

TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

IN THE MATTER OF THE SWEARING-IN OF
MR JOSEPH DAMIAN CARROLL,
MR MICHAEL JOHN HOGAN
AND MR MICHAEL PATRICK QUINN
AS MAGISTRATES OF QUEENSLAND

BRISBANE

..DATE 20/07/2007

THE HONOURABLE KERRY SHINE, Attorney-General and Minister for
Justice

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MR FLEMING on behalf of the Bar Association

MS MAHON on behalf of the Law Society

HIS HONOUR: Good morning, please be seated. It is wonderful
to see that it is standing room only this morning. Good
morning, and welcome to this swearing-in ceremony of Joseph
Damian Carroll, Michael John Hogan and Michael Patrick Quinn
as Magistrates of Queensland.

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I acknowledge the traditional owners of the land on which we
gather today. I also acknowledge the presence at the Bar
table of the Attorney-General and Minister for Justice for
Queensland, the Honourable Kerry Shine. Mr Fleming
representing the Bar Association of Queensland, and Ms Mahon
the President elect of the Queensland Law Society.
Congratulations on your forthcoming appointment, Ms Mahon.

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I also welcome your new colleagues of the Queensland
Magistracy who are able to be with us this morning, and the
other members of the Judiciary who are present in Court with
us, Justice Spender from the Federal Court, Justice Carmody
from the Family Court, their Honours Judges Martin and Searles
who have some previous experience of such ceremonies as
recently as this week. Congratulations to both of you again,
publicly, on your appointments.

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Justice Fryberg of the Supreme Court, a regular attendee at
our ceremonies, it is good to have you here again, your
Honour, and Federal Magistrate, Michael Baumann. And also I
know Deputy President of the AAT, Phillip Hack, is in the
audience this morning as well.

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I also welcome all family and friends of our new Magistrates,
and all of you who are our distinguished guests this morning.
I will now administer the oaths or affirmations of office
under section 9 of the Magistrates Act of 1991.

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So, I would firstly ask Joseph Damian Carroll if you would
stand and take the oath of Office.

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OATH OF ALLEGIANCE AND OF OFFICE ADMINISTERED

HIS HONOUR: Thank you, Magistrate Carroll. Congratulations. 1

And could I ask you to inscribe the Oath of office?

Magistrate Hogan, could I ask you to take the affirmation of
office? 10

OATH OF ALLEGIANCE AND OFFICE ADMINISTERED

HIS HONOUR: Thank you, Magistrate Hogan. Again, welcome to
our Court. And would you also inscribe the affirmation of
office, please? 20

Thank you. And, finally, Magistrate Quinn, could I ask you to
take the Oath of office? 30

OATH OF ALLEGIANCE AND OF OFFICE ADMINISTERED

HIS HONOUR: Yes, would you please inscribe the Oath? Yes.
Congratulations Magistrate Quinn. 40

I warmly welcome each of you on behalf of all of the
Magistrates of Queensland. I would also like to present each
of you with a Bible, which is suitably inscribed, as a memento
of this special occasion today. 50

I would also like to acknowledge the presence of the Deputy
Director-General of the Department of Justice, Miss Julie
Grantham, and the Assistant Director-General, Miss Ulla
Zeller. The Director-General has apologised this morning as
has the Director of Public Prosecutions, Professor Michael
Lavarch, the Dean of the QUT Law School, Judge Dearden, and
also Magistrate Rinaudo who has reminded me of a little-known
fact about Magistrate Quinn, apparently a successful member,
and, indeed, captain of the victorious Articled Clerks Rugby
Union team that Magistrate Rinaudo coached with some success
in 1978.

This, of course, has been a week of new judicial appointments
with swearing-in ceremonies held in both the District and the
Supreme Courts. As I have said, it is pleasing to have Judges
Martin and Searles present with us this morning. And, as well
as publicly congratulating them as I have done, I would also
like to take the opportunity to recognise the appointment this
week of Justice Daubney to the Supreme Court. And I would
like to publicly thank him for his co-operation, consultation
and assistance to this Court, and with myself, not to mention
his memorable speeches as President of the Bar Association.

In each case, there has been an additional appointment to the
Courts. In the case of this Court, it is a new position in

Cairns, bringing our total numbers of Magistrates to 86,
occupying 85 positions in this State.

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The position in Cairns will be filled by Magistrate Pinder,
the outgoing President of the Queensland Law Society. He will
be taking up his office on the 13th of August of this year.

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The purpose of this new appointment is to conduct more
frequent circuits to the Gulf of Carpentaria, to Cape York and
to the Torres Straits. This is a clearly needed appointment,
and I thank the Attorney-General for supporting our request
for this additional resource, and also ensuring that the three
vacancies this morning, and a fourth vacancy in Townsville,
have been filled within a very short time after those
vacancies arose. As a result, the Court is again today at its
full complement of Magistrates.

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Magistrate Smid, the consultant Crown Prosecutor in
Townsville, who has been appointed to the Court there, will be
sworn in next Tuesday.

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In making these new appointments, the Attorney-General
recognised, correctly, that the Magistrates Court is the front
line of justice administration, or, as Mr Daubney, or Justice
Daubney, as he now is, has called it "the engine room" or "the
powerhouse of the justice system." It hears more than 95 per
cent of the criminal matters coming before the State's Courts,
and the number of matters coming before the Courts, as the

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Attorney-General recognised yesterday in making the appointments, is increasing.

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In the 2005/2006 financial year, for example, our annual report shows that there were 362,861 matters before the Magistrates Court throughout Queensland, and roughly half of that in terms of the number of people who appeared before the Courts. I expect that there will be another increase shown for the last financial year.

