



Speech by

**Mr S. SANTORO**

**MEMBER FOR CLAYFIELD**

---

Hansard 18 November 1998

### **SUPREME COURT OF QUEENSLAND ACT AND ANOTHER ACT AMENDMENT BILL**

**Mr SANTORO** (Clayfield—LP) (10.20 p.m.): This Bill, which makes machinery amendments to two statutes, is non-controversial and, as the honourable shadow Minister has just stated, it very much deserves support. In particular, the amendment to the Supreme Court of Queensland Act, which extends the expiry date for all civil and criminal rules of court from 31 December 1998 to 30 June 1999, is an essential measure that must be passed this session.

As the Minister made clear in his speech, the Civil Justice Reform Act 1998 established a rules committee that had to settle, amongst other things, uniform court rules. The existing rules were to expire by the end of this year and it was then envisaged that the new rules would be in place. Unfortunately, because of the magnitude of the task, that has not proved possible. To avoid the totally unacceptable situation of having no rules of court after 1 January 1999, it is necessary to extend the expiry date by six months.

Prior to coming to Government, the coalition promised that uniform court rules for Queensland's courts should be put in place. The introduction of simplified, modernised and consistent rules between our courts is not only a desirable goal in itself, but in a practical sense it facilitates access to justice by the citizens of Queensland. The coalition was also keen to ensure that the rules would be driven forward by the judiciary. It should never be forgotten that we are talking about rules of court, not simply some piece of subordinate legislation conceived by the Executive and overseen by the bureaucracy.

The previous Attorney-General, the honourable member for Indooroopilly, prepared and circulated draft uniform rules. Those rules constituted the most significant reform. I stress, particularly for the benefit of the honourable member for Rockhampton North—

**Mr Schwarten:** No. It used to be Rocky North. Move on!

**Mr SANTORO:** For the benefit of the member for Rockhampton, I stress that this is the most significant reform of court civil procedures since Queensland obtained self-government in 1859. Enormous credit must go to all concerned with the development of those rules, particularly the honourable member for Indooroopilly. I am sure that no person would downplay the significance of that achievement.

However, in conformity with coalition policy, the stewardship of the rules pass from the executive to the rules committee, which is chaired by the Chief Justice and contains representatives of the three courts. At the time that the Civil Justice Reform Bill was introduced, it was envisaged that the task of finalising the rules would be over by the end of this year, but that was not to be. All the people who appreciate the great step forward that a total and progressive reform of our court rules will mean for justice in Queensland will support whatever reasonable requests are made by the judiciary to facilitate this extremely worthwhile law reform exercise.

As I mentioned, the rules committee is chaired by the Chief Justice or his nominee. I will make a few comments about the role of the present Chief Justice, who, even in the short time that he has held the position, is making practical and appreciated steps towards reforming the courts and maintaining the community's respect in the rule of law.

The Chief Justice was only 36 years of age when he was first appointed to the Supreme Court in 1985. Only Justice McCawley was a younger appointment, and he was younger by only two months. At his swearing in, Cedric Hampson, QC, said of the Chief Justice's relative

youth, "This defect, if it be one, will be remedied by time."

**Government members** interjected.

**Mr SANTORO:** I am sure that all honourable members, including those injecting inately and, perhaps, in the case of one insanelly, could not help but concur with that sentiment.

At the age of 49, he was appointed Chief Justice—the fourth youngest in Queensland's history and the youngest appointment in more than 70 years. Over the past 13 years, His Honour has had extensive experience in a range of areas, including as a judge of the Mental Health Tribunal, President of the Queensland Industrial Court and Chairman of the Law Reform Commission. Of particular interest to the future of the court, in the early 1990s he was chairman of the Attorney-General's consultative committee on computerised legal information retrieval under the administration of the previous Labor Government. All of this experience and his relative youth is a tremendous asset at a time when our courts, like the rest of the community, are going through enormous changes.

Just a few months ago, the Australian Institute of Judicial Administration published a paper by Professor Parker titled Courts and the Public. That report highlight some disturbing trends in public opinion about the court system in general and the judiciary in particular. Now is not the time to debate that report or the court system in general, except to say that it is absolutely essential that the leading member of the judiciary in Queensland has the respect of his peers, the Parliament, the legal profession and, most importantly, the community. Queensland is fortunate that the current Chief Justice has that respect.

The Chief Justice has already made some judicious comments about certain minor criminal matters getting into the Supreme Court and how the law can be reformed so that justice can be better dispensed and the time of the Supreme Court better spent. He and his fellow justices are further refining and pushing forward case management and exploiting, to the greatest extent, modern technology. The Supreme Court now has its own web page on the Internet. I understand that the Chief Justice and other members of the judiciary are pushing the concept of electronic lodgment of documents—a matter that has been trialled by the Court of Appeal, as most honourable members would appreciate. All in all, at a time when the court needs to move forward constructively but rapidly with wider societal changes while, at the same time, retaining the respect and authority that it has always had, it is pleasing that Queensland's premier judicial officer is the current Chief Justice.

I place that on the public record because people in this House and elsewhere are all too ready to criticise. They are quick to highlight the foibles and fumbles of those in authority. They are quick to tear down reputations, sometimes without an appreciation of the damage that that can do to the wider institutional and social fabric. This is one occasion when, as a member of this House, I can place on the public record my appreciation of the way that our judiciary is performing under the leadership of Paul de Jersey, whom I got to know when he was President of the Industrial Court and I was the relevant Minister. I was impressed by him and continue to be so. As a member of Parliament who realises the absolutely central role that our courts play in maintaining the fabric of our society, it is sometimes good to put politics to one side and highlight some of the good things that prominent members of our community do. I place on public record my appreciation of the work that the Chief Justice and his colleagues are doing. In doing so, I am sure that I am simply echoing the views held by all members of this House.

---