

TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

BLACK, Magistrate

PREVITERA, Magistrate

SPENCER, Magistrate

IN THE MATTER OF A VALEDICTORY CEREMONY IN HONOUR OF
MAGISTRATE LYNN

CAIRNS

..DATE 05/08/2004

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.

Also present

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On behalf of the Bar Association of Queensland:

Mr A Philp, SC

On behalf of the Far North Queensland Law Association:

Mr H A Mellick

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On behalf of Queensland Police Service:

Snr Sgt P Wyatt

On behalf of Tharpuntoo Cape York Legal Service Aboriginal Corporation:

Mr R Norman

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ALISON WHITE APPOINTED AS RECORDER

HIS HONOUR: Good morning, and welcome to this ceremony to celebrate the birthday of our colleague Magistrate Kenneth Lynn. I'll be inviting everybody at the conclusion of the ceremony to stand up and singing a rousing chorus of happy birthday Ken. Well, in fact that's part of the reason we're here. The other reason is that this is Ken's valedictory ceremony.

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I also wish to acknowledge the presence here today of Ken's partner, Beverley, and his son, Alex; also Judge White of the District Court; and I understand Judge Bradley may be here or be joining us later; also Magistrate Basil Gribbin who has travelled from Beenleigh to participate in this morning's ceremony; and our retired colleagues Messrs Scanlan, Ingram, and Fitzsimons. They all seem to have one thing in common which I'm sure Ken will be sharing as a retired Magistrate after today; they all have large smiles on their faces.

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I also welcome the members of the legal profession and all the distinguished guests here this morning. You all are of course distinguished guests.

I also wish to record some apologies. Firstly, from the Attorney-General; and from the Director-General of the Department of Justice; Magistrates Kluck and Lock have found that duty has called them to other parts of the State today; and also Magistrate Sarra is on leave; another former Cairns colleague Magistrate Bruce Schemioneck will be travelling from Toowoomba to be with you tomorrow, Ken, for the farewell function; also amongst our colleagues the two Smiths, Brian and John, send their best wishes to you.

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I also particularly want to acknowledge Justice Jones who has also been required to discharge his judicial duties at short notice in another part of the State today. He particularly asked to be associated with my remarks which may be a brave move because he doesn't know what I'm going to say yet. But I do wish to sincerely thank him again for his generosity in providing this Court for this ceremony to celebrate the significant contribution to the justice system and the community of Queensland by Ken Lynn. This is the second time since the 30th of October last year that his Honour has given the magistracy of Cairns the rare opportunity to sit together as one bench on a ceremonial occasion. You will recall that that last occasion was to welcome as a new Magistrate Matt McLaughlin of the Cairns legal profession, today of course it is to farewell Ken.

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The attendance of everyone here today from a broad cross-section of the community to join in this sad but special occasion speaks more eloquently than I can about the respect in which Ken is held. Today, as well as members of the judiciary and retired magistrates, we have here both sides of the argument - both the prosecution and the defence, together with Court staff, and representatives of Government departments which daily interact with the magistracy. It is stating the obvious to say that it is standing room only.

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Ken, I know that in your calm and modest way you would have been just as happy to complete your 21 years of exemplary service as a Magistrate by sitting throughout the day, adjourning Court for the last time, and quietly walking away into retirement with Beverley and your family. However, I hope that the compliment which is being paid to you today by this large gathering will make you forgive Magistrate Black, your successor as coordinating Magistrate in Cairns, and your fellow Cairns Magistrates for organising this.

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You started your career, as I understand it, in the Main Roads Department in Brisbane before accepting a transfer to your home town of Gin Gin, perhaps longer ago than either of us care to remember. You, like so many others of that time, commenced the peripatetic existence that was a lot of those people who worked in the Magistrates Court service.

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Among the clerks of the Court with whom you worked at Gin Gin was the renowned and redoubtable Hamilton Spicer who is well known in this area. Those were the days when you could go home for lunch, do the daily banking while you were at it, although I understand that you had a tendency to forget to bring the bank book back to the office with you. I also understand that in those days your pride and joy was an FJ Holden that you purchased for the princely sum of \$60. And you demonstrated your advocacy and persuasion skills at an early stage by talking yourself out of trouble with a local grazier after his prize bull was unwise enough to stray in front of your car when you came home one night from a dance. After meeting with the disgruntled grazier the matter was not surprising settled to your mutual satisfaction and without

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Court proceedings, although I understand that the FJ was also the worse for wear.