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I also recognise the legislation which is currently before Parliament in response to a submission from the Court to pilot four judicial Registrars positions from the 1st of January 2008, to alleviate pressure on our Court. And, again, I am grateful for the support from the Attorney-General for those appointments.

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Each of the appointments today arise from the retirement of Magistrates who represented over 40 years of judicial experience. Our three new colleagues bring almost 100 years of legal experience to the Court between them. They do not look that old.

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In welcoming Magistrate Carroll, I would also like to welcome his wife, Bernadette, his children, Tom and Kate, and I know

that Tom has come from Geelong to be with us this morning; his sisters, Norah and Mary, and his brothers, Michael and John.

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Damian, having commenced employment in 1966 with the Department of Social Security, had changed to law by the next year. He was admitted as a solicitor 35 years ago. From 1976 to 1999, he was a partner in the respected Rockhampton firm of Grant and Simpson, and our paths crossed there between 1979 and 1981.

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Subsequently, he has been a consultant to the firm of Murdoch Lawyers in Toowoomba, where I would understand he would have had an association with Ms Mahon, and he was, at the time of his appointment, consultant at WHD Lawyers in Brisbane. The experience in Toowoomba will stand you in good stead, Magistrate Carroll, because your first appointment, for at least a period of 12 months, will be to that Court.

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In doing so, he will fill the vacancy that results from the retirement of Magistrate Greg McIntyre, whose valedictory ceremony the Attorney-General and I attended in Toowoomba this time last week.

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Damian also has a career of service to the legal professions and to the community. He is a past president of the Central Queensland Law Association. He has been for many years, up until his appointment, a senior counsellor of the Queensland Law Society, and he has also been part of Rotary for many years.

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Magistrate Hogan, who until today was a barrister in private practice, was admitted as a solicitor in 1977, and since that time he has worked as both a solicitor and a barrister in a broad range of areas of practice.

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This included managing an Aboriginal and Torres Strait Islanders Legal Service office in Mount Isa, and he also worked for that office in Brisbane, and as well, worked with the Legal Aid office in Brisbane. And he has practised as a solicitor both on his own account, and as a partner.

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He returned to the Bar in 1995, working mainly in crime, industrial law, personal injuries, succession and commercial law. He has adjudicative experience which will be of value to this Court with the Social Securities Appeals Tribunal.

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He was an early volunteer with the Caxton Street Legal Service, and his charitable works have included involvement with the St Vincent de Paul Society in managing a halfway house for recovering alcoholics. Again, a matter of interest to this Court which has a real interest in the area of persons who are homeless, who are charged with offences that come

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before us.

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He is also involved with Bicycle Queensland, something I think which he will also find he has in common with a number of our members of our Court. His initial appointment will be to Southport for 12 months, and it arises from the retirement of Magistrate Dean who was the subject of a recent valedictory ceremony in this Court.

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In welcoming Magistrate Quinn, I also welcome his wife, Joan and his children, Ashleigh and Georgia to the ceremony this morning.

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In announcing Michael's appointment, the Attorney-General correctly described him as a criminal law specialist, having spent his entire career with the well-respected firm of Gilshenan and Luton, first being an article clerk to the late Leo Luton.

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Michael retired from the partnership of that firm 12 months ago, but has continued to work as a full-time consultant with the firm until today, and he now retires from practice after 34 years with the one legal firm.

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He has a long association with the Queensland Law Society where he was a member of the council for 10 years, and a vice-president to his former football coach, Magistrate Rinaudo, who does apologise that he cannot be here this morning because of his work in Charleville.

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He is also a former president of the Criminal Law Association of Queensland, and in the early 1990s he was a member of that committee with Magistrate Herlihy and Mr Rob O'Reagan QC which reviewed the Criminal Code and Vagrants Gaming and Other Offences Act. And, as is the case with Magistrate Herlihy and Quinlan, in 2003 he was awarded a Centenary Medal for distinguished services to the law in Queensland. I must say in common also with Justice Carmody, amongst others.

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His appointment arises because of the retirement of the Brisbane Childrens Court Magistrate Tony Pascoe. In turn, Magistrate Dowse who is with us this morning has been appointed from Sandgate as the Brisbane Childrens Court Magistrate, and Michael will be taking up his initial appointment at Sandgate.

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I wanted to say something about Magistrate Pascoe on this occasion, because in his normal understated way he declined the opportunity of a valedictory ceremony.

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I would like to recognise his significant contribution to the Queensland justice system over a period of 43 years, all of which were associated with our Court. The last 19 of those years were as a Magistrate, and the last 11 of those were as a highly respected Brisbane Childrens Court Magistrate. And he made a particular contribution by establishing the first Murri Court in Australia.

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I would like to take this opportunity to extend publicly my best wishes to Tony and to Del in their retirement.

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I know that each of our new Magistrates are on their way also to making a significant contribution to the justice system of this State. I know that each of you will receive all the support; and assistance; and encouragement that you need from your new colleagues in the Queensland Magistracy, and I have much pleasure therefore, on behalf of all Queensland Magistrates, in wishing you a long, satisfying and fulfilling judicial career.

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Mr Attorney, could I invite you to address the Court?

ATTORNEY-GENERAL: Thank you, your Honour. May I also acknowledge the traditional owners of the land on which we gather today. And acknowledge yourself as Chief Magistrate Judge Marshall Irwin.

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The members of the judiciary here today are Justice Fryberg of the Supreme Court; Justice Spender of Federal Court; Justice Carmody of the Family Court; Judges Martin and Searles of the District Court; Federal Magistrate Baumann, and any other visiting Judges who are here and that I have not mentioned.

