

LIFE MEMBERSHIP NOTES

It was a great honour and privilege to have been president of the Queensland Bar Association.

And it is an honour to be given life membership.

I served on Bar Council all together for almost 7 years.

In that time the presidents were Hugh Fraser QC as his Honour then was, Michael Stewart, Richard Douglas and Roger Traves. I was vice president in 2012 and 2013 to Roger Traves.

Most presidents can expect to confront controversy. *"Timing is everything"* they say. If that is true, then my timing was very poor. My eight months as president threw up more controversy than any president could expect in ten terms.

The announcement of the Bar's intention to confer this honour upon me said that:

"Everyone should agree that Peter resigned acting in what he believed to be the interests of the Association and its members."

I should hope that many members would believe that I actually did resign in the interests of the Association and its members. Certainly I received hundreds of emails expressing support.

If some do not believe that, or do not know why I resigned, then, it seems to me, that this is the appropriate occasion, indeed the only occasion, upon which I can explain why I did so.

From the moment an inexperienced and under-educated and, in my view, incompetent, Attorney-General was appointed in 2012, the Bar was faced with huge trials.

I need not linger over the appalling changes made to sentencing laws or the despotic anti association laws which were introduced, or the harmful changes to the juvenile justice system.

Nor need I pause to elaborate on measures which were taken in order to weaken the Crime and Corruption Commission in its task of uncovering corruption.

These were all insidious attacks.

A most important phenomenon was the intolerable and matter-of-fact attack upon the profession and the courts.

Lawyers who dared to challenge laws introduced by the Newman government were besmirched as part of the "*criminal gang machine*". Judges whose decisions did not accord with the government's view were publicly disparaged. Judges who questioned the government in extra curial statements were slandered. In the case of President McMurdo, that attack also included a shameful breach of confidence by the then Attorney-General and a fabricated recounting of his conversation with her Honour in order to defame her.

Through all this we, the Association, obviously didn't do enough.

One result of this failure was that the Association was shamed, to a degree which I found almost unbearable, of having some of our judicial members including a former president, resign from the Association in protest against our lack of action.

Between November 2013 when I became president and 13 June 2014, the date of my resignation, I resisted the government as forcefully as I could in private consultations with this Attorney-General.

But, during the process which led to the appointment of a magistrate as chief justice of Queensland, it became evident to me that the Attorney-General had (to use Jim Thomas' expression,) blabbed about my conversations with him to that magistrate.

I realised too late that confidentiality meant nothing to that Attorney-General. I realised that speaking with him achieved little more than allowing him to clothe his decisions with the

false claim of proper consultation when, in reality, there had been none. I realised that dealing with him was therefore inappropriate. For those reasons, I resigned.

Both before and after my resignation, prominent lawyers publicly dissented and disapproved of the appointment of the current Chief Justice and the process which led to the appointment; they included; Fitzgerald QC, Sofronoff QC, Drummond QC, Chesterman QC, Thomas QC, Fryberg QC.

So grave was this crisis that, without precedent, a serving judge of the Appeal Division, Justice John Muir, was moved to make his objection public.

The actions of those lawyers, with whom I was very proud to stand, had an immediate effect and a great effect.

From that point there was no more talk of outrageous law and order legislation. There were no more attacks upon the judiciary.

The Attorney-General all but sank from view.

However, apart from my resignation and protests, the Bar Association seemed to publicly contribute nothing or very little.

I have to say that I was very disappointed with the Association's actions in the wake of my resignation. Having said that, I appreciate that minds can differ as to the proper course of action, especially in times of extraordinary events.

But surely this was a time for strong public opposition to the government, not submission to it.

This particular government had, amongst its other despicable actions, attacked the court itself and had slandered the President of the Court of Appeal.

If it had been permitted to continue these attacks, the result must have been a weakening of the authority of the Court as the judicial arm of government

That is, simply, unthinkable and cannot be permitted.

I don't know why the Association appeared at all at the Chief Justice's welcoming ceremony.

Once it was known, as it was, well before the ceremony, that the judges themselves were refusing to participate in a ceremony to welcome a man whose appointment we opposed, why were our officers there?

Why were we *literally* standing up for the one man whose appointment we had actively opposed, rather than supporting the 25 judges who had refused to attend as a matter of principle?

I know that a number of the judges thought that to be a stand against them.

I know that a number of the judges found the statement made on the occasion of the welcoming ceremony that the controversy of the appointment "*should be behind us*" as implied criticism of the judges who of course were expressing their opposition by not attending the ceremony.

Contrary to what appears to still be the official view of the Bar Association, this crisis in the composition of the Supreme Court is not behind us and will not be for a long time.

It is enough to refer to the most recent need for the President of the Court of Appeal to correct reports of untrue public statements concerning her by the Chief Justice – and not for the first time.

Those of us who are close to the court know that there are currently serious problems being encountered.

I sometimes think that the Association suffers from an identity crisis.

Is its main purpose to vindicate the rule of law and, as a part of that, to support the courts and the judges?

Or is the Association just another professional union which exists mainly to advance the interests of its members – to make money and have a quiet life?

I believe that unless the primary object of the Bar Association is to promote and defend the integrity of the system of administration of justice, its existence becomes largely meaningless.

If I believed that its reason for existence, perhaps momentarily neglected, was other than that, I would not have accepted this honour you have so magnanimously given me.

Doyle QC and I have differed markedly in our approach to the challenges we each faced as president of the Association but we both did, or as in his case is, doing what he sees to be in the interests of the Association and its members.

As my letter of resignation and these remarks make clear, my act of resignation was a protest against the actions of the then Attorney-General. With him now gone from the administration of justice, I have been asked by members to again stand for the position of president.

But I won't.

My time as a council member or office bearer of the Association is behind me.

I will, though, be an active life member. I always enjoyed my work in Continuing Legal Education with Helene Breene. I'm confident that I only need say to her that I'd like to lend a hand and she'll put me to work.

I'd also like to think that Doyle QC and any future presidents can always ring me to discuss anything.

I think you all know that I will always offer my honest view.