

Dear

As you may be aware the Queensland Government has recently decided to allow Senior Counsel in and for that State to take the title Queen's Counsel. The offer is optional, with the issue of letters patent only being made to those appointed Senior Counsel who request the Attorney-General to have the Governor in Council do so. The issue of letters patent does not in any way affect the process by which Senior Counsel are appointed in that state. The Attorney-General plays no part in the selection of Senior Counsel who continue to be appointed by the Chief Justice.

Here is a link to the government media release:

<http://statements.qld.gov.au/Statement/2012/12/12/queens-counsels-return-to-queensland>

I am concerned, as are many of my colleagues, that this development will disadvantage those of us who hold the title Senior Counsel in and for the State of Victoria. There is a strong perception in many parts of the community that those carrying the title "Senior Counsel" are inferior to, or junior to, those who have been given the title "Queen's Counsel".

Consistently with my concern, the Queensland Attorney-General said this last year: "...the change would give Queensland leverage over other Australian states, which maintain the SC title, competing for a share of this market."

There is also a case that can be made that the brand of "Queen's Counsel" or "QC" is superior to, and certainly more well-known and understood, than the name "Senior Counsel" or the letters "SC." As I have previously explained in my paper "The Institution of Senior Counsel", the title of Queen's Counsel or King's Counsel has been known as an identifier of excellence within the common law world for the last 400 years. The title "Senior Counsel" has not caught on in the Australian community and certainly has no recognition beyond our shores. Indeed, after a brief skirmish with the "S.C." title, New Zealand returned some time ago to the use of the title Queen's Counsel.

Our Bar Council will no doubt support each of us to compete with our northern counterparts, and those across the Tasman, as well as the English silks pursuing work in Singapore and Hong Kong and request the Attorney General to look into this matter to see if Victoria should make the same offer to us. However, we cannot expect this matter to get on to a busy Bar Council agenda unless the Bar Council is satisfied that there is a real desire to approach the Attorney.

If, like me, you wish to ensure that we have every opportunity to compete here and overseas with the title which has signalled excellence for more than 400 years could you either email me at the address below, or contact a member of the Bar Council and let them know as soon as possible. The matter can then be pursued with the Bar Council.

Yours sincerely

Michael Wyles S.C.
Email: Michael.WylesSC@hotmail.com