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The Solicitor-General Conrad Lohe; Mr Ken Fleming QC representing the Bar Association of Queensland. Law Society in-coming President Megan Mahon; and the Deputy Director of the Department of Justice and Attorney-General Julie Grantham.

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Chief Magistrate, I am sure you would agree this week has been a momentous one for Queensland's judiciary. With this ceremony today, the number of new appointments to our courts this week is seven. These appointments were made to each jurisdiction. The Court of Appeal. The Supreme Court. The District Court, and the Magistrates Court. And as you have noted, and those I have mentioned, our two newest District Court Judges, Terry Martin and David Searles, are with us this morning.

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I also, might I say, remain hopeful that the Federal Attorney-General will confirm a Queensland appointment to the High Court of Australia to replace retiring Justice Ian Callanan.

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As Attorney-General I am honoured to offer my congratulations to Magistrates Damian Carroll, Michael Hogan and Michael Quinn. As new Magistrates you join an independent and very talented magistracy. You join a distinguished group of Queensland men and women of whom our community should be very proud.

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Chief Magistrate, with the surnames of the new Magistrates being Carroll, Hogan and Quinn, I seek your indulgence to the contribution of the Irish to this glorious day.

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Another prominent Queenslander with a proud Irish heritage, but who did not rise to the office of Queensland Magistrate, Sir Gerard Brenan, said, "Australia was indebted to the Irish,

not only for our biological heritage, but for such gifts of compassion, generosity, humour and irreverence as we have ourselves have inherited, or have enjoyed in our colleagues."

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So, Magistrates Carroll, Hogan and Quinn I trust you will draw on your compassion, and on your own generosity, on your own humour and on your own irreverence in your new roles.

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Magistrate Carroll. I have known your Honour for over 40 years, so I promise not to tell any stories about you on the clear understanding and usual understanding that the reverse applies. I have great pleasure in joining your wife Bernadette; your son Tom and his wife Georgie; your daughter Kate; your sister Nora Ann, brother-in-law Michael and your brothers John and Michael, in offering my congratulations on your appointment to the Bench. Your son James, of course, is in the UK and so unfortunately could not be here today.

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Your Honour was born in Brisbane and attended the Marist College as Ashgrove where you were a few years behind fellow Magistrates Walter Ehrich and Jim Herlihy.

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When you finished school after a year working in the Department of Social Security, you commenced articles at Steindl Wardrobe and Steindl and Company, Solicitors, and completed the Article Clerk's course at the University of Queensland. I do recall you had a particular relatively long-lasting fascination with the work Fleming on Torts.

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You were admitted as a solicitor of the Supreme Court of Queensland on the 15th of February '72, and after several years working in Brisbane you moved to Rockhampton. You spent 24 years in practice in Rockhampton with Grant and Simpson Solicitors, and this was a great source of enjoyment for you both professionally and personally.

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As a litigation lawyer one of the highlights of your career was having the opportunity to instruct counsel in the High Court to successful outcomes.

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Your brother, Michael has travelled from Gladstone to be here with us today to celebrate this milestone. He had to board a train at 10 o'clock last night to make the ceremony. I am sure that he will feel that it was a very much worth while trip.

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Your Honour will be based in Toowoomba, making your return to my home town, which was your home for three and a-half years from '99 to 2002 when you worked for Murdoch Lawyers. In recent years, of course, you have been employed as a consultant with WHD Lawyers in Brisbane.

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Your Honour has been involved with a number of community organisations over a long period of time, including membership of Rotary Clubs in Rockhampton, Toowoomba and presently the Rotary Club of Ashgrove at the Gap. I also know - although you would not want me to mention it - your at least weekly commitment to other charitable works.

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Your impressive contributions in a professional capacity have included both secretary and president of the Central Queensland Law Association and a senior counsel of the Queensland Law Society.

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Magistrate Hogan, I join your children, Jane, Matt and Anna and your partner, Cheryl, your former colleagues at the Bar and friends in welcoming you to your appointment.

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Born in Townsville, you are the youngest of six children of your parents, James and Gertrude. Your five siblings were sisters Anne, Helen, Michelle, Marie and Pat. Your father, like mine, was a school teacher and like me, you did not follow your father into the classroom, but sought a career in the courtroom and the law.

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Magistrate Hogan, you have had a career of which you can be proud in both branches of the profession. In '71 you commenced your articles with Messrs Smith and Fitzgerald and Messrs Lees and Co, Brisbane who would serve as Director-General of the Department of Justice.

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You completed your articles in Mount Isa and it is there that you quickly and clearly understood the complexity and the workloads of the Magistrates Court.

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Indeed, I understand, you are the only one here today who could have attended the inaugural sitting of the Mornington Island Magistrates Court in the late 1970s. The Court was convened in an unlikely location, the kitchen of the local police sergeant's home. I am assured not only justice was served in the courtroom, but also breakfast, lunch and dinner.

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Mornington Island was part of the regular monthly circuit. That included Normanton, Burketown, Cloncurry and sittings could include more than 70 matters.

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In your formative days, a highlight was instructing defence barrister, Gilford Trafford-Walker, now of course, Senior Judge, in a murder case prosecuted by Ken Mackenzie, now a Supreme Judge.

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In this case, an indigenous man had confessed to shooting then a young man near Doomadgee. You were able to find eye witnesses who had been elusive during the course of the police investigation, to prove the innocence of your client who had been affected by alcohol at the time of the incident.

