

## TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

IN THE MATTER OF THE SWEARING-IN OF MAGISTRATES

COSTELLO

WHITE

RONEY

BRADFORD-MORGAN

BRISBANE

..DATE 12/1/2004

**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.

HIS HONOUR: Please be seated. In accordance with the provisions of the Recording of Evidence Act I direct that these proceedings be recorded and that Chris White be the recorder.

I welcome everyone to this ceremony which is to welcome John Douglas Costello, who was sworn in a week ago as a magistrate of Queensland. And also to mark the occasion of the swearing-in as members of the magistracy, of Joan Ellen White, Christine Gayel Lettsome Roney and Linda Michelle Bradford-Morgan.

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I take this opportunity to acknowledge the presence of your new colleagues, the members of the Queensland magistracy, who are able to be with us this morning. I'm also pleased to welcome the Attorney-General and Minister for Justice, the Honourable Rod Wellford, and the presidents of the Bar Association and Law Society, Mr Glen Martin SC and Mr Glen Ferguson. It is always a pleasure to have you with us on these important occasions. I also want to extend a particular welcome to the relatives and friends of our colleagues.

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I am particularly pleased that your appointments mean that Queensland now has a full complement of magistrates. There are 80 magisterial positions, occupied by 81 magistrates, including our two new part-time members, who are on my left. Each of these appointments are historic, being the first that have been made under the amendments to the Magistrates Act, which came into force towards the end of last year.

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Magistrates Roney and Bradford-Morgan will be trail blazing as Queensland's first two part-time magistrates. To this they will bring the experience of having shared the roles of deputy president of the Queensland Building Tribunal over the past three years. Each of our new magistrates will also be the first who's appointments not only designate the first place at which they will sit to constitute a magistrates Court, but also the next place, where they will sit to hold Court.

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Magistrate Costello will spend his first 12 months at Southport, and then will transfer to Charleville for the next three years. Magistrate White, after 12 months in Brisbane, will move to Southport for a further period of 12 months.

Each of the appointees bring a considerable wealth and a variety of experience to the discharge of this Court's extremely busy jurisdiction. They have in common that they all have previous experience in adjudicating on disputes, and delivering reasons for decisions.

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Magistrate Costello, since being admitted to the Bar in 1976, has practised in both Rockhampton and Brisbane. He has practised in many areas of law. His experiences also include being an in-house counsel to Mt Isa Mines, and he has been an

adjudicator and decision maker as an acting mining warden. He is an accredited mediator with the Bar Association, and also with the Queensland Building Tribunal. He has been an honorary member of the Research and Ethics Committee of the Rockhampton Hospital. He has undertaken voluntary work, running a halfway house for alcoholics and has also worked on a voluntary basis at the Toowoomba Community Legal Aid Office. He therefore has experience working at grass roots level, something which very much concerns the magistracy in its day-to-day work.

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Magistrate White has also had this grass roots experience, most recently in charge of the Ipswich Legal Aid office. She has also previously been in charge of the Inala office of Legal Aid. She started her career as a solicitor, almost 20 years ago, with the Public Defender's Office, and she's obviously a stayer, because while she was there she was selected to work on the Russell Island trial, of which many of you may be aware, which occupied some 15 months of the District Court's time. She also worked in private practise, including being a principal of her own legal consultancy firm. She's been a taxing officer and a senior deputy registrar, including for companies for the Supreme and District Courts. It was in these positions that she has gained experience in presiding over contested matters and delivering decisions.

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Magistrates Roney and Bradford-Morgan have both been solicitors since the mid-1980s. They both have experience in a wide range of areas. Magistrate Roney was practising in the building and construction area before her appointment to the Queensland Building Tribunal. She holds a certificate in mediation training.

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Magistrate Morgan has specialised in commercial litigation, including heading the construction group at one firm that she worked for. At one time she was seconded to Telstra, as a general counsel. She has also practised as an arbitrator, a mediator and case appraiser, including for the Queensland Law Society.

