

MAGISTRATES COURT

IRWIN, Chief Magistrate

No 0000 of 2003

IN THE MATTER OF THE SWEARING-IN OF
THE HONOURABLE MAGISTRATES T N ARNOLD
AND A G KENNEDY AS MAGISTRATES OF THE
MAGISTRATE COURT OF QUEENSLAND

and

X

BRISBANE

..DATE 03/11/2003

..DAY 1

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Also present

On behalf of the Bar Association of Queensland:

Mr G C Martin

On behalf of the Law Society of Queensland:

Mr R S Ashton

MAX DAHLKE APPOINTED AS RECORDER

BENCH: Ladies and gentlemen, welcome to this ceremony which is to mark the occasion of the swearing-in as Magistrates of

Queensland of Trevor Noel Arnold and Athol George Kennedy.

I acknowledge the presence of your new colleagues, the members of the Queensland Magistracy who are able to be with us this morning. I am also pleased that Mr Glen Martin, the President of the Bar Association of Queensland and Mr Ron Ashton, representing the President of the Queensland Law Society are able to be with us this morning.

Mr Ferguson, the President of the Society sends his apologies as does the Attorney-General and the Director General of the Department of Justice. Each has important and unbreakable prior commitments this morning.

The Attorney, as I understand it has to be elsewhere in Queensland to be participate in a community cabinet. However, he has recognised the qualities and the attributes of both Mr Arnold and Mr Kennedy by recommending their appointments and by the laudatory comments that he made at the time of your appointments.

I am pleased that Mr David Shields, Executive Director of the Department of Justice is able to be with us this morning.

I also welcome the relatives and friends of the appointees.

I am particularly happy to be able to preside at this ceremony. Firstly, the appointment of yourselves and Mr Matthew McLauchlan of Cairns brings the Magistracy within

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one appointment of its full commitment of 76 judicial officers.

Mr McLauchlan's swearing-in will be held in about two weeks.

Secondly, when you each take your oaths of office this morning I will no longer be the most junior Magistrate.

Mr Arnold's appointment is the culmination of 31 years dedicated service in the Magistrates Court starting as a clerk and a depositions clerk and rising to be a clerk of the Court and a Registrar.

Like many others who have followed this career path this has seen his Worship work in many and varied parts of the state, including Charleville, Maryborough, Georgetown, Blackall, Kingaroy and for the past six years Southport.

Since being admitted as a solicitor in 1991 his Worship has frequently acted as a Magistrate. Your appointment is eloquent testimony of the skill that you have brought to that role.

I note that this is the third time that Mr Welford has made appointments to the bench from inside the Magistrates service. This recognises the importance of having the mix of experience that a combination of internal and external appointments brings to the Magistracy. I am sure this appointment will give hope for the future to your fellow acting Magistrates and be an incentive to officers within the service to study law.

As the Attorney said at the time of your Worships appointment your broad experience will be an asset to the bench. Your track record is such that we know that you will hit the ground running and, therefore, shortly after this appointment you will be commencing work at one of the Courts that you worked at an earlier stage of your career as a depositions clerk, the single Magistrates Court centre at Holland Park, and I wish you well in the two years that you will be centred there.

His Worship Athol Kennedy brings to the Court a wealth and variety of legal experience accumulated in over 18 years of legal practice. Before this his Worship has worked in a bank, has undertaken national service, and also worked in the Australian Public Service, all of which adds to the experience that you will bring to the bench.

The fact that you hold an unrestricted private pilot's licence is particularly welcome in a state in which Magistrates are expected to serve in some regional and some remote areas.

Your legal experience has included that as a partner in a Bowen law firm, as inaugural solicitor of the Consumer Credit Legal Service in Perth, work for the Legal Aid Commission of Western Australia, and for the past six years as coordinator and principal solicitor for South West Brisbane Community Legal Centre at Inala.

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In this work you have demonstrated an interest in community legal education and a keen interest in community involvement. The community involvement is not limited to the law. For example, you are the vice president of the Inala Day Respite Centre. You have shown a commitment to assisting all members of society to achieve justice and equity.

I had the pleasure of meeting with you on Friday and I became aware at that time of your commitment to consultation and team work. This attitude will fit in well with the collegiate approach which is essential to the effective operation of the Magistrates Court.

As the Attorney has said at the time of your appointment your experience as a solicitor and in the community will stand you in good stead in this new position. I have no doubt that you will be fortified as I have been since my appointment by the ready support, goodwill and advice that you will receive from all of your new colleagues, including those at Maroochydore where you will initially serve, some of whom you have previously worked with in Bowen.

Your Worship, Magistrate Arnold, please stand. Please take the bible in your right-hand and please repeat the oath of office.

MR ARNOLD: I, Trevor Noel Arnold, swear that I will properly serve Her Majesty Queen Elizabeth II, her heirs and successors in the office of Magistrate, and that I will treat everyone fairly and without bias according to law, so help me God.

BENCH: Would you please sign the copies of the oath? Welcome to the Magistracy, your Worship Magistrate Trevor Arnold. I present this bible to you as a memory of this special occasion.

