



Valedictory ceremony upon the retirement of  
The Honourable Justice Duncan Vincent Cook McMeekin  
Supreme Court, Rockhampton  
Friday 9 March 2018, 2:15 pm

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**The Hon Catherine Holmes  
Chief Justice**

We join today to farewell our friend and colleague, Justice McMeekin, and to acknowledge his Honour's ten and a half year contribution to the administration of justice in Queensland. Unusually, the Supreme Court bench sits today in two groups: those of us here in Rockhampton, including Justice Henry, here from Cairns, and our colleagues sitting on the bench in Brisbane, who include our most newly minted Justice, Justice Ryan. Justice North had also hoped to be a virtual presence from Townsville but other commitments have prevented it. He asks to be associated with these remarks.

We acknowledge with pleasure the presence in this courtroom of the Chief Judge, Judge Smith, Judge Harrison from Cairns and Judge Burnett; the Chief Magistrate, Judge Rinaudo, the three local magistrates, Magistrates Press, Benson and Clarke, Judge Anne Demack of the Federal Circuit Court and our retired colleagues, former justices Demack, Jones, Lyons and Cullinane, and former Judge of the District Court, Judge Britton.

I note with pleasure at the bar table, the attendance of Mr Keyes, Deputy Crown Solicitor, representing the Attorney-General, Mr Thompson, the President of the Bar Association, and Deputy President, Bill Potts of the Queensland Law Society.

And of course, Justice McMeekin, there is a very special welcome touched with sadness for your wife Elizabeth who over the last decade has filled the role of spouse to a judge in a regional centre, which has its special demands, with grace and charm. With her, we welcome your daughter, Sophia, your brother Drew and Mr Tom Stewardson, your father-in-law. And we are delighted to welcome to the ceremony your long-time friends, Mr and Mrs Shaw, Mr and Mrs Grant and Mr and Mrs Batts, as well as seven out of your nine former associates. So you clearly weren't too tough a boss.

And everyone, practitioners, members of the public, you are all very welcome to this ceremony which is being streamed to Brisbane, Townsville, Mackay and Maroochydore and into Court 4 here in Rockhampton. When I discussed the need for an overflow court with Justice McMeekin, he, with his customary modesty, questioned whether this Court would be filled and whether the extra court would in fact be necessary. But it seems to have turned out all right, there are a few people here.

Justice McMeekin, you graduated from the University of Queensland. I mention that because there are an extraordinary number of this Bench who were your contemporaries at law school: President Sofronoff, Senior Judge Administrator Ann Lyons, former Justice Peter Lyons, Justice Jackson, Justice Morrison, Justice Philip McMurdo, former President of the Court of Appeal, Justice Margaret McMurdo. It was a stellar group, as you can see.

You joined the bench after 30 years at the Bar. Five of those years were spent in Brisbane and the remainder in Rockhampton. I am told that when you began at the Bar you were known as Boy Wonder because of your youthful appearance and your talent. It is open to debate who Batman was, but the

smart money is on former Justice Jones. In 1998 you were appointed Senior Counsel and in 2007 you joined this bench as the Supreme Court's 103<sup>rd</sup> judge, but probably more importantly, as the Central Judge.

There seems to have been a little confusion about what number you were. It seems to have been thrown out by Sir William Webb, who served a period of three months and did not actually sit here. But, nonetheless, you are number 12 and Justice Crow will make up the baker's dozen.

It's a position of historical significance; there has been a Central Judge based in Rockhampton since 1895. Doing the arithmetic, over the 122 years the average period of tenure is just about 10 years, so you are at the average, but for many reasons we think that your time in this position actually has not been long enough.

At your swearing-in, Justice Fraser, who is now presiding in Brisbane, spoke for the Bar. He noted your competence and courtesy, even in the heat of litigation. You brought these qualities with you to the Bench and they have served you well in the stresses of judicial life over the past decade. He did also mention your sporting prowess and your singing talent, but I really can't comment on those.

In your position as Rockhampton Judge, you have had to sit on difficult and varied cases, really the whole range of cases a judge can encounter, including some bizarre and grim murders. You've decided many personal injury cases, particularly those involving workplace injuries at meatworks and at mines. You resolved a novel application for a declaration of the lawfulness of the termination of a 12 year old girl's pregnancy. You have also, from time to time contributed to the work of the Court of Appeal. Your judgment in *Bulsey v State of Queensland* is a powerful statement on the importance of exemplary damages where there is an abuse of executive power. There are too many to

explore further, but you have gained universal respect for your lucid, succinct and sound judgments.

May I also say that you have garnered the admiration of your colleagues, when we read at lunchtime today that the Rockhampton Bulletin had given you two laudatory pages. As one of my colleagues remarked, in Brisbane, if the paper gives you two pages, you are filled with horror, but this was entirely congratulatory; which is another indicator of how well-regarded you have been in Rockhampton.

You have not, however, been above a little mischief in your judgments. In *Appo v Stanley*, an action by a jockey over a race fall, you were confronted with a submission that the plaintiff did not fall within a statutory exclusion, because it was said, he was not a contestant in a sporting activity. The argument was that jockeys did not compete with each other, it was the horses who competed. You dealt with it in your judgment by saying, and I quote,

“Acceptance of that submission would require an unworldly ignorance of horse racing that few would possess”.

Given that the counsel making the submission was our now colleague Justice Crow, and I have gained the distinct impression from my visits to Rockhampton that he actually has had a little to do with the racing community, I can picture that typical little wry smile on your face when you wrote those words.

Justice McMeekin, you remain a Wonder, although perhaps not so much of the Boy. We are lucky that in Justice Crow we have a replacement of energy, ability and application. But your colleagues will miss you, as will the profession in Central Queensland.