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Magistrates Roney and Bradford-Morgan will not only be sitting in the general jurisdiction of this Court, but they will also bring their experience with the Building Tribunal to good use, working in both the small claims and minor debts area, with Magistrate Bill Randall.

On behalf of the Queensland magistracy I have much pleasure in welcoming each of you and I know that you will receive great support from your new colleagues.

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Your Worship, the Magistrate White, would you please stand. If you'll take the Bible in your right-hand and read the oath of office.

MAGISTRATE WHITE: I, Joan Ellen White, swear that I will properly serve Her Majesty, Queen Elizabeth II, and her heirs and successors in the office of Magistrate, and that I will

treat everyone fairly and without basis according to law. So help me God.

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HIS HONOUR: Would you sign the Oath of Office.

Congratulations, Magistrate White, I present this Bible to you as a memento of this occasion.

MAGISTRATE WHITE: Thank you.

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HIS HONOUR: Magistrate Roney, would you please stand. Again, would you take the Bible in your right-hand and would you read the Oath of Office.

MAGISTRATE RONEY: I, Christine Gail [indistinct] Roney, solemnly affirm that I will properly serve Her Majesty, Queen Elizabeth the II, her heirs and successors in the office of Magistrate, and that I will treat everyone fairly and without bias according to law.

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HIS HONOUR: Would you also sign the Oath of Office.

Congratulations on your appointment and also I'd ask you to accept this Bible as part of your welcome to the Magistrates Court.

MAGISTRATE RONEY: Thank you.

HIS HONOUR: Finally, Magistrate Bradford-Morgan. Would you also take the Bible in your right-hand and repeat the Oath of Office.

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MAGISTRATE BRADFORD-MORGAN: I, Linda Michelle Bradford-Morgan swear that I will properly serve Her Majesty, Queen Elizabeth the II, her heirs and successors in the office of Magistrate, and I will treat everyone fairly and without bias according to law, so help me God.

HIS HONOUR: If you'd sign the Oath of Office, please.

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MAGISTRATE BRADFORD-MORGAN: With pleasure.

HIS HONOUR: Congratulations, Magistrate Bradford-Morgan and I'd also like to present this Bible to you.

MAGISTRATE BRADFORD-MORGAN: Thank you.

HIS HONOUR: Thank you. Mr Attorney, would you like to address the Court.

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ATTORNEY-GENERAL: Chief Magistrate, Judge Irwin, Magistrates Costello, White, Bradford-Morgan and Roney, other magistrates, and my learned colleagues, Mr Martin SC and Mr Ferguson, it's a very great pleasure for me to join the welcome and appointment of additional magistrates of our magistrates Court here today. I also acknowledge the traditional owners on whose land we conduct these proceedings.

The appointment of these four magistrates is an important occasion, bringing as it does the complement of magistrates to the full number appointed for the purpose of conducting the Court throughout the State.

I'm very pleased to join with Judge Irwin in welcoming Magistrates Costello and White to full time magisterial positions. They're past experience here and in regions as well as nearly 20 years in the case of Magistrate White, and nearly 30 years in the case of Magistrate Costello, credits them well for the important role that they will fulfil in this important level of the dispensation of justice in our Queensland legal system.

When I first came to this job, like many, I was of the view that appointments perhaps to the higher Courts were in some ways more significant and more important in the deliberations of the Government and the Attorney than appointments to the Magistrates Court. But I've come to the view that, on the contrary, appointments to this Court are equally if not more important in their consideration than important appointments to the higher Court. That is because in this Court the diversity of matters with which magistrates are challenged, daily, is in many ways greater. The conflicts and trauma with which many of those who appear before the Court are more diverse and, in many cases, more acute, particularly in the criminal jurisdiction. And, of course, in this Court there are circumstances where many self-represented litigants also appear. And for many people it is the Court which heralds their first appearance in any Court, and perhaps their only appearance in only Court. So, in that respect, the confidence with which the community holds our legal system to a large extent depends upon the perception gained by those who do appear in these Courts, either as parties or as witnesses in matters on which the Magistrates Court deliberates. And since this Court deliberates on more matters than the other Courts combined, it emphasises the importance of the careful choice, selection and appointment, of those who preside over matters of being heard in the Magistrates Court.

