

# TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

CLOSING CEREMONY  
MAGISTRATES COURT  
179 NORTH QUAY  
BRISBANE

BRISBANE

..DATE 12/11/2004

**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.

On behalf of the State of Queensland:

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Mr P Rutledge

On behalf of the Bar Association of Queensland:

Mr P E Hack SC

On behalf of the Queensland Law Society:

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Mr I Dearden

HIS HONOUR: Your Honours, it's pleasing to see the Chief Justice and the Chief Judge of the District Court and also Justice Spender from the Federal Court present with us today.

Your Worships, retired members of the Judiciary, members of the legal profession, the staff of the Queensland Magistrates Court, distinguished guests. Welcome to this historic occasion when we say, goodbye to the Central Courts Building here at 179 North Quay.

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I formally direct that these proceedings be recorded pursuant to the provisions of the Recording of Evidence Act.

MEGAN BARRY APPOINTED AS RECORDER

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HIS HONOUR: This building was initially designed as a speculative office building. When the Government later purchased it, it was converted for use by Courts.

Before coming to this building, the different sections of the Magistrates Court were spread out all over Brisbane from one end of George Street to the other and at different times, on Herschel Street. The building was called the Central Courts Building because when it commenced operations in December of 1974, it housed the District Court in addition to the Magistrates Court.

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There were 12 Magistrate Court rooms on the higher floors and 13 District Court rooms on the lower floors which were each fitted out with jury boxes. Those jury boxes remain to this day although they have been converted to other uses such as seating for police prosecutors and lawyers waiting for their trials to be called. There was even a jury assembly area constructed to hold 120 people and a kitchen dining facility to provide meals for up to 84 jurors simultaneously in six separate dining rooms although I understand this ceased when some jurors suffered food poisoning. The District Court moved to its current address on George Street around 1981 and 1982.

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When this building was opened on the 18th of February 1975 the then Premier of Queensland, the Honourable Sir Johannes Bjelke-Petersen, stated in the original booklet which was printed to coincide with the opening and which Magistrate Randall has treasured for all these years, and I quote:

"This building will satisfy a long felt need especially for lower Court work which for many years has functioned in premises belonging to an earlier period in the development of the State's capital. Our lower Courts play a vital role in the maintenance of our democratic way of life. It is only proper therefore that our Judges, Magistrates and all other people involved in the administration of justice, whether professionally or as litigants, should be able to discharge their duties and obligations in comfortable, modern surroundings."

In the same publication, the Deputy Premier and Treasurer of the day, the Honour Sir Gordon Chalk, said this:

"The opening of these new premises today marks a new era in the administration of the Law Courts of Queensland. They provide for more efficient operation of Magistrates and District Courts and so should reduce delays caused by overcrowding for a number of years. Better facilities and services are provided for the legal profession, for juries, the public and for all those who use the Courts. The new buildings are adjunct to the development of the city area and are in keeping with the requirements of a growing city and State."

Well, the past three decades have taken their toll on this old building and similar words could be said at the opening of our new premises next Tuesday.

This building belongs to an earlier period of brown bricks and khaki yellow carpet. It's not difficult to imagine the clerks of that era dressed in their best Safari Suit style clothing and the Magistrates kitted out, often in suits of brown, without robes as demonstrated in the 1979 Stipendiary Magistrates' Conference photo which, until recently, has been hanging near my Chambers.

It was the days, as this booklet shows, of people with flares and platform heels. It was probably also the days where the Court was recorded by the clattering of typewriters before we moved through real-to-real tapes to cassettes and, in the new building, towards digital recording.

Having functioned in a building that so strongly belongs to the '70's, there has definitely been a long felt need to move into comfortable and modern surroundings that will, to again adopt the words of the Premier in the original booklet for this building:

"Enhance the dignity and the reputation of Queensland's Law Courts."

To quote one final time from the booklet, the then Justice, Minister for Justice and Attorney-General, the Honourable Sir William Knox, said:

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"For a considerable time many employees have had to work in unsatisfactory conditions and I appreciate the tolerance and understanding which they have always shown."

I would like to extend my recognition on this occasion to all staff who have tolerated the decaying conditions in this building over recent years. The clerks of the court, the Registrars and their staff, have played an integral and valuable part in running the Courts in this building. Persons, like Jack Graham, who was in charge of the Court records in those days are reputed to be quicker than QWIC, our current computer based records system.