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So, Ken, you can see that I've been using my connection from a past life in law enforcement to make some inquiries about you. However, to adopt the parlance which is often used in this Court, all of those inquiries only revealed that you were a clean skin. The common theme of those inquiries were these: that you were a good bloke; a good lawyer; and a delight to appear before; and importantly as a clerk of the Court, and a Magistrate, a person who has unobtrusively and calmly dedicated yourself to the study of law and its application in a just and fair manner. Indeed I understand your dedication is such that after being admitted through the Barristers Board Solicitors Board process that you went back to university to get a law degree.

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You commenced your journey as a Magistrate in Cloncurry on the 9th of June 1983, coincidentally the same day that Rod Ingram was appointed as a Magistrate. You later transferred to Rockhampton where you served for many years following in the footsteps, rather large footsteps they were too, of that local legend Ted Loane before gracing this bench where you have also been the coordinating Magistrate. In that time you have epitomised all that is best about the magistracy, upholding his highest standards, and acting in the collegiate way that you know that I value so highly.

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Your collegiality was typically shown in announcing your retirement earlier than you were required to do to ensure that there was the shortest possible hiatus before the Cairns bench returns to its full strength.

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For my part I acknowledge publicly the support and goodwill that you have extended to me as a relatively junior judicial officer in terms of judicial experience. I valued your advice, particularly on the Cape circuit where I was fortunate enough to have travelled with you and Magistrate Tina Previterra late last year, and where I learnt one of the most valuable lessons in my time in the magistracy and that is: There is no one size fits all solution to the administration of justice in this State.

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You, like your Cairns colleagues, have a strong commitment to justice for indigenous people, particularly the indigenous communities of the Cape and Torres Strait. You have done much to support the increase in the time spent by Magistrates in indigenous communities. Although you will not see this before you retire I am optimistic that that work will come to fruition and we will be able to spend more time on Cape circuits in the near future, but you will have the quiet satisfaction of knowing what an important part you have played in that.

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You epitomise what the magistracy of Queensland is really all about and how I have found it to be in my time as Chief Magistrate. Not surprisingly the bench in Cairns is a team, it is harmonious, and it is not adverse to trying innovative

programs such as the collaboration with the A.I.A.R.S. organisation in the CARRP program which is aimed at indigenous street people and has led to a 60 per cent reduction in the appearance rate for repeat offenders for alcohol related offences. I believe Mr Arthur Poa from that organisation may be in Court today. It's an excellent initiative. Unfortunately it is significantly under-funded, but perhaps that can be changed in the future.

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It is by your conduct and that of the collegiate Cairns magistracy that the magistracy in this State should be judged and not by isolated incidents which are taken out of context. The Magistrates Court is the Court of first instance in the judicial structure of this State and through your example you have engendered respect for the Court and respect for and recognition of the rule of law. You will be a loss to the magistracy, but you have decided it is time to go. I wish you all the best for a long and happy retirement with Beverley and your family, and your Worship, it is for this reason that we honour you here today.

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Mr Philp, would you like to address the Court?

MR PHILP: May it please the Court it is my very great pleasure to speak on behalf of the members of the Bar in the Far North on this special occasion.

Mr Ken Lynn has been coordinating Magistrate in Cairns since February 1998. During that time your Worship has forged a relationship with the members of the Bar of mutual trust and respect. Such a relationship is one of the cornerstones of the administration of justice in this region. Without it the system suffers to the detriment of the community. However, it is not established by chance or as of right. Your Worship has contributed to the success of this relationship by your conduct, courtesy, compassion, and fairness. These characteristics, together with your learning in the law, have engendered confidence in the members of the profession, and through them their clients, that when walking into your Court each and every person will receive a fair hearing and an outcome based on the evidence and the rule of law.

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Your Worship also obviously has the respect of your fellow Magistrates. Running a busy Court in a growing region in the Far North no doubt throws up many and varied challenges, however, the Court is a happy and industrious one, the envy of many other regions, and I am reliably informed by someone who should know, his initials are Judge Irwin, that this region causes him no grief at all.

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Your Worship has followed in the footsteps of many Cairns current judicial figures in that you served or practised in Rockhampton. Justice Jones, and Judges White and Bradley have strong links with central Queensland. Your Worship has also left your mark.