So, I'm very pleased to join with Chief Magistrate today in welcoming our new magistrates. Judge Irwin has outlined the excellent credentials of all of the magistrates, but I particularly note the historic appointment of part-time magistrates for the first time, resulting from the amendments to the Magistrates Act which I introduced into the Parliament last year and which passed the Parliament, enabling the appointment of magistrates Roney and Bradford-Morgan. I wish both Magistrates Roney and Bradford-Morgan, along with their full-time colleagues, a long and successful and fulfilling career, in working as judicial officers in this Court.

Having experience on the building tribunal where self-represented litigants were not uncommon, will bring both part-time Magistrates to this Court with important experience in providing the sensitive, compassionate, but also important ability to guide litigants in resolving issues promptly, fairly and according to law.

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As the Chief Magistrate said, this Court has a very busy jurisdiction. The intensity of the work of this Court will undoubtedly be undiminished this year and the demands for the allocations of Magistrates throughout the State is evidenced by the prompt appointment of Magistrate's, Costello and White to regional centres over the next couple of years.

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Amendments to the Magistrate's Act last year also provided for the important capacity to allocate Magistrates throughout the State so that people in all communities are adequately served by the Magistrate's Court.

I know that all Magistrate's are committed to the important service that this Court provides at the grass roots level in our community and I also know that the Magistrate's appointed and welcomed here today, share in that commitment.

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On behalf of the Government, the Executive Government and the people of Queensland, may I again, congratulate all of you on your appointment and wish you well in fulfilling your important roles. May it please the Court?

HIS HONOUR: Thank you, Mr Attorney. Mr Martin, can I invite you to address the Court?

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MR MARTIN: If it please the Court, I'm not sure whether it is a sign of efficiency, Chief Magistrate, or mere coincidence that we've witnessed this mass swearing and welcome today. It matters little for the Bar welcomes the appointments and congratulates each of the new Magistrates.

Each of those appointed today brings a different but equally valuable set of experiences and knowledge to the new task they each face. Magistrate White, your five years experience most recently as a senior solicitor in the Legal Aid Office, has given you, through the work you did there, an invaluable insight into the workings and requirements of this Court.

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Similarly, your varied work in the Public Defenders Office, and in the Supreme and District Court Registry's, together with the penance you did during the Russell Island trial, provide you with a broad base of experience which is going to prove very helpful.

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Magistrate Costello, we have known each other for about 30 years from when we first met in the law faculty at the University of Queensland. Somehow we both managed to survive the antiquated conditions of the law library and the truly appalling coffee in the law students meeting room. Of course much has changed since those days. We could not afford the special jumping chairs which are now supplied to Magistrate's

and you of course, today, have been regarded as the senior appointee, having already taken your oath of office and you've already sat on the Bench, in that, you were an acting [indistinct] warden for three years.

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It's always pleasing for the association to see one of its members appointed to judicial office, particular who has been a member both in Brisbane and one of our provincial bars in Rockhampton. I must say that I noted with interest that in your earlier days as a barrister, you helped run on a voluntary basis, a half-way house of alcoholics, further evidence of your connection with lawyers.

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Before I turn to the last two of this mornings appointments, I would like to say something about the historic nature of their new positions. The Bar has always opposed the appointment of acting judicial officers, except where a distinct and short-lived need demands it. We do not though, oppose the creation of part-time appointments to this Bench, indeed we welcome it. Talent such as that possessed by our first part-time Magistrate's, might be lost to the people of Queensland were it not for this innovative approach.

