

SC, S.C., QC, KC – WHAT DO THEY ALL MEAN?

Contributed by William Lye OAM QC

The Star of Courage (SC) is awarded for acts of conspicuous courage by members of the community in circumstances of great peril. It is the second highest Australian Bravery Decoration in the Group of Bravery Citations. The postnominal 'SC' is frequently confused with the title and rank in the legal profession of Senior Counsel (S.C.) that is differentiated from the bravery decoration 'SC' with the dot between the letters.

The title and rank of Senior Counsel (S.C.) or Queen's Counsel (QC) or King's Counsel (KC), also referred to as 'Silk', is a recognition of a barrister's distinguished and proven merit as an advocate in the administration of justice.

Silks are members of the inner Bar, acting as leaders of the Bar, with additional professional responsibility to clients, the community and the legal profession. Silks are typically instructed in more difficult or complex matters.

The Institution of Silk, dates back to the late 16th century when Queen Elizabeth I named Sir Francis Bacon as 'learned counsel extraordinary to Her Majesty'. Sir Francis Bacon was the first 'Crown Counsel'. In 1604, King James I appointed Sir Francis Bacon with letters patent, making him the first King's Counsel. The title Queen's Counsel is, therefore, of ancient lineage.

The gowns of Senior Counsel or Queen's Counsel are made of silk. In Victoria, the silk gown incorporates a rosette attached to the back of the gown by a silk ribbon. The rosette (pictured) is a square piece of black silk decorated with a bow on each corner. These bows have several layers of ruffled silk pinned with a button in the centre.

The office of Queen's Counsel was conferred by Letters Patent for pre-eminent distinction as an advocate in Court. Letters Patent is, thus, a type of legal instrument issued by a Monarch, or by the prerogative powers of the Head of State granting an office, right, monopoly, title, or status to an individual.

Other individuals appointed by Letters Patent include the Governor, Deputy

Governor, Executive Councillor, Minister, Supreme or County Court judge, Queen's Counsel, and Royal Commissioner.

In most States and Territories, Senior Counsels are appointed by the Chief Justice and under the seal of the Court. The appointments are entered onto the Roll of Senior Counsel kept by the Prothonotary of the Supreme Court.

A Queen's Counsel is appointed by Letters Patent to be 'one of His Majesty's counsel learned in the law'. Senior Counsel in Victoria and South Australia may apply for Letters Patent to be appointed to the office of Queen's Counsel upon invitation by the Attorney-General and then upon recommendation to the Governor in Council. The power to appoint Queen's Counsel through the issue of Letters Patent is exercised by the Governor in Council.

In Queensland, appointments are made as Queen's Counsel.

Senior Counsel who obtains a grant of Letters Patent for a commission as Queen's Counsel undertakes not to use the designation 'Senior Counsel' or 'S.C.' from the date of her or his appointment as Queen's Counsel.

The appointment and Letters Patent expressly provide that the appointment is without loss or gain of precedence granted previously as Senior Counsel and with full authority to do all things that any other of Her Majesty's Counsel may do and in the same manner and form.

The Letters Patent is a single page document addressed to the recipient setting out the particular commission. It is signed by the Governor and the Attorney-General.

In Victoria, the details of the Letters Patent are entered in the Register of Letters Patent administered and kept by the Secretary, Department of Premier and Cabinet.

The first Queen's Counsels in Victoria were appointed on 10 August 1863.

John Hubert Plunkett was the first Queen's Counsel appointed on 6 June 1856 in New South Wales.



It took just over 100 years for Joan Rosanove, who was the first female Queen's Counsel in Victoria, to be appointed in 1965.

Looking around the world, the first female King's Counsel was Helen Kinnear from Canada, appointed in 1934. The first women King's Counsel in the United Kingdom were Helena Normanton and Rose Helibron, both appointed in 1949.

Dame Roma Mitchell, from South Australia, was the first woman in Australia to be appointed Queen's Counsel in 1962.

The first women appointed Queen's Counsel in New Zealand were Chief Justice Dame Sian Elias and Dame Lowell Goddard, both appointed on 4 March 1988.

Appointments to the rank of Queen's Counsel (QC) are currently only made in the states of Victoria, Queensland, and South Australia. New South Wales, Australian Capital Territory, Northern Territory, Western Australia and Tasmania continue to confer the rank of Senior Counsel (S.C.) only.

The Commonwealth of Australia can also appoint QCs.

The use of letters after an individual's name follows a prescribed order. Decorations and Honours under the Australian Honours System take precedence before Queen's Counsel or Senior Counsel. For example, Mary Jane AM S.C. or John Smith AO RFD QC.

A recipient of the Star of Courage (SC) and an OAM, who is not otherwise a Senior Counsel, would use the letters as Peter James SC OAM. However, a Senior Counsel (S.C.) with an OAM would use the letters as Mark Doe OAM S.C.

It would be interesting to find someone with postnominals like, SC S.C. or SC QC!