

CAIRNS CHRISTMAS GREETINGS & ADMISSIONS CEREMONY

14 December 2012

The Honourable Justice Henry

- [1] Greetings legal profession, guests, family and friends.
- [2] On the occasion of this ceremonial sitting of the court for the traditional exchange of Christmas Greetings between the court and the profession I welcome to the Bench my judicial colleagues: His Honour Judge Everson and His Honour Judge Harrison.
- [3] I also welcome my predecessor in office, the Honourable Stanley Jones QC AO and his wife Helena; Her Honour Federal Magistrate Willis; their Honours Magistrate Black, Magistrate Coates, Magistrate Pinder and Magistrate Pearson of the State Magistrates Court; Councillors Linda Cooper, Jessie Richardson, Richie Bates and Greg Fennell representing Cairns Regional Council; Acting Assistant Commissioner Paul Taylor and Acting Chief Superintendent Brian Connors of the Queensland Police Service; Ms Cheryl Abram from Youth Justice; Ms Mandy Shircore and Mr John Blair from James Cook University; Mr Neil Melloy, Editor of The Cairns Post and Ms Kirsty Johansen from WIN Television.
- [4] The court is grateful that members of the public have joined with members of the legal profession and their families here present to witness this special ceremony. The presence of guests drawn from our local community beyond the legal profession emphasises the importance to the community of the court's role in delivering the most fundamental element of the free and civilised society in which we live, the maintenance of the rule of law.
- [5] Over and above serving as the traditional exchange of Christmas Greetings today's ceremony also involves the serendipitous confluence of three other events. Emerson wrote "Life is a journey not a destination". Today we witness three happy and symbolic vignettes in the life journeys of three lawyers here present, as one enters the profession, one ascends to the rank of senior counsel and one prepares to ascend to the bench.
- [6] Mr McCreanor, do you move?

[Mr McCreanor moves the admission of Fabia Parker. Ms Parker takes oath of office and signs roll.]

[Note: Fabia's family present: CHARLIE OLIVERI, JANE PARKER, JEAN PARKER, JACK LIPMAN, JENNA ALLEY & GRANDMA OLIVERI.]

- [7] An admissions ceremony is of special importance in the work of the court. It is important as an exercise of the court's legal power in its role as the ultimate gatekeeper of who shall be allowed to practise and serve as a lawyer. It is important, as with other of life's significant ceremonies, in marking the gravity of the moment; in this instance the gravity of the promise just made by you, Ms Parker to truly and honestly conduct yourself, in the practise of a lawyer of this court, according to law and to the best of your knowledge and ability.
- [8] With that promise you have today become an officer of this court, bound by your duty to it. You today join the legal profession in its noble joint mission with the court in delivering justice according to law. It is the independent legal profession to which citizens turn in seeking access to the rule of law. It is your profession which provides citizens with expert legal advice and representation, regardless of their gender, race or religion and regardless of the popularity, power or privilege of the cause to which they are opposed. It is a honourable calling.
- [9] At a personal level, today is an achievement well earned. It is the culmination of many years' study, doubtless with some tribulations along the way. It is a very significant achievement to successfully meet the rigorous demands of your degree course and practical training.
- [10] It is unlikely that you have reached today's milestone on your own without the support along the way of family and friends. The support given to you by your loved ones has likely been a vital ingredient in your successful achievement. Today is rightly a proud day for them, as well as you; a day to celebrate.
- [11] Your admission has a special significance to the court in that you have this year served as Associate to His Honour Judge Harrison. Through me, His Honour expresses his sincere thanks to you for your support and his pleasure at your achievement today.

[12] Ms Parker, the court extends its sincere congratulations to you, your family and supporters, and wishes you a successful and satisfying career in the law. Welcome to the profession.

[13] I invite you now to join your fellow Associates as we move to a different milestone in the professional life of another lawyer here present.

[14] Mr Morzone?

[15] *[Mr Morzone announces his appointment as Senior Counsel]*

[16] Madam Registrar, please read Mr Morzone's appointment.

[Registrar reads Mr Morzone's appointment]

[17] The awarding of the rank of Senior Counsel, or Queen's Counsel as it was once and will soon again be known is an extremely significant professional achievement.