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No doubt there will be some challenges to be met with respect to the programming of matters. And it will be of paramount importance that so far as litigants are concerned, there should be no difference in the way matters are handled when assigned to a part-time Magistrate. But it is important for all concerned that everyone accepts that being part-time does not make a Magistrate any less of a judicial officer. A disappointed applicant for office is leaving at the moment, Chief Magistrate.

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Both of the new appointments have similar histories as solicitors and members of the Queensland Building Tribunal. As to the latter, both of you bring to the Bench a significant and developed asset of assessing evidence, deliberating upon it, and delivering judgment in matters of great complexity and substantial importance.

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Magistrate Roney, your long experience with litigation in many areas, fitted you for your work on the Building Tribunal, just as it fits you for your new task. It's important to realise that the skills necessary for the adjudication of cases in this Court, do not descend magically or immediately upon the taking of the Oath. The necessary prowess takes a little while to develop. You though, have a head start given your valuable experience in that work on the tribunal.

Magistrate Bradford-Morgan, you, like Magistrate Roney, also served as a deputy president of the Queensland Building Tribunal, and you've also been engaged as a private arbitrator in many areas. Your professional history demonstrates a capacity to deal with difficult matters swiftly and effectively.

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I've had the distinct pleasure of having been a friend of yours, and your family for quite some time and I can draw on

that knowledge to say that you will fulfil your duties with distinction and will be a valued member of this Court.

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I can also say, knowing your husband as I do, that you certainly possess one virtue needed by all Magistrates, that of patience. May it please the Court?

HIS HONOUR: Thank you, Mr Martin. Mr Ferguson, if you could follow that I invite you to address the Court.

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MR FERGUSON: May it please the Court, it is with great pleasure that I address the Court today on behalf of all the solicitors in Queensland. This is a momentous occasion because we know not the careers of one, but four new Magistrates. I thank his Honour, Judge Irwin, Chief Magistrate, for affording me this privilege.

Our Magistrates have served the citizens of this State with great distinction throughout our history. It has a presence in some of the most isolated locations in the State, and due to the nature of its jurisdiction it deals with a majority of our citizens when they come into contact with the legal system.

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It takes a special person to undertake the role of a Magistrate and I would like, in brief, to acknowledge each of their achievements for the record.

Magistrate Costello, your Worship has an impressive legal career dating back to your admission to the Bar in 1976. It is interesting to note that your experience as a barrister is complimented by a nine year period where you worked as in-house corporate counsel for one of Australia's major mining companies and also pleasingly as a solicitor in private practice for a short time.

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Your practice at the Bar covered both the civil and criminal jurisdictions. Additionally, you are an experienced mediator, have acted as a mining warden, and then an official visitor at the Metal Health Unit for the regional hospital.

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I note with admiration that you have conducted voluntary work at a half-way house of alcoholics, community legal organisations, written papers for the benefit of your legal colleagues and you are an honorary member of the Research and Ethics Committee at Rockhampton Hospital.

Magistrate White, your Worship's legal career dates back some 11 years before your admission as a solicitor in 1984. In particular, I note not only have you experience the legal system from the perspective of a private practitioner, you have performed duties with the Public Defenders Office as a taxing officer, and a senior deputy Registrar in both the District and Supreme Courts.

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In 1998, you commenced your career with Legal Aid Queensland, initially on a temporary basis, before taking up a full time position in January 1999. During your time with Legal Aid, you provided advice in a range of legal issues, resulting in you being appointed as the solicitor in charge of the Inala office and then a solicitor in charge of the Ipswich office before your deserving appointment to the Bench.

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Magistrate Roney. Your Worship was admitted as a solicitor in 1986 and commenced private practice in Brisbane. After gaining experience in a number of different areas of practice, you developed an interest in building and construction law, which led to you being appointed a part-time member of the Queensland Building Tribunal in 1993 and subsequently, deputy chairperson in July 2000, where you served with the distinction until your appointment to the Bench.