MR ARNOLD: Thank you.

BENCH: Your Worship, Magistrate Athol Kennedy, would you also please stand and would you please take the bible in your right-hand and, again, could you please repeat the oath?

MR KENNEDY: I, Athol George Kennedy, swear that I will properly serve Her Majesty Queen Elizabeth II, her heirs and successors in the office of Magistrate, and that I will treat

everyone fairly and without bias according to law, so help me God.

BENCH: Thank you. Would you also please sign the oath? Welcome to the Magistrates Court service, your Worship, Magistrate Athol Kennedy. Again, as a memento of this special occasion, please accept this bible.

MR KENNEDY: Thank you very much.

BENCH: Thank you. I will now invite Mr Martin, President of the Bar Association to make a few comments.

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MR MARTIN: If it please the Court, today we see a very interesting and admirable example of appointments which demonstrate both experience within and without the Magistrates Court. Both of the gentlemen who have just taken their oaths have enormous experience in different areas, but experience which will go to maintain the reputation, standing and integrity of Queensland's largest and busiest Court.

Your Worship Mr Arnold has, as the Chief Magistrate has already noted, over 30 years of experience in the Court and, indeed, your appointment is one which, for those of us who have been in the Courts for a little while, would realise used once to be the norm. However, the appointment of people from within the Court is still something which needs to be done in order to maintain the experience necessary for the Courts to function well.

We know that the knowledge you have gained and the experience which you have will serve both you and the Court well for the balance of your term in the Court.

Your Worship Mr Kennedy comes from a different background, once again the chief Magistrate has outlined that. May I just select one point? Your Worship has been involved with the Southwest Brisbane Community Legal Centre for quite some time, providing legal services to persons who can be at times disadvantaged; providing legal education to others; encouraging people to volunteer to provide legal services

after hours and on weekends.

Your Worship set there an example of the extent to which many lawyers do contribute to the community beyond that which is often acknowledged or sometimes not acknowledged in the media.

By contributing in the way you have you have gained experience with those whose first language is not English, for example; an experience which will serve you well in the Court which frequently has to deal with people who come from different countries and who do not have a familiarity with English.

The work you have done in those places has not been glamorous, but might I say it is essential work and work which will serve you well for your term on this Court.

May it please the Court.

BENCH: Thank you, Mr Martin. I now invite Mr Ashton to address the Court.

MR ASHTON: May it please the Court. I have a great pleasure and it's a privilege to be representing the Queensland Law Society and, specifically, the President this morning and the solicitors of Queensland on this important occasion.

Your Worship, Magistrate Arnold, we often here in sports that a team represents the ideal blend of youth and experience. If I may respectfully say so your Worship certainly brings plenty of the latter to the Court and still, if I again may say

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respectfully, more than a sprinkling of youth, as well.

Your Worship has acted as clerk of the Court, Registrar and Acting Magistrate and may be presumed to know intimately the Magistracy, the Courts and the community they serve. This is underlined by the Chief Magistrate's recitation of the wide - or the number and dispersal of the various venues at which your Worship has served.

My researches reveal that your Worship has wide spread interests outside the Court, including the particularly

relaxing diversions of fishing and reading. There will be no shortage of reading for you to do in this new role and you will see plenty of fishing, mostly in cross-examination, I suspect, but we hope that you have the time and opportunity to enjoy both in their proper manifestation.

The solicitors of Queensland are pleased and proud to wish you well.

Magistrate Kennedy, your Worship is a graduate of the University of Queensland and has had extensive practical legal experience, ranging from articles of clerkship, at Power and Power through to a period of sole practice, to employment with legal firms, and your Worship has worked in legal aid and consumer credit, and until, of course, this appointment has coordinated and is principal solicitor for the Southwest Brisbane Community Legal Centre where, if I may respectfully say, your Worship has led by example and commitment.

Your Worship, I too, have noticed that your Worship holds a pilot's licence. I presume that this captured the attention of the Attorney. As has been pointed out in these days of well publicised and need and reported reluctance of Magistrates to serve far afield, this may well be a handy additional qualification.

It's of importance that you bring practical legal experience, your Worship, and a history of community involvement to what the Attorney has described on many an occasion in this Court, the people's Court.

The society always takes particular pleasure in being able to mark the appointment of solicitors to judicial office, and we do so on this occasion, as it were, congratulating one of our own.

We wish you well in your important work. May it please the Court.

BENCH: Thank you, Mr Ashton. Thank you for your attendance here this morning. Everyone is now invited to join the - yes, I'm doing my normal trick of trying to take over proceedings, but obviously Mr Ashton and Mr Kennedy wish to say something and - so I invite Mr Arnold to do so.

MR ARNOLD: Yes, thank you. Chief Magistrate Judge Irwin, Deputy Chief Magistrate, Mr Hine, fellow Magistrates, Mr Glen

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Martin, President of the Bar Association of Queensland, Mr Ron Ashton of the Law Society of Queensland, Mr David Shields Executive Director of the Department of Justice, I thank you for your kind words and I would like to take a little time to thank a few of the people that have assisted me on my journey to this appointment here today.

