

TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate
MR D GLASGOW, Magistrate
MR B L SMITH, Magistrate
MR L VERRA, Magistrate
MS S TONKIN, Magistrate

IN THE MATTER OF THE SWEARING-IN OF
HOWARD BRETT OSBORNE AS A MAGISTRATE OF QUEENSLAND

TOWNSVILLE

..DATE 21/08/2006

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

Also present

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The Honourable Linda Lavarch, Attorney-General and
Minister for Justice

On behalf of the Bar Association of Queensland:

Mr M Daubney SC, President

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On behalf of the Queensland Law Society:

Mr R Giudes

HIS HONOUR: Please be seated. Good morning and welcome to
this ceremony to swear in Howard Brett Osborne to the office
of Queensland Magistrate. I would firstly like to acknowledge
the traditional owners of the land on which we gather today
and I would also like to acknowledge the presence here today
of the Honourable the Attorney-General and Minister for
Justice, Ms Linda Lavarch, Mr Daubney SC, President of the Bar
Association of Queensland and Mr Giudes, representing the
Queensland Law Society, a former President of that society. I
also wish to acknowledge his Honour Justice Cullinane, Judges
Wall and Pack, and I wish to thank their Honours for allowing
us to use this courtroom this morning.

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I also acknowledge Magistrate Osborne's new colleagues, the
members of the Queensland Magistrates Court in Townsville who
are on the Bench this morning, and what a pleasure it is to
sit as an almost full Bench, only Magistrate Hillan, who is on
a western circuit this morning, is unable to be with us. I
would also like to welcome all of the other distinguished

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guests here today, including Magistrate Osborne's family and friends.

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OATHS OF ALLEGIANCE AND OF OFFICE ADMINISTERED

HIS HONOUR: Well, your Honour Magistrate Osborne, welcome to our Bench.

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MR OSBORNE: Thank you, your Honour.

HIS HONOUR: I am sure that you will find that you will be welcomed by your new colleagues and that you can count of them for support and that you would have found that during your orientation week in Brisbane last week. You bring to this Bench a broad range of legal experience, accumulated since your admission 18 years ago. Since that time you have worked in private practice at Cairns, at Longreach and at Warwick. You were a sole practitioner or a partner in legal firms in Warwick from 1995 until 2001, and one of those firms, I understand, still bears your name. You then became solicitor in charge of the Legal Aid Office in Townsville, a position you held until a few minutes ago.

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In addition both you and your wife, Sue, whom I am pleased to welcome here this morning together with your children Edward and Julia, have come from regional backgrounds, with your father having been a doctor in Warwick and Sue growing up on a farm in the Darling Downs. I am also pleased that your parents are able to be with us for this special occasion

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today. In keeping with this background your interest is to
serve only in regional areas. This is an attribute which is
much admired in our Court. I am pleased that the Attorney-
General has recommended your appointment to Townsville,
initially for a period of two years, and I thank the Attorney
for ensuring that this position was filled as a matter of
priority. It is consistent with my philosophy over the past
three years of whenever possible appointing persons who
practise in and wish to undertake their service in regional
Queensland to Courts in regional areas. There is no reason
why a practitioner in a city as large as Townsville cannot be
appointed a Magistrate here. I continue to hope that this
approach will result in a reduced need for transfers in the
future, with the resultant benefits.

You also bring to this Court dispute resolution and mediation
skills, which are essential in resolving many of the cases
which come before us. You also bring experience with the use
of video conferencing technology to represent defendants in
Hughenden and Richmond and in your former capacity you and I
had the opportunity to experience that technology at first-
hand on a western circuit last year. That is technology which
I believe is a significant part of the future of this Court,
given the vast geographical size of Queensland. That is not
to mention your earlier experience as a lifesaver, which I am
sure can also come in handy.

I know from discussions with the judiciary and from members of
the profession, as well as your new colleagues, that your

appointment is welcomed whole-heartedly, enthusiastically, and
this emphasises the high regard in which you are held. As I
have said, you can count on the support of your new colleagues
and I join with them in wishing you all the best for a long
and successful and satisfying career on the Bench.