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In addition to your duties of the Building Tribunal, I note you have written extensively for various legal conferences regarding the jurisdiction of the Tribunal. You've also undertaken voluntary work at the Women's Legal Service and also for other community organisations.

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Magistrate Bradford-Morgan. After your Worship's admission as a solicitor in 1985, you worked in some of the most respected legal firms in this state. Your experiences indeed varied and I note you have acted and appeared for both individual and corporate clients in most levels of this state's Court system and also the Federal system.

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As your career continued, your Worship developed a preference to construction law, which resulted in your Worship being appointed a member of the Queensland Building Tribunal in 1994 and subsequently, also a deputy chairperson in July 2000. In addition to your legal qualifications which include a Master of Laws, your Worship is an accredited mediator and arbitrator.

It has been said that the hallmark of a good Magistrate is integrity, professional eminence, high intellect and legal learning, experience in and knowledge of the way litigation is conducted, the capacity to analyse and articulate facts and legal propositions clearly, capacity to write clearly and concisely and deliver reason judgments without delay and the ability to deal with emotional people in a calm and rational way.

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It is clear that all of you have those qualities and the people of Queensland are fortunate to have Magistrates of such a high calibre to assist in the administration of justice in this State.

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All of you at one time in your distinguished careers have worked as solicitors and as the president of the Queensland Law Society, on behalf of the Queensland - solicitors of Queensland, I congratulate you on your appointments and our best wishes are with you one and all. May it please the Court.

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HIS HONOUR: Thank you, Mr Ferguson. I now wish to invite each of the new Magistrates to respond to those kind remarks; firstly, Magistrate Costello.

MAGISTRATE COSTELLO: Chief Magistrate, Judge Marshall Irwin, Mr Tooney, the Honourable Rod Welford, president of the Bar Association, Glen Martin SC, president of the Law Society Glen Ferguson, my Magistrate colleagues and my distinguished family and friends, I would like to thank each of the speakers for their very kind and generous words this morning.

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As you know, I've been appointed to Southport for 12 months and then Charleville for three years. With respect to the Charleville appointment, I'm sure you'd be aware that not everything in the bush is wonderful, as things stand at the moment. The late Manning Clark described the bush as that source of our innocence, the nursery for our broken hearts and the home of eccentrics.

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I think it's very important for the kind of work that we do, especially the level that we work, is to - is to claim a kind of ownership of the good and the bad, especially if you're working in the bush, and I'm very happy to do that.

I would like to thank my family and their friends for their kind support and again, I would like to thank the speakers for their - for their great generosity and the words that they have said this morning. I very much look forward to the - to the next four years. Thank you.

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HIS HONOUR: Thank you, Magistrate Costello. Magistrate White.

MAGISTRATE WHITE: Thank you. Judge Irwin, Mr Attorney, Mr Ferguson and Mr Martin, thank you very much for your kind and positive remarks. I certainly intend to perform to the best of my ability in my new role.

I suppose that my legal career commenced in 1973 when I started work as a clerk in the Supreme Court. I was then the first female clerk appointed to the Supreme Court and was originally paid only 75 per cent of my male counterpart's wages and any quality which would be unacceptable today. About six months after I commenced work there, another female clerk joined me. Her name was Pam Dowse and she was the person who persuaded me to study law, for which I'm most grateful. She is now the presiding Magistrate at the Sandgate Court and we have remained the best of friends for 30 years. I thank her for her encouragement and friendship.

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I have been extremely fortunate during my working life to have had the benefit of some exceptional role models from both a legal and a management perspective. I would particularly like to thank Judge Healy, who was the public defender whilst I was at that office and who moved my mission in 1984. Also, Judge Michael Shanahan, who was my section manager in the same office and Ken Toogood, the Registrar of the Supreme and

District Courts, who assisted me enormously during my time as a Deputy Registrar.

