

QUEENSLAND LAW SOCIETY AGNES MCWHINNEY AWARD

BY MICHELLE JAMES | ACCEPTANCE SPEECH



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This is an extremely humbling experience for me. I would like to congratulate all of the other nominees for this honour who are all deserving of this award and I am proud to be counted within their ranks.

I am proud of the legal profession in Queensland and I am also proud to be a member of the legal profession in Queensland.

Despite recent convenient political commentary to the contrary, ours is an important profession and one with the genuine best interests of the community at its heart. This is true, I like to think, of all practitioners, no matter which side of the political spectrum you may sit on.

When I am asked what I like about the law, what it is that attracted me to legal practice in the first place and what I enjoy about it most; when I think about what is the common and fundamental value, which all lawyers share, I would have to say it is that of fairness.

When I talk about fairness in a legal context I am talking about notions of:

- Balance
- Transparency
- Respect
- Empathy

All of these values are an important guide to me in my professional life and all of them are important aspects of fairness.

Which is why the recent approach taken by our State Government to the rule of law, and the separation of powers, and their derogatory comments about the legal profession as a whole, are shocking on many levels.

There are a number of legislative and policy developments which occurred this week, which I am personally staunchly opposed to. I am not opposed to them as a plaintiff lawyer nor am I opposed to them as a labour lawyer but rather I am opposed to them as an individual who has a fundamental belief in the importance of fairness in our justice system.

So when our Government vests absolute and unfettered power in one individual, to determine, at their whim, jail sentences, I worry about fairness.

When our Government mandates no bail for certain types of offenders based on the untested say so of an arresting officer, I worry about fairness.

When our Government takes away an injured worker's right to seek fair compensation, without consultation, I worry about fairness.

When our Government cynically describes the Queensland Law Society and the Bar Association of Queensland as 'self interested' because they put an opposing view, I worry about fairness.

But I also know that merely worrying about 'fairness', or any of these issues, will achieve nothing. It is up to each of us individually, and our obligation collectively as a profession, to continue to express our concerns and demonstrate our unease about such matters through whatever means available, regardless of the criticism we may encounter.

Finally, in accepting this award, I wish to acknowledge the many strong women lawyers who have mentored me in my career, and the unswerving love and support of my husband, Matthew Smith.