I would like to read a letter to your Worship from the Rockhampton Bar written on behalf of that Bar by Mr Gerard O'Driscoll.

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"Dear Ken,

On behalf of the Rockhampton Bar we wish you well in your well-deserved retirement. I had the privilege of speaking at your farewell from Rockhampton when you were transferred to take up a position as a Magistrate in Cairns. It certainly was the Central Region's loss and I am sure that North Queensland has benefited significantly while you have been presiding up there.

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It may be said that North Queensland has stolen all of our best talent, and perhaps envious eyes have been cast to the more temperate climes in the north during our recent five day winter in Rockhampton.

I am reliably informed that no-one currently in the profession intends to relocate north."

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Just as an aside there to me, I think Mr O'Driscoll's keeping his options open.

"You enjoyed a significant career and hold the respect of your colleagues. The Bench has lost a fine Magistrate, a good lawyer, and a compassionate human being.

We wish you fulfilment in your retirement and hope it is as rewarding and fulfilling as your life on the bench."

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The Bar in Cairns echoes those last sentiments. We wish you and your family well in your retirement.

HIS HONOUR: Thank you for those comments on behalf of the Bar, Mr Philp.

I now call on Mr Mellick on behalf of the Law Society to address the Court.

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MR MELLICK: Thank you, your Honour.

Your Worship, Mr Lynn, Mrs Lynn, your Honours, your Worships, distinguished guests, ladies and gentlemen, it is my honour and privilege today to speak on behalf of the Far North Queensland Law Association and indeed on behalf of all practitioners in Far North Queensland.

When I commenced my articles in 1981 the senior judicial officer in Cairns, and indeed the only judicial officer in Cairns was Mr Bernie Scanlan. Mr Scanlan, in my view, set the benchmark and indeed a very high benchmark on how I would always gauge future Magistrates. Mr Scanlan possessed, in my view, all of the qualities of an excellent Magistrate, more particularly he was fair but firm, he was courteous, and he was respectful to all those who appeared before him in any capacity whatsoever. Your Worship, in my view, has well and

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truly lived up to such benchmark having consistently demonstrated all of those same fine qualities.

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Your Worship's retirement is significant in two respects. Firstly, it recognises the culmination of a very long and distinguished judicial career including 22 years as a Magistrate, and more particularly the last six years as the supervising Magistrate in Cairns. And secondly, it makes one reflect over a period of some 22 years as to the significant changes which have occurred in the Magistrates Court jurisdiction in the Cairns area during that period of time.

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Mr Scanlan in the seventies and eighties was the sole permanent judicial officer in Cairns. He was very ably assisted by visiting Magistrates from the surrounding areas including Mr Bert Nolan who was the resident Magistrate in Innisfail; Mr Hammy Spicer, the resident Magistrate at Mareeba; Mr Trevor Pollock, the resident Magistrate at Ingham; and lastly, Mr Bill Christensen, a resident Magistrate of Atherton.

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During the course of the eighties the workload in the Cairns Magistrates Court significantly increased, no doubt due to the increasing population and the increasing jurisdiction of the Magistrates Court. Indeed I can recall going back to the eighties when the maximum jurisdiction in the civil jurisdiction of the Magistrates Court was approximately \$1,500 and in fact trials were regularly conducted in the District Court for amounts of around 3 or \$4,000.

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The number of permanent Magistrates in Cairns progressively grew during the 1980s to a total of four. The situation reached a stage when by the late 19 - sorry, by the late eighties the Magistrates Courts in the Cairns area were located in five separate buildings and over three separate blocks within the Cairns CBD and they included the old courthouse, the old Public Trustee building, the Tropical Arcade, the old Suncorp building, and the Orchid Plaza. Clearly that situation was untenable for any period of time, if not just from an administrative point of view.

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In 1992 the Courts at all levels and jurisdiction shifted into this wonderful courthouse which we are housed in today. However, a Court, no matter how grand, is quite meaningless unless the judicial officers before who parties appear are fair, the registry staff are courteous and efficient, and that there is cooperation existing at all levels with prosecuting authorities.