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When you returned from Mount Isa in 1979, you continued to practice as a solicitor working in private practice and with ATSILS and the Legal Aid Queensland.

You were called to the Bar in 1987 and your admission was moved by Cedric Hampson QC. Your first master was the late Trevor Hartigan, who was appointed in the Federal Court in 1987 where he served until his death in 1990.

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Since 1995, you have been in private practice and you have enjoyed the comradery of the Bar with fellow practitioners, Gerard Mullins, Brett Charrington and Edward Howard on Level, 13 Quay Central.

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Your Honour, you have played an active role in the community life, volunteering your time to organisations such as Bicycle Queensland, St Vincent De Paul Society and the Caxton Street Legal Service.

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Magistrate Quinn, I also congratulate you on your appointment to the Bench. Let me acknowledge your wife, Joan, your daughters, Ashleigh and Georgia and your sisters, Theresa and Elizabeth. Unfortunately, your son, Patrick is presently on a convoy through the Simpson Desert and so cannot join us today to mark this occasion with you.

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Your Honour grew up in Brisbane where you attended St Lawrence's College, South Brisbane. I note that you joined with one of your fellow alumni of this college, Magistrate Brian Kilmartin who was appointed late last year.

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You commenced articles in 1973 with Gilshenan and Luton, being articled to the late and indeed, great, Leo Luton, a legal luminary in Brisbane. I understand that before Leo would countersign your articles, he insisted that you first become a member of the Irish Club. I am sure you had no objections to such a condition of employment and it seemed an entirely reasonable demand for those times, if not now. Indeed, I note you have remained a member of the Irish Club to this day.

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You were admitted as a solicitor in 1977 and you have spent your entire working life to-date with the firm as was mentioned by the Chief Magistrate.

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Your appointment to the Magistracy will mean quite a change for you. I feel confident that you will enjoy working here as

much as you did obviously enjoy working with Gilshenan and
Luton.

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Your Honour, you have also served as a senior counsellor with
the Queensland Law Society. In fact, your professional
credentials are most noteworthy. You have been president of
the Criminal Law Association of Queensland, vice-president of
the Queensland Law Society, member of the Council of the
Queensland Law Society, a position you held for more than 10
years. Chair of the Queensland Law Society Criminal Law
Committee. Chair of the Queensland Law Society Law Care
Committee.

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I am advised that during your time on the Council of the Law
Society, you played an important role in the introduction of
that Law Care Committee. This beneficial stream provides
counselling for lawyers who are experiencing personal or
emotional difficulties. This service is particularly
important for solicitors in remote and regional centres who
often are sole practitioners and who do not have the benefit
of partners and colleagues in whom they can confide. I
commend you greatly, and the Law Society of this worthwhile
project.

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Chief Magistrate, these Magistrates are all exceptionally
well-qualified and highly experienced lawyers. Their
extensive legal experience, and as importantly, their life
experiences, will, I am absolutely confident form the basis

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for competent and conscientious service on the Bench for the people of Queensland.

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Chief Magistrate, the workload of the Magistrates Court continues to grow. The need for additional Magistrates and resources for this Court are understood by the Executive Government.

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I trust the new appointments and the additional Magistrate position created in Cairns, along with four other new positions over the last two years, will assist the Court to continue to serve Queenslanders well as the front line of our Justice system.

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Might I also join with you in seconding your remarks in relation to Magistrate Tony Pascoe for the 43 years of valuable service he has given to the Magistrates Court for the benefit of the people of Queensland, particularly the young people of Queensland who appeared before him in the Childrens Court over that time. May it please the Court.

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

MR FLEMMING: Thank you. If the Court pleases. Your Honour, the Chief Magistrate, your Honours from other Courts and members of tribunals, Mr Attorney, ladies and gentlemen, and

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especially your Honours Magistrate Hogan, Magistrate Carroll
and Magistrate Quinn.

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It is my great pleasure this morning to welcome to this Court
very experienced and practical appointments. The pleasure has
fallen to me because the President of the Bar Association, Mr
Hugh Fraser QC is otherwise detained and he sends his apology.

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May I make some general comments before descending to the
particular. It is only when the rule of law - that is,
justice according to law is being administered carefully and
conscientiously that a community can live peacefully and go
about its business confidently.

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So much can be discerned from a brief survey of countries in
so many parts of the world who struggle under tyranny,
corruption and social destruction.

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One clear demonstration that the rule of law is of enormous
significance in our society is the foot traffic one sees on
George Street on any given working day between the hours of 7
a.m. and 10 a.m.

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Every judicial officer going to her or his office, every
solicitor and every barrister going to see a client, is a
demonstration that the rule of law is of enormous significance
in our society.

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Every time a courtroom is open for business, it is a clear statement to the community that our society can resolve its problems in a rational and structured manner. It is that process which marks Australia and our place in Australia as a place of peace and stability.

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In addition to that, as Justice Daubney reminded us earlier
this week, it is important that we can, as practitioners,
maintain a philosophical view of the purpose of the law; that
is, to bring that peace and justice to the community. It is
therefore imperative that the organs of the administration of
law are paid appropriate attention and regard to maintain the
health of our society as we know.

Our attention today is upon this Court and, in the course of
this week, we have seen appointments made to every Court in
our hierarchical system in Queensland. And two things this
morning are pleasing.

First, Mr Attorney, you have this week demonstrated that the
process of judicial administration is in the forefront of your
thinking, and we have witnessed worthy and justified
appointments to each of the Courts this week. It is clear
that your aim is to reinforce, as a bulwark against confusion
and erosion, the Court system.