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I hope you do not mind this morning if I depart from a
ceremony which welcomes you to the Bench to say something
about the Magistrate who you are replacing. You are replacing
Magistrate John Brennan, who would be well-known in this area,
having spent 40 years with the Magistrates Court, including 18
years as a Magistrate, and most of that time as a Magistrate
in either Charters Towers, Townsville or Bowen. In John's
usual modest and unassuming way he chose to slip quietly off
the Bench rather than having a formal farewell ceremony, but I
wish to take this occasion to thank him and his wife, Rita,
who was an integral part of his career, for his significant
contribution to the people of Queensland. And I also, of
course, wish him happy fishing, for those of you who know
John. Madam Attorney, I invite you to address the Court.

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THE ATTORNEY-GENERAL: Thank you, your Honour. May it please
the Court. Your Honours, today as we all know is a red-letter
day for the Courts in Townsville. It is an important event
when one person is appointed to the Bench, but today we
acknowledge two such appointments, one to the Magistrates
Court and another later this morning to the District Court.

Magistrate Osborne, yours is the first swearing-in ceremony of
today. You join the ranks of Queensland's Magistrate Court,
the Court that is closest to the people. Your Honour has
frequently interacted with this Court over your distinguished
legal career and you understand it well. You have worked at
the coalface of the Court as a duty lawyer and frequently
appeared as an advocate. In your 19 years as a lawyer there
are few areas of the law that you have not come into contact
with, but I was particularly intrigued to note a very early
interest in hospitality law. I understand that you lectured
in this area early in your career.

I want to particularly acknowledge, however, your later
support for and involvement with a number of specific
jurisdictions. These include the Murri Court, the Drug Court,
as well as the Childrens Court. The Murri Court and the Drug
Court represent fresh approaches to the delivery of justice.
In many ways, all point to the future of the Court system as
we grapple with ways to reduce recidivism and address the
underlying causes of offending behaviour. Your career path to
date also demonstrates that the lure of the big smoke is not

necessarily the path to advancement. It is certainly not
always the path to fulfilment.

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Having grown up in the bush you have lived and practised law
mainly in regional Queensland, including Cunnamulla, Warwick,
Toowoomba, Cairns, Longreach, Charleville and of course
Townsville. With your appointment as a Magistrate here in
Townsville regional Queensland will continue to lay claim to
you, allowing you to raise your family in a community that
welcomes and embraces them. Your Honour, I am advised that
like many Australians you are a keen sports fan. You have
been known to travel long distances to see particular rugby or
cricket matches.

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The analogy with your new role is too tempting to let pass. I
do not know what you would have thought of umpiring decisions
in the past, but from now on I can safely say you are the man
with the whistle. I expect you may find you have a whole new
perspective on the game and on umpiring decisions. While the
legal system may not have the equivalent of a video referee,
there is always, of course, the right of appeal.

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Your Honour, you are leaving a role to which you have been
well suited. As the senior solicitor at Legal Aid Townsville
for five years you led by example. Your ethics, integrity and
approach to your work has been an inspiration to your
colleagues and you will be sorely missed. The loss for Legal
Aid, however, is a gain for the Court and a gain for those who
seek justice before it. On behalf of the people of Queensland

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and those of Townsville in particular, I welcome you to the
Magistrates Court. May it please the Court.

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HIS HONOUR: Thank you, Madam Attorney. Mr Daubney on behalf
of the Bar Association, I invite you to address the Court.

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MR DAUBNEY SC: May it please the Court. It gives me great
pleasure to appear here today to extend to your Honour the
congratulations of the Queensland Bar on your appointment as a
Magistrate. There is a particular personal pleasure for me in
this morning's ceremony. Your Honour and I have known one
another for over 30 years. I will not dwell on that, because
the mental image of your Honour in short pants, let alone me
in short pants, is simply too much to inflict on spectators at
this hour of the morning.

Your Honour's life and career, which have been outlined by his
Honour the Chief Magistrate and the Honourable the Attorney-
General, put me in mind of two things. The first is the
evergreen country and western standard "I've been everywhere,
man". You have lived and practised in Warwick, Toowoomba,
Brisbane, Cairns, Longreach, Charleville, Cunnamulla and
Townsville. You have appeared in Courts in all of those
places as well as Atherton, Mareeba, Mossman, Georgetown,
Winton, Barcaldine, Stanthorpe, Ayr, Charters Towers,
Hughenden and Richmond. If that does not establish your
credentials as a highly-qualified regional practitioner
nothing will.