[18] The designation of Senior Counsel provides a public identification of barristers whose standing and achievements justify an expectation on the part of those who may need their services, as well as on the part of the court and the public that they can provide outstanding services as advocates and advisors to the good of the administration of justice.

[19] Only a small proportion of practising barristers achieve the rank of silk. In Queensland this year Mr Morzone was one of only three such appointments.

[20] The rigorous process through which Silk are selected involves close scrutiny of the views of the legal profession and the Bench. Contrary to the perception of some, it is not a process determined by perceived need for a certain number of Silks, whether in regional centres or in Brisbane. The overriding touchstone of the process is merit, pure and simple.

[21] Mr Morzone's appointment is well earned. After serving as an Associate in the Supreme Court and then as a solicitor, Mr Morzone, who was raised in Mareeba, came to the Bar in Cairns in 1993 and has practised here as a barrister ever since. In that time he has built a fine reputation for excellence in his advocacy and advice work. He has been an ornament to the local profession and those who are familiar

with the quality of his work have long seen his progression to the rank of Silk as inevitable.

[22] He joins with two other engaging, intelligent, debonair and modest persons present today as the third Senior Counsel appointed whilst in practice at our local Bar. It is an appointment that again reinforces the high quality of legal services which our local legal profession delivers to the people of Far North Queensland.

[23] Mr Morzone, the court rejoices in your appointment and extends its congratulations to you and your family, particularly your wife Paula, your children Luis, Bianca, Joseph and Xavier along with your mother Irma and Marina, Catherine and Brian. Your late father would doubtless have been proud at your achievement.

[24] The process of taking Silk or being called to the inner Bar signifies that counsel has taken on a leadership role within the profession. It is a position not only of honour but also of obligation; an obligation which I warn you carries the weighty reality that it is from the ranks of Silk that the most senior judicial appointees are drawn.

[25] That weighty reality has arrived for another Senior Counsel present here today.

[26] Mr Peter Tree of Senior Counsel, who in recent years has migrated from the clutches of the Tasmanian and Victorian Bar and also practised here in Cairns, is to be sworn in early in the New Year as the North's next Family Court Judge.

[27] Admitted as a barrister in 1989 Mr Tree is a former President of the Tasmanian Bar and Director of the Law Council of Australia. He is Chair of the Tasmanian Sentencing Advisory Council and has a long history of involvement in legal education and training. He enjoyed a broad based practice as Senior Counsel, including in Family Law, the jurisdiction in which he will soon preside. His appointment is well earned and news of it has met with universal approval.

[28] The position of the Townsville based North Queensland Family Court Judge has been vacant for over a year and it concerned parochial northerners that it might not be filled. It is a matter of relief that an appointment has finally been announced. We Cairns locals will take special pleasure in reminding our Townsville colleagues that it was our Bar, not theirs, from which the new Judge was drawn.

[29] Mr Tree, the court congratulates you and yours upon the news of your appointment.

- [30] 2012 has been a busy year for the Supreme and District Courts. Our courts cannot function as efficiently as they do without the industry and dedication of those courthouse staff who so loyally support us. I express our sincere thanks to our associates, secretary, Registry staff and Bailiffs for their assistance throughout this busy year. I congratulate our Registrar Ms Baden on the efficiency of her Registry's work and express our appreciation for her mastery of both the legal and bureaucratic detail needed for the efficient operation of our superior courts.
- [31] The other courthouse-based body deserving of special thanks from the court this year, as in previous years, is the State Reporting Bureau. I extend the court's sincere appreciation to the Bureau for its competence and its patience, understanding and preparedness to serve the court's needs with selfless loyalty to the court's mission. The quality of service that loyalty delivers is above and beyond that of an agency that merely works to rule and is powerful evidence of the value for money that the State Reporting Bureau has long provided. It will be a wrench to lose the State Reporting Bureau. Many lawyers here present, myself included grew up and socialised with Bureau members, particularly when travelling on circuit together. The Bureau has been a longstanding institution of the courts but more than that it is a collection of human beings known affectionately to us. We will miss them.
- [32] This courthouse celebrated the 20th anniversary of its opening last month. It remains an impressive facility, albeit one in need of some cosmetic rejuvenation. At a time of significant fiscal restraint, it is difficult to predict when problems such as the ingress of mould into the exterior pebblecrete render of the building and worn and torn chairs and carpet might be tended to. I am informed, however, that video link facilities are to be installed in this courtroom sometime in the New Year. The consultants with whom I have spoken foreshadow that the main screen of that facility will occupy a substantial portion of the wall to my right. In this day and age the benefits to litigants and the community generally of having properly installed video link facilities in the State's most remote resident Supreme Court are self-evident.
- [33] Looking beyond the courts to the profession, the court is pleased to note the profession's cooperation in dealing efficiently and expeditiously with the unrelenting flow of work before the superior courts. In the Supreme Court the