Second, Mr Attorney, you have appointed to this Court today
three practitioners who bring an extraordinary depth of
experience, knowledge and skill to this Court. In addition,
each of your Honours has demonstrated in your careers, and in
your personal lives, the importance in maintaining a balance

between the application of the law and a compassion for the society in which you live.

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May I for a moment descend to the particular? Your Honour Magistrate Carroll, 40 years is long service in the law, and this is a fitting reward, not for long service, for a person who has the experience and the compassion that you have in respect of your practice of the law.

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You have worked in practice as a solicitor and you understand the many foibles of your clients, and, from time to time, the system in which we all practise. We have no doubt that your Honour will not lose those valuable lessons when you come to deal with the many constituents with whom you will deal.

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You have maintained, as has been said of you, and as I said previously, a compassion for society and your charitable works which often people prefer not to have exposed - but they are today - are an important feature of the compassion that you bring to this Court.

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You have, in addition to that, played vital roles in the development of the profession as the secretary of the Central Queensland Law Association and then the President of that, and also as a senior counsellor in the Law Society, functions that

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are indeed valued, especially by those whom you will have mentored over the years.

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Your Honour Magistrate Hogan, there can be no doubt that, in the main, you have done it your way. I would like to have thought that about myself, but you have indeed done it your way. Your career has spanned 36 years from the time of your articles at Messrs Smith and Fitzgerald, and then Lees and Co in Brisbane.

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You then have taken on hard, and unpopular, assignments in Mount Isa, and you have contributed there and elsewhere to provide services to needy groups in our society. We make the comment again of your charitable works and your concerns for people who are less privileged in our society.

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You bring a wealth of human, practical and legal experience garnered in your own inimitable way, to the Bench. You have endured the highs and lows of legal practice, both as a barrister and a solicitor, and you have conducted your own practice as a solicitor. And you therefore bring a unique combination of skills to bear.

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In addition, your association with cycling has been mentioned. We note that, recently, just for something different to do, and, no doubt, a break from the daily grind with the law, you

rode your bicycle from Brisbane to Melbourne. We think that that will be, indeed, good practice for the long hours that you will be required to sit.

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Magistrate Quinn, your Honour, you have chosen as your area of expertise, the criminal law. And, in that area, you have excelled for the 34 years of your practice. You bring to the Bench insights and experience in a discipline that is seldom seen. You have held high office in your branch of the profession generally. You have been a counsellor as well, and a mentor to younger practitioners.

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You have served as Vice President of the Law Society. You have served on that Council for 10 years. And you have made other contributions to that Council as well. But, in addition to that, in the area of your chosen expertise, you have been President of the Criminal Law Association of Queensland. You have been the Chair of the Queensland Law Society Criminal Law Committee. You have been the Chair Queensland Law Society Law Care Committee, the latter not being within your chosen discipline of criminal law, I do not think.

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Nevertheless, your Honour brings to this Court an extraordinary insight into the area of your practice, and you will adorn this Court with that experience and insight. The

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Bar Association congratulates each of your Honours to this appointment.

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Thank you.

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HIS HONOUR: Thank you, Mr Fleming. Ms Mahon, I invite you to address the Court on behalf of the Queensland Law Society.

MS MAHON: Thank you, your Honour. May it please the Court, Chief Magistrate Judge Marshall Irwin, Attorney-General, Judges and Magistrates new, and perhaps not so new, ladies and gentlemen, it is an absolute pleasure and honour to represent the Queensland Law Society here today as well as more than 7,000 members throughout Queensland at the swearing-in of three distinguished gentlemen to the Queensland Magistracy.

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As we heard yesterday in the announcement, Attorney-General Kerry Shine announced the appointment of five new Queensland Magistrates. We are, of course, here today for the swearing-in of three of those Magistrates, with Mr Peter Smid being sworn in next Tuesday in Townsville, and our outgoing President of the Queensland Law Society, Mr Joe Pinder, to be sworn in next month.

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As Mr Fleming has mentioned, there have been a number of appointments this week to all levels of our judiciary. It is

a tribute to the Attorney's commitment to the proper functioning of our Queensland Courts that this has happened.

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It is a particular personal privilege that I get to be the spokesperson of the Queensland Law Society today, as our three newest Magistrates no doubt, perhaps without their knowing, do, in fact, mark milestones in my own professional career. And if the Court will indulge me for a moment, I will tell you why.

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It was as a 16 year old that I attended school work experience at Gilshenan and Luton, then in Turbot Street, which was, of course until yesterday, the firm of Magistrate Michael Quinn, since he commenced his articles there in 1973, only a mere 13 years earlier than when I arrived.

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Then some years later as a newly admitted solicitor and a brand new mother, I instructed Magistrate Michael Hogan in what was my - I think just after his return to the private Bar - in what was my very first trial - and albeit successful, it was also my last trial. I must say the Brisbane Magistrates Courts are looking a little bit different today.

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It was then in 1999 that I had the privilege to work with Magistrate Damian Carroll when he joined the firm where I was already working, Murdoch Lawyers in Toowoomba, which is where

I became a partner for the first time. A string of
coincidences that amazingly have come together today in what
may be described as a winning trifecta. It was only on
Wednesday of this week that I remarked on the fact that both
Justices Muir and Daubney share some fine qualities, not the
least of which is that they both began their notable careers
as solicitors.

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I am, of course, able to again say today that my particular
branch of the profession is very proud to contribute to the
magistracy and has been fortunate enough to have had all three
of our new Magistrates as Queensland solicitors. So I must
again congratulate the Attorney General on his appointment of
three worthy appointments that will assist the Magistrates
Court in its very important role of dispensing justice in,
what the Attorney has rightly referred to as the front line of
justice administration in Queensland.