That catalogue of towns and cities leads to the second matter
of which I am reminded, namely an observation by the
Honourable the Chief Justice of Queensland in his speech at
the North Queensland Law Association conference in June, that
he had difficulty comprehending why Brisbane is magnetically
compulsive to the point where many young people readily es

chew the attraction of practice in other interesting and prospectively less stressful drawcard Queensland locations. Your Honour's career exemplifies the notion, which is well accepted here but curiously foreign to some denizens of the south-east corner, that one may not only enjoy a highly successful professional career away from the bright lights of the big city, but do so with a great degree of personal and family satisfaction.

We also join in the Chief Magistrate's valedictory best wishes for Mr Brennan and wish him well in his retirement.

Your Honour, you will draw on your experience obtained in each of the chapters of your career to date, in a broad-based private practice and particularly the enormous range of work you have covered in your distinguished service with the Legal Aid Office here in Townsville since 2001, as you join the Court which I have described on previous occasions as the powerhouse of civil and criminal justice in this State. Your Honour brings to this role not merely the legal acumen borne of 20 years of practice across the State, but a manifest dedication to the service of regional communities. It is a testament to the high regard in which your Honour is held by the profession that not only are so many practitioners here to share in the celebration, but so too are members of the judiciary. It is an honour for me to inform you that a number of them, particularly his Honour Judge Wall, have expressly asked to be associated with my remarks today.

Your Honour, you and your family can be deservedly proud of this achievement. I can assure your Honour of the Bar's support through what we trust will be a long, fulfilling and rewarding career on the Bench. May it please the Court.

HIS HONOUR: Thank you, Mr Daubney. And thank you for alluding to the theme tune for the Magistracy. If you give me some advance notice of your musical themes in future I will ensure the appropriate accompaniment is provided. Mr Giudes on behalf of the Queensland Law Society, I would invite you to address the Court.

MR GIUDES: May it please the Court. Chief Magistrate,
Attorney-General, your Honours, family and friends of your
Honour, fellow practitioners, ladies and gentlemen. It is my
pleasure to represent the solicitors of Queensland and welcome
you as one of Queensland's newest Magistrates. The president
of our Law Society, Joe Pinder, who you know personally from
practice in Cairns, one of the many centres your Honour has
practised in, sends his regrets for not being here today and
his best wishes.

Magistrate Osborne, a solicitor since 1988, as you have heard,
who practised in Cairns, as I have said before, come to
Townsville, is well equipped for his new job, not only as a
lawyer with his extensive experience, but as a person who
continues to make a significant contribution to his community.
Undoubtedly, as you have also heard, your Honour's experience
as solicitor in charge of the Townsville office of Legal Aid
since April 2001 has provided your Honour with the unique
insight into this community and a perspective which should
prove invaluable in your new role. Indeed, when making the
announcement of your appointment the Attorney referred to your
work as "dedicated". As a born and bred North Queenslander,
it gives me great pleasure to welcome your Honour to the
Bench. Your Honour, as has been demonstrated, is truly a son
of regional Queensland, the son of a long-serving Warwick GP,
with three siblings, as I understand it, and married to
Darling Downs girl, Sue, also a regional person, with a well-
earned reputation not only as a practitioner who has well-
developed legal skills but as a practitioner whose work has

required you to competently juggle many different legal matters simultaneously.

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Your Honour is a devoted family man, a good neighbour and friend. My spy tells me about the barbecues frequently held by you and Sue at your Honour's home, partly because of the ages of your two young children. I know that your many friends and colleagues in the solicitors branch of the profession will join with me in congratulating you and wishing you a long and successful career in your new profession. May it please the Court.

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HIS HONOUR: Thank you, Mr Giudes. And I might just add that Mr Pinder did write to me and described Magistrate Osborne's appointment as an excellent one and indicated as you have, Mr Giudes, that the Queensland Law Society gives him their complete confidence and support, so thank you for those words. And now, your Honour, this is your opportunity to deliver your first speech from the Bench.