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As you walked under the protective scaffolding of our impressive front entrance today, you would have appreciated that this building is literally falling down around us. Not only have the bricks been falling off the building but this week the Magistrates' lift stopped working, the air-conditioning has been on the blink and even my phone gave up the ghost. All these are signs being sent to us that it is the right time to go.

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I'm hopeful that our new premises, which have also been built with the prospect of meeting future growth, will be able to adapt to those increasing demands for an even longer period than the 30 years that this building has housed the Magistracy. I am confident that they will provide a much more pleasant place for Magistrates, Court staff, practitioners and litigants alike.

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The opening of the new building next Thursday will symbolically mark the beginning of a new era. It will be accompanied by a change in the form of address to Magistrates from your Worship to your Honour. This will create uniformity and remove confusion. I will no longer be addressed as, "Your Worship, I'm sorry, your Honour." Magistrates will no longer be called, "Your Majesty", and it is appreciated that this change, which has long been overdue, has been supported by the Chief Justice, the Chief Judge, the Bar Association and the Queensland Law Society as well as the Attorney-General.

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While we welcome the future and willingly embrace progress and change, we have to be mindful of the past and respectful of our traditions. Many Magistrates and other members of the judiciary, Court staff and legal practitioners, would have an extraordinary collection of memories centred in this building. There are also the litigants that have appeared in this building. They have ranged from an ex-Premier to entrepreneurs of notoriety, colourful sport identities and citizens from all walks of life.

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If the walls could talk, the public who heard the stories would be captivated and entertained for years. There would be

stories about the days of the street march trials in the 1970's when two Courts were operating simultaneously to deal with the flood of work and many future Judges were appearing as counsel for the defendants. Naturally, many other cases of interest have started in this building including the Fine Cotton trial and the "Bottom of the Harbour" prosecutions.

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One of our Magistrates whose memories go back to his times as a depositions clerk in this building remembers, as I'm sure a number of you here today, the redoubtable Mr Clyde Evans who was for many years the Industrial Magistrate. Apparently those dealing with workers' compensation references were conscious of the need to avoid "The Wrath of the Evans", as it was called, being brought down on their heads when requesting a transfer to Court Number 11 in Brisbane. The regulations required any transfer to meet the satisfaction of the Industrial Magistrate otherwise, I am told, the matter boomeranged.

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Yesterday, when I was cleaning out my office, I found the name plate of another Industrial Magistrate, Mr J O Lee, was hidden away in the shelves behind some books and I'm sure many of you recall him. I found the keys marked, "SSM, 179 North Quay." It reminds us of the days before 1991 when we were Stipendiary Magistrates. This, and other elements of our history, will undoubtedly find their way into the time capsule which will be part of our new premises.

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Many of our current Magistrates were here on the opening of the building, although in different roles. Tony Pascoe, the Children's Court Magistrate and John Smith, who has recently joined us from Hervey Bay, were working in the Magistrates Court office when the building opened. Joan White was working in the District Court Registry. Shortly afterwards she made history by shattering the glass ceiling by being the first female to lead the Judges' procession into Court, which many of you will recall from earlier days. Bill McKay and Bill Randall also came to this building not long after it opened and sat as Magistrates in that building.

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I know a number of you here today were Judges' clerks in that building. Elizabeth Hall was a clerk to Judges Ralph Cormack and B M McLaughlin. Noel Nunan and Anne Thacker were reminding me over the past two days about the amount of time they spent here as article clerks. Anne recalls having to be evacuated for bomb threats on a number of occasions, although I understand they stopped after the District Court moved out of the building.

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I also recall starting my professional career here as many other prosecutors did because in the mid-'70's there was a prosecutor's office in this building. Like so many of you here today, it was here that I appeared in my first trial and, coincidentally, it was also the place where I appeared in my last trial before Noel Nunan.

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Like many of you, I gained valuable experience from appearing against experienced counsel in trials in this building even if

the trials were related to oversized crabs and adulterated sausages. At least one High Court Judge, Mr Callinan QC, appeared in this Court and the Chief Justice was reminding me only recently of his early appearances here.

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The advertising for the proposed apartments next door, if anyone has paused to see it, announced that they will be called, "Evolution". With the departure from this building today, this Court also undergoes an evolution. It truly is the end of an era. It is an era about which I am sure that those who are sitting at the bar table today also have many fond memories.

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So, having said that, I call on Mr Rutledge on behalf of the State of Queensland to address the Court.