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We have heard of the long and respected careers of each of our
three new Queensland Magistrates who will soon play an active
role in that front line.

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Your Honour, Magistrate Carroll, has not only had a long and
distinguished career. I know personally of your commitment to
your community and to your loving family who I know will be
even prouder than I am today of your achievement. You will
certainly be facing somewhat of a homecoming as the Toowoomba
practitioners welcome you as one of its own Magistrates for at
least the next 12 months.

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Your Honour, Magistrate Hogan, as well as being a solicitor
for nearly half of your professional career you have, of
course, also shared your talents with the Bar as we have

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heard. This is evidence of yet another distinguished career
which today starts another new chapter.

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Your Honour, Magistrate Quinn, your huge contribution to the
law, particularly in criminal law, has of course been
previously recognised with you receiving the Centenary Medal
for distinguished service to the law in Queensland. That
service, although taking today a different course, is bound to
continue. You will certainly be missed as a solicitor of
Queensland and the spokesperson for and contributor to our
profession.

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On behalf of the Queensland Law Society, Queensland's
solicitors, and me personally, our very best wishes and
heartfelt congratulations to you all, and may I also pass on
our best wishes to Magistrate Pascoe on his retirement. Thank
you.

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HIS HONOUR: Thank you, Ms Mahon, and congratulations on your
100 percent record in litigation. Magistrate Carroll, I now
call upon you to respond. Your very first address as a
Magistrate.

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MAGISTRATE CARROLL: Your Honour, the Chief Magistrate, thank
you for your warm words of welcome. May I begin by
acknowledging other Justices and judicial officers here today.

Justice Spender of the Federal Court, Justice Carmody of the Family Court, Justice Fryberg of the Supreme Court, Judges Martin and Searles of the District Court, Magistrate Baumann of the Federal Magistrates Court, and Deputy-President Hack of the Administrative Appeals Tribunal.

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If I have confused names and judicial positions I apologise, but being confused on the first day of a new job is nothing new. Sir Gerrard Brennan tells the story that on the first day of his job as associate to his father, in the Supreme Court in Rockhampton, they were sitting in crime, and he confused the name of the accused with the name of the Crown Prosecutor. He arraigned the Crown Prosecutor on a charge of rape, whereupon the defence counsel stood to his feet immediately and entered a plea of not guilty. So much for the collegiality of the Queensland Bar.

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First of all, I would like to congratulate my new fellow Magistrates on this achievement here today. It has been a great experience. I also appreciate all of you coming here today. It is all on very, very short notice. Announcements were made yesterday and the swearing in this morning. Thank you all, each and every one of you, for coming along. I would like to particularly thank the Attorney General for coming along here today. He has got a very, very busy schedule and I really appreciate your presence.

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I am truly honoured to be appointed as a Magistrate to this Court. It is very much the people's Court. Its jurisdiction is wide and diverse. In its civil jurisdiction it gives ordinary citizens, many of whom probably cannot afford access to justice in the higher Courts, an opportunity to have their day in Court. In the criminal jurisdiction it is often the first and only Court where people, who come into contact with the criminal justice system, have contact with the Courts.

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I would like to acknowledge my parents, Gerrard and Noreen, who are no longer with us, but who I am sure would be very proud if they were here today. I grew up in Ashgrove, a neighbourhood in which a number of prominent barristers lived. The late Ted Pearce CSM also lived in our neighbourhood. My aunt and uncle, Molly and Eric Whitehouse, were solicitors as are three of their children, Ben, John and Elizabeth. So it is probably not surprising then, that after completing my education at Marist Brothers College at Ashgrove a few years behind Magistrates Ehrich and Herlihy and spending 12 months in the public service, that I embarked on my career in the law.

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As the Attorney has made mention, I started at five years of articles at Steindl Wardrobe and Co in 1967. At the time the approved course of study was the articulated clerks course at

university. I thought this gave a solicitor a very good
training program. It combined five years of practical
training with access to a law degree at the university. I was
admitted as a solicitor in 1972 and worked with Richards
Stephens and Barbeller for three years. After Bernadette and
I married I wanted to see what life was like living outside of
Brisbane. I had never done that before. We moved to
Rockhampton in 1975 and stayed for 24 years.

Those years in Rockhampton were very enjoyable, both
professionally and personally. During my time there three
people had a very significant influence on my professional
development. Hugh Grant was my partner of 23 years, one of
which he was President of the Queensland Law Society. He is
about to retire after more than 40 years of practice. If I
may say so, Hugh was a model solicitor and still is. A man of
unquestionable integrity and probity, diligent, conscientious;
he combined all the other qualities with ready access to his
clients.

Justice Alan Demack, as he then was, was a central Judge for
20 years of the time that I spent in Rockhampton. I appeared
before him many times. Unfailingly courteous, well prepared,
and on top of his work. He delivered his judgments in a
timely manner.

The third person who I greatly admired in Rockhampton was the late E N - Ted - Loane, Stipendiary Magistrate. The Chief Magistrate will recall Ted Loane, I am sure, of his days in Rockhampton. He was a larger than life figure who ran a no nonsense Court, but his compassion for his fellow man was never far below the surface.

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All these men had and have many outstanding personal qualities but what struck me about them was their commitment to serve the people in the community in which they worked. It is something which I would like to foster for myself and intend to do so.