Of recent years Cairns has been privileged to have not only your Worship as the coordinating Magistrate for a period of six years but also a number of other excellent Magistrates including Trevor Black, Bob Fitzsimons, Tom Bradshaw, Rod Ingram, Doug Morton, Ross Risson, Greg McIntyre, Clive Williamson, Bruce Schemioneck, and acting Magistrate Kerry McFadden. Similarly, we have also been very fortunate in having very courteous and efficient registry staff who have significantly contributed to the smooth running of the Courts.

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Indeed some staff registry have been here for significant periods of time in the vicinity of 15 to 20 years, and their loyalty and dedication is beyond question. Those staff members include Registrar Rob White, Peter Jesse, Dareyle Hester, Wendy Baden, Alan Marsh, Colin Stallybrass, Sharyn Phillips, George Horold, Debra Horold, and Melissa Murphy. I'm sure at times in the rush of things we often take for granted the significant contribution made by registry staff members, and it is appropriate on occasions such as this to recognise the significant role in the administration of justice.

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It was considered, your Worship, appropriate that on behalf of the association we present to your Worship a small gift to mark this significant milestone in your Worship's judicial career. Not knowing as to your Worship's personal likes and dislikes I conferred with several colleagues yesterday to discuss what might be an appropriate gift. It was at that stage that I ascertained that your Worship was, I understand, a keen football supporter, and it was then unanimously agreed that we would present to your Worship a ticket to the next State of Origin football match to be held in Brisbane in the year 2005. So as to avoid any suggestion, and to avoid any matrimonial conflict that your wife might think it was part of a boys' club, we also unanimously decided to provide an additional ticket for your wife so that both your wife and yourself could attend the State of Origin match.

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Not ever having had the privilege of attending a State of Origin match I knew nothing of how one would go about purchasing such a ticket, so as all solicitors do when they are in doubt I decided to seek counsel's opinion and advice on the matter. Of course, having regard to the seriousness of the situation and the importance of the situation I went straight to the top and sought advice from learned senior counsel Mr Philp. Of course, Mr Philp was able to tell me straight away that I should contact Ticketlink. I immediately phoned Ticketlink and advised them that I required two tickets for your Worship and Mrs Lynn to attend the next State of Origin match in Brisbane and I advised them as to the significance of why the tickets were required.

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The salesman at the end of the - on the other end of the line - unfortunately the phone line wasn't the best - but he said that he would ordinarily love to help me, but as best I could gather what he said - that unfortunately some bloke called Blackie had just been in a couple of days beforehand and purchased the last two remaining rows. Apparently this person Blackie mentioned something about he and his mates being in town for the - a couple of days and being on some sort of junket, but he did assure me that if any tickets became free that he would pass them on to me. But I can assure your Worship that if I come across this person called Blackie I intend to take him to task over the matter, and if I am able to retrieve any tickets from him I will certainly undertake to pass them on to your Worship.

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In all seriousness however it has been our privilege to have your Worship as our coordinating Magistrate for the last six years. Other than the qualities which I have already made reference to your Worship, in my view, one of your most outstanding qualities and which is a legacy which your Worship will leave well and truly after your retirement is the transparency within which you have conducted your position as coordinating Magistrate, and in this respect I refer to the various meetings which you have held with all Court users during the period of time - the many meetings over the period of time which you have been the coordinating Magistrate to see what could be done and what steps could be taken to improve the Court system in the Magistrates Court within the Cairns area.

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Your Worship, on behalf of the Far North Queensland Law Association I wish you, your wife, and your family the very best in your retirement. Your Worship's retirement will be a significant loss to the Cairns Magistrates Court system, but no doubt a significant gain to your wife and your family.

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Your Worship can however retire in full knowledge that you have unconditionally earned the respect and loyalty of all practitioners that have appeared before you. Your Worship can also be assured that when retiring that you will be leaving the Cairns Magistrates Court system in the very capable hands of your brother and sister Magistrates Trevor Black, Tina Previtera, Rob Spencer, John Lock, Paul Kluck, and acting Magistrate Kerry McFadden.

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Again, your Worship, on behalf of the Far North Queensland Law Association I wish you the very best in your retirement.

Thank you, your Honour.

HIS HONOUR: Thank you, Mr Mellick, for those kind words.

I now, in the interests of equity and fairness give the prosecution the right of reply; Senior Sergeant Wyatt.

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SNR SGT WYATT: Thank you. Your Honour, your Worships, ladies and gentlemen, I've only prepared a short speech today in keeping with my status as a man of few words, although some people might argue with that point.