profession has been particularly enthusiastic in utilising the initiative of applications mornings on Wednesday and Friday, over and above fortnightly applications days. This may in part explain the increase in civil clearance rates from 136 per cent last year to 180 per cent this year. That trend in the profession's commitment to assisting the court in the prompt disposition of matters was also reflected in the criminal jurisdiction which saw an increase in clearance rates from 102.7 per cent last year to 123 per cent this year. Those clearance rates, in concert with jurisdictional changes, have the consequence that parties in both the criminal and civil jurisdictions are usually allocated a hearing date soon after their matters are ready to proceed to hearing. My District Court colleagues grapple with much greater numbers of cases however their disposition rates in the face of an unrelenting workload are a credit to their Court and the profession. The District Court criminal list which has been as high as 300 defendants in recent times went from 261 to 143 in the 11/12 financial year and is currently at or near that level. For the first time the District Court is now able to list for trial matters at their first indictment review which is within two months of presentation of the indictment. In the District Court civil jurisdiction the list is virtually up to date.

- [34] Finally, I mention four behind-the-scenes initiatives with which the court has been associated.
- [35] The first was the convening of the inaugural meeting of the Far North Medico Legal Society at which Mr Morzone SC was elected President of the Society which strives to promote collegiality and learning between our local legal and medical professions.
- [36] Secondly, our local Supreme Court Library Committee this year developed a proposal called the Cairns Supreme Court Library Modernisation Project. I thank the Committee for its hard work. My Associate and I put the project document to the State Supreme Court Library Committee meeting in Brisbane on 27 September this year. The Committee resolved to advance and implement the proposed modernisation project. The project will include the removal of some surplus shelving rows from the library, freeing up space for more user-friendly furniture, making it a facility likely to be more used by practitioners attending to their day-to-day business at court. It will also increase the number of computers and quality of computer research access in the library. Justice of Appeal Fraser, chair of the

Supreme Court Library Committee, anticipates the project will proceed during the first half of next year.

[37] The third initiative was the introduction in the latter part of this year of the Judge's Associate Work Experience Program for Aboriginal and Torres Strait Islander Secondary School Students. This program has seen six Aboriginal and Torres Strait Islander year 11 and year 12 students from Far North Queensland high schools, whose successfully made applications through a selection process, assigned to our Associates for one week each. It is hoped that this program will encourage Aboriginal and Torres Strait Islanders to pursue tertiary studies in the law in increasing numbers.

[38] Fourthly, on a lighter note, arrangements between the court and profession are well in place for the reintroduction of that most collegiate of annual events, a legal profession ball. Next year's ball – the Carbolic Smoke Ball - will be held on Saturday, 11 May 2013 at the Sebel Grand Ballroom. It will be open to lawyers, paralegals, law clerks, legal secretaries, law office administrators, law students, law academics and even judicial officers.

[39] On that sociable note I finally take pleasure in wishing all present, your families and loved ones, a joyous and safe Christmas and a happy New Year. Goodwill to you all.

[40] Mr Philp?

[41] [*Mr Philp addresses, Mr Brown addresses, Ms Cope addresses*]

[42] I record the Courts thanks to our secretary Ms Turner and our bailiffs for co-ordinating today's ceremony and now invite all present to morning tea which will be served forthwith on the third floor in the jury assembly area.

[43] Let these proceedings be recorded. Adjourn the court.