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Family circumstances necessitated a move to Toowoomba in 1999 where I worked for Murdochs for about three years, and returned to Brisbane at the end of 2002. Practising the law has been most rewarding and enjoyable but it would not have been so without the love and the unstinting support of my wife, Bernadette, and my children James, Tom and Kate. James is working in England and cannot be with us here today but I am sure he is with us in spirit. Tom and his wife, Georgie, have come up from Geelong, and Kate has come in from Dalby. I would also like to thank my sister, Nora, and brothers John and Michael, and my in-laws Michael and Marie, for coming along here today to make this such a very important and happy family occasion.

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Of course, this occasion could not pass without my acknowledging my great appreciation for my former principal, John Power, for his support and counsel over the last four and a half years. I have enjoyed working with WHD and will miss it very much. I now have an appointment in Toowoomba for 12 months and I look forward to that as well as renewing acquaintances with old ties and friends in Toowoomba.

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HIS HONOUR: Thank you, and again congratulations and welcome, Magistrate Carroll. Magistrate Hogan, I now call upon you to respond.

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MAGISTRATE HOGAN: Thank you, your Honour, for your warm welcome. I too acknowledge the traditional owners of the land upon which we are gathered. I also acknowledge and thank the various judicial officers mentioned by the Chief Magistrate and by the Attorney General, for their presence here today and that is very much appreciated.

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I also note the presence of a number of Magistrates, some of whom I have worked with in the past in one form or another, and I am looking forward to working with you and the other Magistrates of Queensland at some stage in the future.

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I wish to congratulate my colleagues, Damian Carroll and Michael Quinn, who have also been appointed with me here today. Both of them are solid lawyers with sound experience and commonsense, and it is a pleasure to be with them today. I am sure I will enjoy their company and support in the future.

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Mr Attorney, thank you for your kind words. I am indeed honoured and humbled by the trust you have placed in me. I also appreciate your words, Mr Fleming, on behalf of the Bar Association, and your words, Ms Mahon, on behalf of the Law Society.

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Mr Fleming, when you describe me as inimitable I trust that you were passing a compliment. And, Ms Mahon, I am pleased to have played some small role in your impeccable record as a litigator. May I say that I too won my first trial, which was in 1978 before Mr Kevin Peacock SM, in Mount Isa. But after that things tended to go downhill a fair bit. So I think it is a good career move to quit while you are ahead.

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I am also honoured today by many former colleagues; barristers and solicitors who are here today, especially on such short notice. I have worked extensively with some of you over the

years, and I shall miss your companionship which is an important feature of the practise of law.

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Despite that, I trust I shall not miss your companionship at the coffee shop in the future, if you would be kind enough to spare the time on those occasions when this might be possible.

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In particular, I would like to thank those colleagues with whom I have shared chambers for the last eleven and a half years, Gerry Mullins; Brett Charrington and Eddy Howard. They are wonderful characters, and it has been a joy to share with them an occasional joke or two, and a discussion here and there about some obscure point of law.

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I would like to thank the secretarial staff who have supported me over the years. Lisa, Rosie and my dear daughter, Jane. I thank them for their sense of humour and compassion, both qualities necessary for someone who has to deal with me on a daily basis.

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My partner, Cheryl, has these qualities and many more. Now, she has inspired me with her generosity, vision, energy and love and I am indeed lucky to have her in my life.

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I am also extremely lucky to have my children, Jane, Matt and Anna. They have all made a significant contribution and I thank them all for the joy that they have given me and for the way they have educated me. I am unconditionally proud of them and I love them immensely.

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Unfortunately, Jane and Anna could not be here today. But I particularly wish to thank Matt for cancelling other engagements to share this moment with me. And at the risk of being repetitive, I am immensely proud of him and the success he has made of his life.

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I also wish to acknowledge the contribution made by Paula, my former partner who for many years supported and encouraged me, and I thank her for that.

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I feel that any positive values that I may have acquired I owe to my parents, Jim and Gert Hogan. My father passed away some time ago, and my mother who is 97 years of age could not be here today. I thank them for the sacrifices they made to give me a good education and instil in me a keen sense of right and wrong.

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As Mr Attorney informed you, my parents also blessed me with five sisters, all older than I am. I think they have secretly doted on me all my life, but they have done so with the greatest of restraint. I thank Marie, Pat and Michelle for being here to share this day with me. And Anne and Helen were unable to be here, but both of them have sent me their blessing. I thank you, ladies, for your constant care over the many years.

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Some of my non-legal friends have been able to make it here today, and on very short notice, and I thank them for sharing this day with me as well.

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There are some things about my former practice as a barrister which I shall be sad to leave behind. For starters, I am sorry that three days before the Attorney rang me to offer me this position, I paid \$6000 to LexisNexus and Thomsons to enable me to have access to a number of on-line legal services.

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I will also miss my friends at the Bar, and those solicitors with whom I have worked over the years. I plan to ensure that old friendships do not fade.

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I guess I will also miss the independence that life at the Bar offers. But on the other side of the ledger, the positives far outweigh the negatives. I am looking forward enthusiastically to this new opportunity. I believe that I can be of service to far more people by being a Magistrate than I could as a barrister.

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It is perhaps appropriate that I should be appointed to this Court, because making some small contribution to other people's lives is what has inspired me about the law, and I guess the Magistrates Court is one place where I will have the opportunity to make that contribution. And I thank you all for being present here today.

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HIS HONOUR: Thank you, Magistrate Hogan. And, again, congratulations and welcome. And last, but not least - we have done this in alphabetical order, I should explain, I invite Magistrate Quinn to respond.

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MAGISTRATE QUINN: Thank you, Judge Irwin for putting me in the worst position on the speaker's podium, the last speaker. But thank you for your warm words of support and for your most warm welcome to the Bench.

