

**CEREMONIAL SITTING OF THE SUPREME COURT
10.00AM, THURSDAY 1 JULY 2004**

NZLS PRESIDENT'S ADDRESS

May it please the Court.....

When the Supreme Court Bill was passed, Christine Grice, my predecessor as President of the New Zealand Law Society, said that its enactment would draw mixed reaction from the community and from the legal profession. But she noted that Parliament had made its decision only after prolonged public debate and extended Select Committee processes.

And so she urged, whatever may be our personal views, that the burden was on us all to ensure the Court properly serves its purpose. That, as the Law Society had stressed throughout the debate, would require thorough implementation including appropriate resources and carefully thought through rules.

Today's Ceremonial Sitting is an important milestone in that process. The resources have been provided, rules have been made and senior judges appointed.

But there is still a way to go. It certainly remains for all of us – judges, lawyers, court staff, court users, politicians and citizens – to value and safeguard the rule of law and this Court as a key element of that concept. I think of it as a state of order in which events conform to the law, all people are equal before the law, and the acts of Government officials carrying out Government orders can be brought before the courts. In short, a state where justice is done between citizen and citizen, and between citizen and Government.

The profession is part of the system to ensure that citizens have access to justice in disputes with other citizens or with the State, and that citizens are properly represented and defended when criminal charges are brought against them. To that end, lawyers are “officers of the Court”, with responsibilities to the courts.

I expect that before my Law Society presidency I could very well have been accused of paying not much more than lip service to these matters. How things have changed. The controversy surrounding the establishment of this Court and the appointment of its judges genuinely troubled me and set me thinking about the ease with which fundamental constitutional values can be eroded, and about the extraordinary importance of matters such as:

- the defence and advancement of the independence of the judiciary to ensure that the judges continue to enjoy security of tenure, financial security and administrative independence;
- ensuring the conditions in which judges operate are of a high standard, commensurate with the importance of the task entrusted to them;
- the reform and updating of the procedures of criminal justice and civil justice to make them simpler, fairer and more easily understood;
- appropriate recognition by the courts of the cultural values of Maori and other ethnic minorities;
- the availability of quality legal representation to people who go to court regardless of their means;
- limiting the level of court fees set by the State to ensure that the fees don't act as a deterrent to responsible proceedings;
- ensuring that court fees are set by Parliament and not by the Executive arm of Government;
- ensuring that justice is done in the open and that restrictions on publication of the details of cases in court be kept to a minimum;
- ensuring that every citizen has an educated understanding of the role of the judiciary, the relationships between the courts and other organs of Government, and an understanding of the courts and other processes.

These are issues on which I have asked groups and committees within the Law Society to be particularly vigilant. In this way, we may assist in maintaining and enhancing the machinery of justice in New Zealand so that all of our courts do indeed properly serve their purposes.

I have great pleasure in conveying the good wishes of the New Zealand Law Society to the Supreme Court on this auspicious occasion.