It is an unfortunate fact that most of the matters with which Magistrates have to deal are in the criminal jurisdiction. Now, this necessarily involves Magistrates having to also deal almost daily with appearances by police prosecutors, especially in view of the fact that we also appear in other proceedings such as Coroner's Court, domestic violence applications, and various other matters. Now, whether this is also unfortunate is also a matter which is open to debate.

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Whilst it is inevitable that there will be areas of disagreement on matters of law there can be no doubt that you have generally gained the respect of our office through the professionalism, consistency, and dignity that you have shown

in the discharge of your duties on the Bench. However, there is more to being a Magistrate than just exercising a judicial function. There is also the aspect of the administration of the Court system itself. This can require a delicate juggling act involving some measure of cooperation with stakeholders whilst also maintaining the independency of the judicial function. This is particularly so in a place like Cairns which services such a large area and diversity of people.

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For example, the volume of matters dealt with on Cape York circuits would be greatly reduced without some measure of cooperation between Magistrates, prosecution, and members of the legal fraternity. Fortunately, I believe that we have achieved quite a measure of cooperation in that area and as indeed in other areas in the Cairns district. Mr Lynn, during your time in Cairns you have encouraged this fruitful spirit of cooperation, but the fact that you have maintained your judicial independence can never be questioned.

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It is regrettable that the Court system must eventually lose the wisdom and experience gained by Magistrates such as yourself. However, it is also inevitable that the years spent accumulating that wisdom and experience must eventually result in a well-earned retirement. As you have reached that stage on behalf of the members of the Cairns Police Prosecutions Section I would like to thank you for your valuable contribution to the Bench and wish you all the best for your future plans whatever they may be, and presumably that includes not having to put up with police prosecutors so I'll conclude.

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HIS HONOUR: Thank you, Senior Sergeant.

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I also understood that there may be other people in this Court this morning who wished to be involved in these proceedings by way of a presentation; have I been reliably informed? Mr Norman, please come - please come forward. No, no, please approach the - the Bench, Mr Norman.

MR NORMAN: Ken, on behalf of the chairperson, the directors, and the staff at Tharpuntoo, we wish to send to you our appreciation for the assistance and support you have given the legal service over your time at Cairns.

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As you know it is a very difficult service to deliver in the Cape York peninsula, and we rely heavily on the good graces of you and your brother Magistrates - sorry, and sister Magistrate, in ensuring that the circuit goes as well as can be expected.

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Some of the staff decided to give you something that will remind you of that circuit and it has a wide diversity of the Cape. I was also fortunate that I've served as a clerk during your tenure at Ingham. The experience that I gained under your tutelage has held me in good stead in my current position at the legal service.

I can only reiterate the words said by all the other respected gentlemen and speakers who may have appeared before you, but certainly there's nothing there that I could challenge. On behalf of the staff I wish to present this, again, as I say, as a token of our appreciation and wish you and Beverley and your family all the best in a well-deserved retirement.

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HIS HONOUR: Thank you, Mr Norman.

A time has been reached for the last word, or perhaps the last judgment from Magistrate Ken Lynn. Ken, would you like to reply.

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MAGISTRATE LYNN: Thank you, Chief Magistrate.

I acknowledge absented Justices Jones and Bradley, Judge White, members of the legal profession, the registry staff - Mr Mellick has done a good job of naming so many of them, and other workers in the building, and last but not least my former colleagues, and my former colleagues I'm very happy to see, and friends including Basil Gribbin who's here representing the Magistrates Association.

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My wife has taken a rare day off work to be here and it was a pleasant surprise when my son arrived a bit earlier than expected and unannounced from working in South Korea. I'm very happy to see him here today.

I'd really like to thank all of you for taking your time out of a busy day and coming here this morning, especially those who've travelled a long way to be here.

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I'd like to add my thanks to Justice Jones for making the venue available today. He's demonstrated a dedication during his time here in Cairns to try to make the Magistracy feel included in the judiciary even if he might have had to drag us along kicking and screaming occasionally.

Today of course is the day for me, the last day of my working life as a Magistrate in the Magistrates Court services. As the Chief Magistrate has indicated valedictory services are a new fangled idea for Magistrates of my generation, and I'm grateful for the trouble that persons have gone to including my colleague Trevor Black and the staff who as always have done a good job organising things, including the security staff who do an excellent job for all of us.