MR RUTLEDGE: Yes, thank you, your Honour. Chief Justice, Chief Judge, Chief Magistrate, members of the Judiciary, ladies and gentleman. Today is Saint Martin's Day, Martin Mass. Saint Martin is the patron saint of tavern keepers, beggars, wine growers and drunkards.

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It is perhaps appropriate that a building that has seen the stories of many alcohol-fuelled escapades closes its doors today. Saint Martin, as the patron saint of such offenders, would no doubt be pleased.

179 North Quay is an address that has played a significant role in the lives of many Queenslanders and, indeed, the lives of many prosecutors, including this prosecutor. For myself and those of my vintage, memories go back to the days before the Magistrates Courts occupied these buildings or occupied them at the same time; the days when it housed the District Court and some prosecutors' offices and I, like the Chief Magistrate, worked in those offices for some time. The memories traverse the thousands of times we have walked through those front doors at the ground floor on our way to our work in these Courts, which is so vital to the work of this State.

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How do you say goodbye to a building, particularly such an ordinary building? After all, we could not describe 179 North Quay as a thoroughbred of the architectural world. It does not boast the architectural splendour of the Court's new home. The answer, of course, is that we are not saying goodbye to a building. We are saying goodbye to the memories of what has happened here. We are saying goodbye to the dramas, the comedies, on occasion, the myriad of little events of everyday life that this building has witnessed. This building is rich in those memories.

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The Magistrates Court is the people's Court, the engine room of the justice system where the dramas of everyday life are played out. From next week those dramas will be played out in the Court's new home which, no doubt, will provide far better facilities than 179 North Quay has been able to provide. In a real sense, then, today foreshadows the commencement of a new chapter in the life of the Court.

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For those of you that are of a literary bent today is the day that Lewis Carroll commenced writing his fairy tale of Alice, Alice's Adventures in Wonderland. The book contains many good pieces of advice. One piece of advice that the Court may care to convey to counsel who make submissions to it in future is this: begin at the beginning and go on until you come to the end then stop, which is what I shall do.

On behalf of my Director, on behalf of our staff, indeed on behalf of Queensland, we wish you well on this move and trust that the days ahead do not hold for you all the wonders that are held for Alice. Thank you.

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HIS HONOUR: Thank you, Mr Rutledge. Now, Mr Hack, I invite you to share your memories with us.

MR HACK: Your Honour, the Chief Magistrate, members of the judiciary, the magistracy and members of the profession, ladies and gentlemen, in the absence of the President of the Bar Association Mr Glenn Martin SC, I have the honour to represent the Association in today's proceedings. It is a distinct privilege for me to do so because, in farewelling this building, I go back some 27 years to where I started my career in this building - not wearing a safari suit I might say - as a clerk in the Magistrates Court civil registry on the 10th floor. Past that and in common with many of my generation I had a number of delightful battles, the delightfully simple crash and bash that was the staple diet of civil lawyers in those days. It was here, with the guidance of patient Magistrates, that I learned the art of cross-examining policemen on their notebooks and it was here as well that one learned the practice in the day-to-day of the busy Court and the busy application of the law.

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To many of us at the Bar, this building will have a special significance. It will be like that now rather tired and run down house that one grew up in having now moved to more grand premises. Even from the grander premises there will be many who will sneak past and have a look and see how the old house is going and there will be many, I predict, of the Court staff and the profession who will keep an eye on the building as they drive past to see what the new owners do with it.

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I predict as well that sooner, rather than later, the storytellers at the Bar, and there are some of them, will begin to preface the war stories with "Of course it was different in the old building" and having practised in this building, as distinct from the rather modern edifice around the corner, will be seen as a badge of honour and distinction.

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For all of that, we must all move on. This building, I am sure, is no longer adequate, either in terms of the space or the facilities the modern Court system demands. A brand new building beckons all of us. Whilst there will be a few tears shed over the departure from this delightful example of mid-seventies architecture, those tears will, I am confident, be

balanced by the joy of occupying and practising in the new building.

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May I conclude on this note, that if the Magistracy has the option of choosing the form of address I would go for "Your Majesty". May it please the Court.

HIS HONOUR: Thank you, Mr Hack. If I could now invite Mr Dearden to address us on behalf of the Law Society of Queensland.

