note recent mergers of large UK and US law firms, and the way Australian firms are establishing sibling centres in other parts of the world. Lawyers in this country are increasingly interested in providing effective legal services to foreign nationals stationed in Australia, and as well, in acting, from Australia, for foreign nationals in relation to their problems at home. By way of response, law schools are encouraging international student exchange programs, and their curricula are being re-examined with a view to the development of a more precise focus on comparative law: but not the generalised subject taught in my student days. Current interests, I understand, rest on more particular subjects, such as comparative corporations law, comparative torts law and the like.

One particular inquiry current in this country, concerning a matter more commonplace internationally, relates to the multi disciplinary partnership and corporatisation of legal practice. These models raise ethical twists for a system where the lawyer's overriding ethical duty is owed not to the client, but to the court and the administration of the law. Our determination to work through these difficulties does, I suggest, reflect a realisation in this country that for our local practitioners to remain competitive locally, and to become competitive internationally, we must, with appropriate safeguards, be prepared to embrace generally acceptable international trends.

The introduction of a worthwhile annual international travelling allowance for Supreme Court Judges in Queensland, in 1988, led to a great expansion in the judges' appreciation of foreign judicial systems, and exposure to ideas appropriate for replication in our own regime. Over the last almost three years of my holding office as Chief Justice, many judges from other overseas jurisdictions have visited the Supreme Court of Queensland for mutually beneficial exchanges. They have included Chinese judges concerned to elevate international respect for their judicial system, especially with an increasing acknowledgement of the fundamental importance of the rule of law and judicial independence – with of course the consequent offshoot of a boost to that great nation's economy.

We have also welcomed judges from Japan. One of their current interests is the possible re-establishment of Japan's jury system, quiescent since World War 11. And we in turn have learned from them. The visits of those judges to Queensland have signified an interesting judicial overlaying of the traditionally trade-based sister-state relationship Queensland has with certain Chinese provinces and Japanese prefectures. I surmise that but two or three decades ago, such exchanges would not have been contemplated.

Now we judges, we lawyers, accept such initiatives as a normal progressive way forward. We are right to do so. The concept of globalisation contains seeds which, if properly nurtured and germinated, should benefit all people. Lawyers have an important potential role to play in ensuring that occurs. Your own initiative, ladies and gentlemen, is part of the fostering of joint efforts towards that goal. You represent groups of lawyers, though from diverse locations, who are committed similarly to the public interest through refinement of the best product: service to the client apt for the best disposition of a wide range of problems, regardless of forum. I wish you well in your deliberations, and in opening this conference, I congratulate you on the existence, and the vibrancy, of your union – of significance both to yourselves, and to the international community!