First of all, I would like to thank my mother and father for the education that they provided to me and for the standards and values that they instilled in me. Unfortunately they're unable to be here today because of failing health and age.

I would like to thank my wife, Christine, and my stepson Jason for being here today. It's very important to me that you are here to share this occasion with me. I thank Christine for the sacrifices that she has had to make for the sake of my career and to forego career paths that she might otherwise have chosen for herself. It's a great feeling to know that no matter where I may serve in this state that I will Christine there beside me.

I have had the honour of serving people of Queensland in the position of Acting Magistrate for a number of years, in both rural regional and city centres on an as required basis, and for the last six years at Southport.

I thank Mr George Wilkie, Regional Coordinating Magistrate at that centre and the other Magistrates at that centre for their assistance and support over that time.

I acknowledge that I owe a debt to those clerks of the Court and Magistrates that I have encountered throughout my service in Queensland over the last 31-odd years, and I acknowledge, especially, that all of you have employed an important role in my achieving the position of Magistrate.

As an acting Magistrate I have had the first-hand experience of the serious obligations and responsibilities that is imposed on Magistrates in Queensland in carrying out their duties.

I thank the Attorney-General for the opportunity to serve the people of Queensland as Magistrate. I feel very humble in accepting the opportunity and in taking the oath of office of

Magistrate I undertake to the people of Queensland that I will at all times carry out the duties and the responsibilities of the position to the best of my ability.

I thank you all for sharing this very important day with me.

BENCH: Thank you, your Worship, and now if I could call on his Worship, Magistrate Kennedy, to respond.

MR KENNEDY: Thank you. The Chief Magistrate Marshall Irwin, Glen Martin, Senior Counsel, Ron Ashton from the Law Society, Brian Hine, Deputy Chief Magistrate, members of the Magistracy, my family and my friends, I wish to record some thank yous today, as well, and on this for me most significant

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occasion.

I thank Mr Martin and Mr Ashton for the kind words and the words of wisdom that you brought here this morning. I wish to thank rod Welford, although he is not present, who has had the faith to appoint me to the important and responsible position of Magistrate, and I trust that his confidence in me will be repaid.

I thank my family, particularly my wife Christine, for their support over the years. We have moved Queensland to Western Australia and back to Queensland and I have worked in a variety of jobs and would you the support of Christine and my children I would not have qualified for this position today.

I also pay tribute to my mother and six brothers and sisters for their friendship and support over the years.

To my workmates I wish to record my thanks. I have been blessed to have patient and kind workmates, many of whom have gone out of their way to assist me and all of whom have shown their friendship, courtesy and respect.

I wish to thank my most recent workmates at Southwest Brisbane Community Legal Centre, most of whom are here this morning, who have put in such an effort over the last six years to make our community legal centre second to none in Queensland in the

services we offer the community that we serve.

I particularly wish to thank Sandra and Cheryl. I know that I have left the centre with a terrific team to continue the work that we have all contributed so much to over the years.

I wish to thank Mr Ross who is the President of the Management Committee who is here this morning with his wife and other members of the management committee for their patience and support over the years.

To the barristers and solicitors who have helped me advise me and their support over the years, and there are too many to mention, thank you so very much.

I particularly wish to thank my friend Kevin Baxter, who is not here today. Kevin is one of four Baxter brothers in the firm of Ruddy Tomlins and Baxter, which is, I think, unique in Queensland, four brothers in a firm. They have been together in a firm for 20-odd years. That's even more spectacular.

I arrived Bowen newly admitted in 1985, aged 35. Kevin employed me immediately and always be very grateful for the faith that he showed in me, a faith that has grown into a firm and long-lasting friendship. Kevin is a wise man and he's been - he's often provided me with some good practical advice, many precedents and a good deal of general assistance.

I would also like to pay tribute to the many Magistrates and Court staff who have helped me many times in many ways over the years. Without fail Court staff have been friendly,

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courteous and helpful, and always ready to answer my requests. I particularly thank Leigh Madden and the Inala Court staff for their friendship and support over the past six years.

I have always sought to learn from Magistrates that I have appeared before. I have often marvelled at the wisdom shown and the way the decisions have been made. Of particular note over the last few years is Magistrate Lochy Johnston at Inala again, who I first met at Beenleigh and then had the pleasure to appear before at Inala.

I note that I am going to Maroochydore and will serve with Tom Killeen and Craig Proctor, Magistrates I knew in Bowen, men I like and men I know who will support me in the first difficult period.

I am a member of the Christian Lawyers Society and the motto is that we are to act justly, love, mercy, and more commonly with God, and I trust that I can live up to these words in the years to come and that the faith that has been shown in me by all present will be repaid. Thank you very much.

BENCH: Thank you, your Worship, and I now do formally invite all of you who have come this morning to join us for refreshments and to celebrate these appointments on the 14th floor of this building and these proceedings can be adjourned.

THE COURT ADJOURNED