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Can I acknowledge the presence here today of Justice Spender, Justice Carmody, Justice Fryberg, Judge Martin and Judge Searles, Federal Magistrate Baumann, Deputy President Hack and fellow Magistrates.

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Can I also say, congratulations to Damian and Michael as we embark upon this new adventure together. Thank you everyone for taking time out of your busy schedules to be here today.

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Thank you, Mr Attorney for your kind words, and also for taking time out of your busy schedule to be here today. Your presence adds considerably to the significance of the occasion. Might I also thank you, Mr Attorney, for building me a new courthouse at Sandgate. It should be ready, I understand, in two months.

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Thank you Mr Fleming for those kind words on behalf of the Bar Association, and thank you Ms Mahon for your very kind words.

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I will treasure them, and thank you very much for all the support from the solicitors and barristers in Queensland.

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I am indeed honoured by this appointment, and am more than just a little daunted by it. I am most acutely aware of the importance of the magistracy to the fabric of Queensland's society, and of the responsibility which has been cast upon me.

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Queensland is well-served by its Magistrates, and the magistracy is entitled to feel well proud of its contribution to the Queensland community. I can only hope that I am able to discharge my duties to the high standard achieved by not only my present colleagues, but by those that have gone before us.

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It is probably true to say that most members of the community have their views of the justice system in Queensland shaped, at least in part, by their knowledge of and experience in the Magistrates Court, a most onerous responsibility.

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I recall someone once saying of the role of a judicial officer, that it is impossible for all parties to leave a courtroom happy with the outcome. Rather, the goal should be to ensure as much as possible that all parties leave the court feeling that they have been listened to, and have been treated with dignity. Very wise words.

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I might add, that already it looks more difficult up here than it does from down there from where for many years I have offered to the Bench only the most helpful and reasonable of submissions.

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Reference has been made to my period on the council of the Queensland Law Society, becoming its Vice President in 1990. It was a most challenging and most rewarding period in my legal life. I met, and was influenced by a great number of outstanding and dedicated lawyers all of whom gave willingly and freely of their time. I am grateful that I got the opportunity to give something back to the profession.

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Hopefully I have contributed in some small way to the benefit of the profession during my period on the council and on the executive.

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Some of those I served with on the council from time to time have been honoured by judicial appointment. District Court Judge David Searles; Magistrates David Glasgow, Ray Rinaudo and Brian Kilmartin, Federal Magistrate Michael Baumann, and chair of the Commercial and Consumer Tribunal, Julianne Schaefer.

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In my working life, as you have heard, I was most fortunate to have worked only at the one legal firm, Gilshenan and Luton - G and L, as it is more commonly known. It is a wonderful legal firm full of exceptional lawyers and exceptional people. I am particularly pleased that a number of them have managed to be here today to support me.

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Several people have influenced my life and my legal career. I shall name but three of them. My late father, Pat, who stressed the importance of family and of having a soul, and of the importance of reputation and integrity, because once lost they are impossible to retrieve.

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Nextly, the late Leo Luton, my master during my period of articles who taught me the need for compassion, and the need to work hard, but who also insisted that I have some fun along the way. Leo, in fact, insisted on personally showing me over many years just how to have that bit of fun.

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Lastly, there was Pat Nolan, who trained me to be a criminal lawyer; he himself being the pre-eminent criminal solicitor of his generation. He taught me the three most important fundamentals in any case; firstly, preparation; secondly, preparation, and thirdly, and most importantly, preparation.

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To the many solicitors and barristers I have met during my legal career thus far, many of whom have become close friends, thank you for your camaraderie, for your support and for your friendship, and thank you for being here today. I am sure that the contact will continue.

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Finally, can I say a few words about my family; my wife Joan: nothing I have achieved would have been possible without your love and unstinting support, loyalty and sacrifice, especially when work took me away from home, sometimes for quite extended periods. Thank you for being there, and thank you for our three wonderful children, Patrick, Ashleigh and Georgia-Kate.

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Ashleigh, I appreciate you taking time out today from seriously enjoying your university vacation. You are not normally up this early.

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Georgia-Kate, you have given up a whole day of school to come here today. Thank you both for just being here.

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As you have heard, my son Patrick cannot be here today, as he is presently on four-wheel drive convoy in the middle of the

Simpson Desert, however he has assured me that soon there will be a party in the front bar at the Birdsville Hotel.

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To my sisters Teresa and Elizabeth, thank you for being here today, especially you, Liz, who flew down this morning on the red-eye from Rockhampton.

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My mother, Rene, could not be here today, but she is aware of this honour. Mum, I am indeed most fortunate to have you as my mother. My mother recently celebrated a birthday, but as is her want, no doubt influenced by strong Irish ancestry, she forbids any of her children from divulging her true age. Mum, I shall honour your wishes, and only say that you are now aged somewhere between 89 and 91.

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Thank you again, everyone, for coming here today, and thank you for your good wishes.

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HIS HONOUR: Thank you, and again congratulations and welcome Magistrate Quinn. And I thank everybody again who, at short notice, as has been said, has been able to attend this ceremony. I have never seen the dock, which is doubling as the corporate box this morning, looking so comfortable and so well attended.

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For those of you who have time, I would now like to invite you to join the Magistrates, and in particular our three new Magistrates, for an early morning tea on level 9 of this building.

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I direct these proceedings be recorded by mechanical device,
pursuant to the provisions of the Recording of Evidence Act,
and that Kate Louise Townsend be the recorder.

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I adjourn the Court.

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THE COURT ADJOURNED

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