



6th AIJA Appellate Judges' Conference
Friday 14 September 2012, 9am
Queen Elizabeth II Courts of Law
Level 16, Judges' Conference Room

The Hon Paul de Jersey AC
Chief Justice

I am very pleased to have the opportunity to welcome you to the 6th AIJA Appellate Judges' Conference, and to do so in this newly-opened precinct of which we Queenslanders are unashamedly proud. I hope you all have the opportunity to explore it.

I particularly welcome the President of the Courts of Appeal within Australia, and the international guest presenters, Mr Justice Rouleau of the Court of Appeal for Ontario and Lord Robert Walker of the Supreme Court of the United Kingdom, and my colleague the Chief Justice of Western Australia, the Honourable Wayne Martin who will this evening in the Banco Court deliver the 2012 AIJA Oration.

A lot of the focus on the appellate role within Australian jurisdictions over recent years has dwelt on the contest, if properly so termed, between the High Court and the New South Wales Court of Appeal thrown up by the High Court's decision in *Say-dee*.

No doubt the role of intermediate Courts of Appeal vis-à-vis the High Court, and the desirability of reasonable restraint in the manner of correcting perceived error below, are important subjects, but those ground rules are now well-established, and today's programme discloses a worthwhile concentration on practical matters, especially expediting the determination of appeals and, as I hope may be the theme, avoiding prolixity and the writing of essays. The participants will be particularly grateful to hear of experiences in Ontario and the United Kingdom.

A particular feature of this courthouse is that the Supreme Court Judges' Chambers, embracing both Judges of the Court of Appeal Division and the Trial Division, are all situated on two floors linked by a central staircase. There is therefore scope for



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substantial interaction among the Judges of both divisions. Recognizing the composition of today's group, it is I suggest helpful professionally for appeal judges to have that contact with trial judges. Under the Queensland model, trial judges frequently sit, regularly sit, with permanent appeal judges on appeal benches. There is therefore usually an infusion of trial experience into the determination of the appeal. But regular contact between judges of both divisions outside the courtroom, also, is important especially for appeal judges whose trial experience is either nil or aging.

I accept that we are here able to secure those benefits the more readily because of the size of our Court of Appeal Division. I accept that that be more difficult in substantially larger courts around the nation. But it is nevertheless an important ideal.

I should not delay you further with these introductory remarks, beyond welcoming all visitors to Queensland, and wishing you all a productive day.