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MR DEARDEN: Thank you. Chief Magistrate and Deputy Chief Magistrate, Chief Justice, Chief Judge, Justice Spender of the Federal Court, other judicial and non-judicial dignitaries, ladies and gentlemen, it is a privilege to address this Court on behalf of the President of the Queensland Law Society, Glenn Ferguson who was unable to be present today. These premises, with all their tasteful décor, I have constantly been struck, I have to say, by the plastic fake wood. In all the years that I have been coming here I have never been able to get over the underlying aesthetic of the plastic.

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My memories go back to being a student, coming here as a law student, and it would have been about 1978 because it was the start of the cases that came out of the march era or the no-march era, and I give you just a short example of my involvement in that.

I was essentially a McKenzie friend although at that stage I didn't even know that such a thing existed and so I had a female friend of mine who had been charged proceeding in an illegal procession and it was a very important early lesson because this young woman, dare I say it, was very short, very attractive and I sat there as the police officer gave evidence about this demonstration. His version was that he had been there with other police but he had seen what I will call my client for the purpose of this exercise and when she was about five metres away he held his hand up and said, "Excuse me, Madam, but you are proceeding in an illegal procession" that she continued and he then arrested her.

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She went into the witness box and gave evidence that she had been walking along in a procession, that a police officer had come to her, very gently and not with any physical force, had taken her by the cheek and said, "Hi ya, cutie, coming with us". It was an important lesson when I discovered that the Magistrate preferred the version of the police officer which, to me, had a certain stereo-typical ring, to the version of my client which I had to say had the ring of truth, but was not persuasive on the day.

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I first came here as an admitted solicitor very shortly, I would assume, after my first job started with Legal Aid on the 4th of December 1984. I was admitted on the 19th of November 1984 so I am just a week shy of my 20 years and I am certain, although I can't specifically remember what case I was here on, that I would have been thrown, as was the practice in Legal Aid in those days, straight into the deep end some time



very shortly after I started.

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In those 20 years that I have been practising here professionally there have been enormous changes. There have been enormous changes in the make-up of the Magistracy. You have only got to look at that photograph. They were all men. There were no women. There were no female Magistrates. They had all come from what we now call inside appointments. They had all been clerks of the Court. That process has changed dramatically. We now have many female Magistrates. We have many outside appointments.

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In those days we were dealing with typewritten records of interview from police, many of which were allegedly verbals. We had constant debates and lengthy cross-examination about those records of interview. We now have electronic records of interview and it's a rare experience to have a record of interview contested.

We now have phone evidence. We have closed circuit TV. We do have a Court complex of course that finds those things difficult to cope with and my understanding is that for about the last three or four months there has been one working phone for giving phone evidence in all of this building and there have been days when that hasn't been working. I think it goes out in sympathy with the Magistrates' lifts and the air-conditioning.

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So, yes, there is no doubt that this building has now gone well past its useful life. It's currently taking part in a process of spontaneous deconstruction. I am waiting to see these things spring off the side of the wall because I am sure they're going to come next. So it has seen the end of its useful life but it's been a rich, fascinating, rewarding and exciting process to be involved in.

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I had the privilege, at least twice year, of giving lectures to what I call baby lawyers in training, the legal practice course at QUT, and it's one of those very richly rewarding experiences to be able to tell them a little bit about the areas of knowledge that I have some knowledge in. One of the things about my particular area, which is primarily crime, is that you learn something new at least every second day and coming to this building, from Magistrates, from prosecutors, from witnesses, from clients, from all of the personalities that have milled through this building over that 20 years I have learned something and I have learned something constantly.

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I won't be sad to see the fabric go because I think it is a tired old building. It's seen its day. It no longer serves its purpose. But, as the other speakers have said, the memories that haunt this building will be sad to see go but they are rich and rewarding and nostalgic memories and we will all take them with us.

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So I take this opportunity of acknowledging the past and looking forward to the future. May it please the Court.

HIS HONOUR: Thank you, Mr Dearden. May I say, Mr Dearden, that your lesson for today is that I understand that those things on the side of the wall are fast becoming collectors' items.

I would like to thank Mr Rutledge, Mr Hack and Mr Dearden for their kind remarks today. I would like to thank everybody who has come to help us say farewell to this building. The sooner I stop talking the sooner we will be able to go outside and bid farewell to this building with some refreshments and, having said that, I adjourn the Central Courts at 179 North Quay for the last time and leave with the plea that would the last person to leave please turn out the lights. The Court is adjourned.

THE COURT ADJOURNED