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Now that I am here I do intend to take the opportunity to talk about myself a bit and comment perhaps on one or two other matters. I really don't want to dwell on the work that all of us in the law have been doing. Clearly over the years I have been involved in a number of matters that will always remain in my memory, particularly the number 2 Moura mine disaster and the Neercoll committal that I was involved in in Rockhampton. Further, I think like many Magistrates we feel a bit too close to the coalface to try to solve the problems of the world and there are plenty of them even though economically most Queenslanders are better off than they've

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ever been. I think emotionally a lot of people still have difficulties if the number of people who abuse alcohol and drugs are anything to go by and they're certainly going out of their way to ensure the Courts will never run out of work unfortunately.

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Mr Mellick has indicated the work of the Courts has changed considerably over the years. Certainly a lot of the more boring stuff that we all used to be involved in - stamping great piles of files and delivering sentences at the back wall while you're dealing with vast numbers of ex parte matters - those days are all gone. Perhaps we might look back towards them with some - a bit of a sigh occasionally when we're involved in small claims and small debts and think that having people not talk back would make the day go a bit better sometimes.

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I think that I'd probably speak for most Magistrates though when I say that the aspect of the job that probably causes most of us some sorrow has been the involvement that you get in child abuse matters and as Coroners the number of suicides, particularly amongst young people, is something that reminds me, and all of us, that a lot of work needs to be done in that direction.

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Now, I should say that I'd like - I've been thinking a bit about my life in recent times, and I think it's not unusual that that should be so. I can recall thinking before I was married that men - and I read somewhere that men tend to think as marriage as the end of an important part of their life and I think that rang a bit of a bell for me at the time rather than the beginning of a richer part of it, and I do thank my wife and children for making it a richer part as it's turned out. It's taken me a while to think of retirement as the beginning of a richer part of life but I'm working towards thinking that way.

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Those of you who know me well know that I don't mind delivering a lecture or two from the Bench, but I do avoid speeches wherever possible, and I do promise not to deliver a lecture this morning, and will refrain by and large from taking any parting shots.

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I must say I did intend to polish and shorten the words that I'd prepared, but like many of my good intentions I didn't quite get that far so I will end up winging it a bit this morning. You've probably noticed I've taken to do that in decisions a little bit of late.

As you all know the magistracy has been headline news for all the wrong reasons in recent years. I'll leave the more recent headlines to those who have to worry about it. I've got no desire at all to canvass any previous problems that we had in the past, and I know I can't speak for the Magistracy as a whole but I do know that I'm accurate when I say that the magistracy is grateful for the care that went into the appointment of the present Chief Magistrate who is sitting here beside me. He's had a tough job. It's not an easy thing

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learning to be a Chief Magistrate and a Magistrate at the same time, and also getting to know the character of his 80 odd charges. I think it's true to say that some of the charges have been keen to let him know what their characters were.

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I'd especially like to thank my colleagues here and who've worked with me in the past. They've been named already. I've enjoyed their support and assistance over the years. I'll admit to being prejudiced, but I certainly agree with the speakers who say that we've got a competent hard-working Bench here in Cairns, and I do leave without concern because daily life on the Bench does revolve around those who appear before us, and although some of you might have had doubts about it at times be assured that I have been grateful for the assistance I've received from both sides of the Bar table over the years, and I'm especially grateful for those of you with the ability to raise a smile or two during stressful proceedings.

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Obviously the decision to finish work is a personal one, and they're a combination of reasons that have led me to realise that time has come. I don't intend to bore you with all of them. One observation I would like to make is this in that the Courts in Queensland will never be truly independent until they have their own budgets as the Chief Magistrate has made reference to. Over the last few years I've certainly become increasingly frustrated with my ability to persuade those who hold the purse strings to allow us to have sufficient funds to even make small improvements on our service to the Cape York circuit, and although I feel that I did as much as I could and received solid support from my head of jurisdiction at all times there's nevertheless a feeling that you're letting people down when you can't achieve such minor positive changes that really seem to be obviously needed by everybody.

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I am grateful to the Government for the bricks and mortar that have been provided in recent years. This is a wonderful example of it. I should also acknowledge the hard work from many of the staff who've made their contribution towards achieving improvements in the accommodation that we all share on the Cape these days which is remarkable compared to the way things were before, that at least has helped to remove some of the more tiring surroundings that have made it difficult working up there in the past. I'm sure the solicitors who go there regularly agree.

