

ADMISSION SPEECH

On the occasion of the swearing-in ceremony for His Honour Judge Dearden
as Judge of the District Court of Queensland

28 February, 2005

Chief Judge, Judges of the District Court, Chief Justice, President of the Court of Appeal, Judges of the Supreme Court and of other jurisdictions, Magistrates, including the Chief Magistrate, Members of Tribunals, former judicial officers, in particular former Judge Hall, thank you for the robes and wig – the only way we get to these ceremonies is being clothed by former judges, colleagues, family, friends, ladies and gentlemen, Mr Attorney, Mr Martin, Mr Ferguson.

Thank you for your kind words. I am pleased to say that most of the wounds from the media attention have healed except for this bandage on the right arm.

It is an awesome privilege, after 20 years of practice as a solicitor, to be appointed to a position on this honourable court. I feel humbled, not only by the appointment, but also by the extraordinary affirmations I have received from all levels of the judiciary, from the Bar, from solicitors, from clients, and even from total strangers. I had previously thought that it was necessary to have a funeral before you received those sorts of accolades. I am pleased to say that I am still alive and well.

I come to this position with a range of skills and life experiences that are, perhaps, a little different to some other appointees. I have no family background in the law. Instead I come from four generations of farming stock. I grew up in modest circumstances on a property outside Emerald in central Queensland. I attended a tiny

primary school, one teacher when I started, two teacher when I finished, at a railway siding called Gindie, and boarding school in Rockhampton. I went on to study both law and commerce at the University of Queensland, but it was more than ten years from my first law lecture until I first ventured into a solicitors office and actually found out what they did. I am pleased to say that I was so captivated, both by that experience, which was during my work experience at the Legal practice Course, and by the free lunch that I got when the case settled, that I decided law was something that I wanted to be involved in!

Along the way, I became involved in student union politics, and then after I finished university I spent nearly three years living and working in Europe. I still see that experience, working menial jobs, meeting a huge range of new people, many of whom are still my friends, and living in countries where I could not speak the language, where I was literally an outsider, as being the key formative influence of my early adult life. Along the way I wrote songs and performed, dare I mention the words again, as a folksinger.

Upon my return from Europe, I undertook the Legal Practice Course at what was then QIT, now QUT. I was attracted by its fundamental philosophy that no question was too stupid to ask. The Course Director, Dr John de Groot, provided me with ethical and practical training that remains with me to the present. I was privileged, as you have heard, then to have been employed at the Legal Aid Office (Qld), and I acknowledge the presence today of the CEO, John Hodgins, where my very dear friend and boss David Hook provided daily guidance, with much patience, on the fundamentals of criminal practice.

From Legal Aid, I moved to Robertson O’Gorman, where I was able to work with and learn from two outstanding criminal lawyers, Terry O’Gorman, and my now colleague on this bench, Judge John Robertson who has kindly agreed to be my mentor, a position which he was going to hold whether he liked it or not!

From then, for the past 7 ½ years, I have had the long hours and constant challenges of sole practice. I am inordinately proud of what I achieved in that time. I have managed to complete two successful trips to the High Court, and I thank Tony Rafter of Senior Counsel for his assistance, along with a large range of other matters both large and small.

I remember, in particular, that the only previous time that I have ever worn a wig, was a week when I was admitted as both a barrister and solicitor of the Supreme Court of Nauru in a murder trial where I juniorred Mr Glynn, now of Senior Counsel. Sitting on the equator was one of the most extraordinarily stupid places to be wearing a wig and gown that I can possibly think of, but it was a fascinating experience.

I express my gratitude, in particular, to my colleagues at the Bar, with whom I have worked in close partnership. I have an enormous respect for the partnership between solicitors and the Bar, and I think it will continue to play an important part in the law. My barrister colleagues tell me that our successes were entirely their doing, whereas our failures were entirely my fault!! My fellow solicitors too have provided enormous collegiate support and camaraderie.

Most importantly, my heartfelt thanks and recognition goes out to my staff both past and present, without whom my practice would never have survived. I wish to mention and acknowledge by name – Lynne, Sherrie, Fiona, Helen, Anne, Emily, Jenny and in

particular, Leona, who was there at day one of my practice, and remained with me to the end, literally, until 10 o'clock at night. It has been the closest to family that one could experience in a law firm, and leaving it all has been an enormous wrench. To each of my staff, I want to say that your loyalty, dedication and hard work are deeply appreciated, and publicly acknowledged.

As you have heard, a key component of my life over the past 20 years has been my involvement in the Queensland Council for Civil Liberties. I was an executive member for all of that period, including 11 years as President, and I remain proud of my achievements, although I know that I leave with much to be accomplished. That I suspect will always be the situation for an organisation that seeks to protect the rights and liberties of individuals in a world where such rights are under constant challenge. I personally see a commitment to the protection of civil liberties as a positive attribute for a judge of this or any other court.

Finally, but most importantly, to my family. To my parents, Rob and Joan, who have always believed in and supported me, and to my four brothers and their families, to my extended family, I thank you for your pride in my achievements. To my parents in law, John and Joan, who have always made me a welcome member of their family. To my wife Jennifer Andrews, who is the love and guiding light of my life, and to my daughter Natasha, who is and always will be my treasure, it is you who make all this worthwhile.

In conclusion, although I remain defiantly proud of being a folksinger, I will quote from, but not sing, the words of a African-American spiritual that moves me as much today as when I first started to sing it:

Justice is a constant struggle

I'm struggling on

We are all struggling on.

May it please the court.