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MR OSBORNE: The Honourable the Attorney-General and Minister
for Justice, Ms Linda Lavarch, the Chief Magistrate, Judge
Marshall Irwin, fellow Magistrates, Mr Raoul Guides, Mr Martin
Daubney, members of the judiciary, distinguished guests,
ladies and gentlemen. On the 9th of April 1987 Justice
Derrington addressed a gathering of law graduands at a
graduation ceremony held at the University of Queensland. I
was one of those graduands. My father obtained a copy of the
transcript of that address, which he gave to me. That
transcript reads in part, "If you have any sense of
achievement your professional education has just begun and you
are now only certified as being trained for a task. What
task? The pursuit of excellence. I did not say the
'attainment' of excellence. That is not a result which
everyone can achieve. But the pursuit of excellence is within
the capacity of each of you and if it is honestly carried out
the prize is indeed worthwhile; a better society for all."
And he remarked later on in that speech, "Do not be one of
those persons described in the Great Gatsby who reached such
an acute limited excellence at 21 that everything afterwards
savours of anticlimax."

I subscribe to these words of Justice Derrington. Today marks
the beginning of yet another journey in the pursuit of
excellence. On the 18th of April 2006 at the swearing-in
ceremony of Magistrate John Hodgens, the Attorney, Ms Linda
Lavarch, said of Legal Aid Queensland, "It is innovative,
efficient and committed to excellence." Her remarks are
significant and relevant, not only because they accurately

record what Legal Aid Queensland is, but further because the Attorney herself practised as a family lawyer undertaking Legal Aid conferences.

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The fortunes of an organisation are inextricably linked to the quality and commitment of its people. Legal Aid Queensland is an organisation that can proudly proclaim that it consistently possesses both. I cannot speak highly enough of my former colleagues at Legal Aid Queensland, many of whom are here.

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You will see them at work early in the morning and often well into the evening. They are the people who will do what it takes to complete their work to ensure the timely service of the legal needs of the people of this community. Those who have worked for Legal Aid Queensland can be justifiably proud that they have served the interests of disadvantaged

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Queenslanders through sheer hard work and dedication in often challenging circumstances. I sincerely thank the legal profession in Townsville and those concerned with the administration of justice in this region. They have consistently supported the work of Legal Aid Queensland and have committed a good deal of their time and effort beyond what was reasonably expected of them.

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The people who have shaped my attitudes to life and have been a guiding influence are many and varying. My wife, Sue, has supported me through the many moves we have made from Cairns to Longreach through to Warwick and to Townsville. The transitions have not always been easy, but she has stood by my decisions. My parents, Marshall and Jan, through the

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formative years of myself, my brothers and sister, emphasise the importance of fundamental values of honesty, respect and integrity. They had the wisdom to send me to Downlands College where I and my three brothers boarded for five years from grade 8 to grade 12. Amongst other positive qualities which were drawn from us while we were at Downlands, we were taught in the ways of independent thinking and fair play by the fine educators of that time.

The strong ties which my ancestors have to Townsville and to North Queensland reach back to the late 1800's. Since then history records the many members of the Williams family who have served and who continue to serve in the law with great distinction. The strong sense of belonging to this family has been a significant factor in a decision to return to North Queensland. Against that background, it is a privilege to have the opportunity to serve the people in the Townsville region. May it please the Court.

HIS HONOUR: Thank you, your Honour. And I would also like to thank all of you that have made this such a special occasion this morning who have taken the trouble to come from far and wide to be here. It is always good to see not only standing room only but also such a vast array of people from different parts of the legal profession and the community, barristers, solicitors, prosecutors, defence lawyers both from Legal Aid, from the Aboriginal and Torres Strait Islanders Legal Service and from other parts of the profession as well. This is the first of a series of celebrations that will be held in

Townsville today. As has been mentioned, his Honour Judge
Durward will be sworn in shortly after this ceremony. At
about 11 o'clock or shortly after that ceremony there will be
a joint morning tea held in the jury assembly area, and I hope
as many as possible of you who do not have conflicting Court
commitments will be able to join both Judge Durward and
Magistrate Osborne on this special day. I direct that these
proceedings be recorded by Judel Jeanes, and Court is
adjourned.

THE COURT ADJOURNED

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