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So far as Cairns is concerned I do hope that the additional Magistrate that we were promised a few years ago and which was supplied in part by the Drug Court Magistrate who is able to only give three days a week for more general Court duties will be manifest at some time in the future. Hopefully we will get some more personnel to assist in that way.

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Touching more personally on going I think it has often been said that baby-boomers are the generation that refuses to grow old, but perhaps being born in late '45 before the end of the war I might have missed that boat a little bit I think because certainly my body's given me the odd hint in recent times that it's had enough of sitting around in courthouses.

I made the comment that times in the past, and mercifully few occasions I suppose, that it's occurred to me that it's not too long since we've all crawled out of the primeval slime, but on a more cheerful note I've also accepted that it's not that long since we've all descended from hunters and gatherers, and while we tend to most of hunting and gathering these days in shopping malls I think there remains a human urge to be out covering the ground and the grey nomads perhaps are a manifestation of that. I'm satisfied that it's time for me to go out and start plodding over the ground there with them. Hopefully occasionally that will involve walking up the gangway of international aircraft. Beverley and I however will be firmly entrenched in Cairns for the next six months or so and we do certainly intend to remain residents in Cairns.

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I've generally avoided saying it but much of my time over the next few months will be spent in - I hope to find the rewarding task of being a house husband, and I do mention I will be available for any coffee dates that are offered.

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Not surprising I suppose I've been remembering many of the people I've worked with in my working life. You only remember those that you remember with affection, including the many who helped and guided me in the early days. Perhaps the earliest one should have been the district officer in Main Roads. After I'd been there for a few months he was kind enough to point me to the prospects and the promotional ranges available for someone in the Magistrates Court service and not available to persons in Main Roads and urged me to take the job in the courthouse at Gin Gin which my first reaction was to knock back.

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I would also like to publicly acknowledge the encouragement that I received as a young clerk from my first boss in the job, Merv Stubbins, who later became Licensing Commissioner, and the second, Hammy Spicer, of course who's still in the area after serving as a Magistrate in Mareeba for many years.

All of those of you who've been around Cairns for a long time will know that Hammy was an accomplished teller of tales and I've got very warm memories as a young man of 17 or so sitting on a stool in front of the courtroom in Gin Gin listening to yarns which I found very intriguing at that age. I remember some of them very vividly. Many of them did involve persons who have been through Cairns at one stage or another through their lives as Magistrates, including Dan Kearney and Eric Lendich - certainly as clerks in relation to those. After hearing many of the stories that were told to me I then realised you didn't have to be boring and stuffy to be a Magistrate although I regret to say in the end that I've lived too much of my life as though you had to be, less from the wanting to do that than from an actual inclination I must admit.

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It is pleasing that in recent years Magistrates have been encouraged to become involved in the community more, and I'm grateful to those of my colleagues who've cheerfully embraced

that duty including engaging with the community justice groups
in the Cape as well as time has permitted.

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Obviously 43 years in the Magistrates Court service is a very
substantial part of my life and I'm inclined to get a bit
maudlin about how much I enjoyed life in the service in my
younger days. I don't pretend at all it was rosy as many of
you would know, but I do admit to fond memories. Of course it
is a sign of impending old age when you start looking at the
past with rose-tinted glasses.

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I know people really need to get back to work and I will
finish up now, but I'd like to thank you all again for coming
along to make sure that I'll remember my 59th birthday. Thank
you, once again.

Before I do finish I had intended to say that I wanted to
thank one of my mentors in the early days, Bernie Scanlan, who
I vividly recall giving me some very good advice for a young
man on the bench: That you should look after the facts and
the law will look after itself. I think he told me that in
1975 when I first came here as an acting Magistrate from
Ingham, and he passed that good advice on to many others, and
those who've kept it in mind have probably learnt a lot I'm
sure.

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Thank you, once again, and I thank the Chief Magistrate.

HIS HONOUR: All that remains for me to say is - before
adjourning the Court - that you're invited to join us and Ken
for refreshments in the assembly room, so we look forward to
seeing you there. Court is now adjourned. Thank you.

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THE COURT ADJOURNED AT 10.48 A.M.

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