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For the past five years, I have had the benefit of working as a solicitor for Legal Aid Queensland. During this time, I have renewed old friendships and forged new ones. I have received advice and assistance from many talented, committed and hard working colleagues. I thank you all, as you know who you are.

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It is with some regret that I accept that I am no longer part of this progressive and worthy legal firm. Most of my time at Legal Aid was spent at the Ipswich office. I'd like to thank the team, namely Louise, Michael, Di, Kerry, Eileen and Sam, for making my job so much easier. I would also like to thank the CEO of Legal Aid, John Hodgins, for his valued guidance and support whilst I was a solicitor in charge of the Ipswich office.

Last but not least, I thank my family and friends, many of whom are here today, for their love and support over the years; in particular, my husband, Graham, our two sons, Geoffrey and Matthew and my sister, Gwen. Thank you.

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HIS HONOUR: Thank you, Magistrate White. And I would like to particularly acknowledge the presence here this morning of Judge Shanahan, Mr Toogood, the Registrar of the Supreme and District Court, and also Mr Hodgins and also, referring to those people who I can make out from here, Ms McVeigh from the Building Tribunal of Queensland, or previously from the Building Tribunal of Queensland and also Mr David Schultz, who's the acting Director General of the Department of Attorney General and Justice. Magistrate Roney, would you like to say something.

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MAGISTRATE RONEY: Thank you. His Honour Judge Irwin, Chief Magistrate, Mr Attorney, distinguished guests, colleagues, ladies and gentlemen and children, I am grateful and honoured to accept this office. In particular, I am delighted at the terms upon which my appointment is being made; that of a part-time basis, as you've heard this morning.

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These terms acknowledge the other very important and demanding role and fulfilling role, I might say, that I have, that of raising my three children who are here with me today, Julian, Isobel and Olivia. I look forward to serving as a Magistrate along side the very honourable men and women whom I know comprise the magistracy in this state.

In concluding, I thank the speakers for their thoughtful words. Might I say, not only will my experience with the Building Tribunal in dealing with litigants in person equip me well for my job, but can I say a number of years serving on sub committees of the Law Society has equipped me with new and varied skills in dealing with those who are sometimes confused and cantankerous and I'm sure I will be able to employ those skills in my new role.

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Thank you, everyone. Thank you for the support of my family and friends who are here today.

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HIS HONOUR: Thank you, Magistrate Roney. Magistrate Bradford-Morgan.

MAGISTRATE BRADFORD-MORGAN: His Honour Judge Irwin, Chief Magistrate, Mr Attorney, Mr Martin, Mr Ferguson, distinguished ladies and gentlemen, I'm honoured to accept an appointment to this Court. I wish to acknowledge the Attorney General, the honourable Mr Rod Welford, for his far sided policy which has made this appointment possible.

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I am proud to be one of the first part-time Magistrates appointed in Queensland and I'm delighted to share this honour with Christine Roney. For this State's smart women, these appointments recognise that part-time work does not mean a half-hearted commitment.

On a personal note, I wish to acknowledge the enormous contribution made by my mother, Pauline, who unfortunately can't be here today. It is her selfless support that has enabled me to obtain three degrees and to continue my career whilst nurturing my children, Lachlan, Lauren and Rees.

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I also wish to thank my husband, Richard, for his continued love and support and sacrifice. I'm delighted to share this milestone in my life both personally and professionally with my friends and family. Can I endorse the Attorney General's comments. The Magistrate's Court has the highest volume of cases in Queensland and consequently, it is for the Magistrates that the majority of the public look to, as representatives of the judicial system.

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I am deeply committed to fulfilling my duties as a decision maker in a manner that does credit both to this Court and to my colleagues and I feel deeply privileged to be given the opportunity to do so. Thank you all.

HIS HONOUR: Thank you, Magistrate Bradford-Morgan and thank you all for your attendance this morning. Everybody is invited to join Magistrates of Queensland, including our four new colleagues, on the 14th floor for morning tea. These proceedings are now adjourned.

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THE COURT ADJOURNED

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