

## TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

IN THE MATTER OF THE SWEARING-IN OF  
MAGISTRATE ORAZIO RINAUDO AS A  
MAGISTRATE OF QUEENSLAND

BRISBANE

..DATE 01/03/2005

**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

On behalf of the Government of Queensland:

Mr Rod Welford, Attorney-General

On behalf of the Bar Association of Queensland:

Mr Peter Lyons

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On behalf of the Queensland Law Society:

Mr Glenn Ferguson

HIS HONOUR: Good morning. It is my great pleasure to welcome you to the ceremony to mark the occasion of the swearing in of Ozario Rinaudo as a Magistrate of Queensland. Ozario, who is better known to us as Ray, was, in fact sworn in yesterday.

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I acknowledge the traditional owners of the land on which this Court has been constructed. I also acknowledge the presence here this morning of your new colleagues, the members of the Queensland Magistracy, who are able to be with us. I welcome members of other Courts, who are present with us this morning, including representatives of the Family Court and the Federal Magistrates Court. It is pleasing again to see the Attorney-General and the president of the Queensland Law Society, Mr Glenn Ferguson joining us for this important ceremony and also I welcome Mr Peter Lyons SC, who is representing the president of the Bar Association here today. I extend a particular welcome to your father, Joe, and also your partner, Margaret and your sister, Maria, a member of the Queensland Bar, who are here this morning, and also the other members of your family and friends, who have been able to join us.

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As observed at the first swearing-in ceremony in this building in January, with the recent increase in our numbers from 81 to 84 Magistrates, there would be many more swearing-in ceremonies in the future. This is the first such ceremony, with Magistrate Rinaudo having been appointed as an additional Magistrate at Southport for the first 18 months of his service on the Bench. This increased the number of Magistrates to a permanent number of seven, and that is a recognition of the significant workload at that Court, particularly in the areas of domestic violence and small claims and minor debts.

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I have no doubt that your new colleagues at Southport will be enthusiastically anticipating your arrival there next Monday after a period of orientation in Brisbane.

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You bring to this Court the standing of having been a president of the Bar Association of Queensland. As one of our Magistrates observed to me when he was aware that you were to be the next appointee, and I agree with him, you will also bring a certain equanimity to our Bench. You also bring that

broad range of experience, which has been gathered over 25 years in private practice, following in the proud tradition of your father, Joe, and I know that he must be extremely proud of you as he sits here this morning.

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You have been the Legal Aid Commissioner for Queensland between 1986 and 1993 and you have honed your skills in adjudication as a member of the Social Securities Appeals Tribunal and the Administrative Appeals Tribunal. You have also been a Commissioner of the Crime and Misconduct Commissioner, and, before that, the Criminal Justice Commission and it is very pleasing to see that among the distinguished guests this morning, some of your former colleagues, and, indeed, my former colleagues at that organisation.

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You also have significant experience in the areas of dispute resolution and arbitration. You have conducted many hundreds of these across a wide range of areas, including in the domestic violence areas, and these skills, undoubtedly will be of great benefit and value to our Court. In addition, you bring a broad life experience, having been active in your local community, involved in the local neighbourhood centre and the soccer club, for example, and also taking on the role of honorary solicitor in a number of organisations including one concerned with Alzheimer's disease, also a committee for the aging and to the Italian Chamber of Commerce. In addition to that, you have found time to be involved in education with the University of Queensland and Bond University, and your contribution has been recognised in 2003 by being awarded a Centenary Medal. And, in that regard, you join the distinguished ranks of Magistrates Herlihy and Quinlan, who also received that award.

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So, I welcome you to our Court. I extend my best wishes to you for a long fulfilling and, I am sure, successful career on the Bench of Queensland Magistrates. You will find that you will receive a considerable amount of support from the Magistrates as a whole throughout this State, and in particular, with your colleagues at Southport, when you take up your appointment there early next week.

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I would now like to call on the Attorney-General to address the Court. Good morning, Mr Attorney.

ATTORNEY-GENERAL: May it please the Court, Chief Magistrate, Deputy Chief Magistrate, Magistrate Rinaudo, other distinguished guests, Magistrates, Members of the Federal Courts and Family Courts. May I also acknowledge my learned colleagues from the Bar Association, the Law Society and I pay my respects to the traditional owners.

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It is a special pleasure for me as the Attorney-General to welcome Magistrate Rinaudo to the Magistrates Court. Magistrate Rinaudo comes to this Court with the quintessential elements of qualification for judicial office in my view.

He has broad community, as well as legal, experience and brings to the role a strong sense of connectedness with the community and commonsense. His experience, as outlined by the Chief Magistrate, is exemplary by any means. Apart from the community roles, his role as a leading member of the Queensland Law Society and of the profession uniquely qualifies himself to be a Magistrate in the State of Queensland.

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He has fulfilled numerous responsibilities in his 25 year legal career both with the professional organisations such as president of the Law Society and a range of the Law Society's committees and boards, but also in a number of other organisations. He has been Legal Aid Commissioner, a member of the National Legal Aid Advisory Committee, a member of the Grants Committee of the Law Society, making grants to important activities which support legal services to the community. He has been a part-time member of the Social Securities Tribunal and, as the Chief Magistrate said, a commissioner with the Criminal Justice Commission and the Crime and Misconduct Commission.

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More recently, and it is in respect of this particular aspect of Magistrate Rinaudo's experience that I would like to emphasise. His interest in dispute or alternative dispute resolution, mediation and arbitration, I would think is a special skill, which will add significantly to the role he will fill as a Magistrate on this Court.

The Magistrates Court - it's almost a cliché now to say that it is the peoples Court, in the sense that more people come into contact with the Magistrates Court than any other Court. Equally, it is the Court in which we see the greatest innovation occurring in our jurisprudence. It is the Court in which new ways of addressing social problems are dealt with by the legal system. It is this kind of innovation which is to be encouraged and which I hope to work with the members of the Magistrates Court to further develop in the years ahead.

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For example, the Murri Court, in respect of which I in due course would like to establish a firm statutory foundation. I mention, of course the Drug Court, which is doing outstanding work in addressing the social causes of much drug-related crime. There is, of course, the Consumer Claims Tribunal, which seeks to provide swift justice in small claims matters and where the opportunity for mediation I think can be further explored. But I am sure there are other areas of the Courts' jurisdiction where Magistrates with the skills possessed by Magistrate Rinaudo will identify opportunities for further embellishment of the use of mediation and alternative dispute resolution mechanisms in fulfilling the Courts' role.

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I should mention, as an additive in passing, that one of my first encounters with the Rinaudo family was in fact with your father, Joe Rinaudo, when, as a humble student, I did my first conveyance on behalf of my parents. Joe Rinaudo, he may not recall, was in fact the solicitor for the vendors in that

transaction and it was a very salutary lesson I learnt in professional discharge of a lawyer's responsibility.

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Your history and experience, Magistrate Rinaudo only reinforces the outstanding commitment to the service of the law to the community, that your father demonstrated and which you have fulfilled in spades in the way that you have not only performed as a lawyer in private practice, but also in the various professional positions and statutory appointments you have held not only in relation to profession, but also in relation to other areas, which have enhanced the services to the community.

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Orazio Ray Rinaudo is a worthy edition to the Magistrates Court of Queensland. It is an honour and a pleasure to have had the opportunity as Attorney-General to appoint you Magistrate Rinaudo to this position and I have every confidence that you will discharge these functions with aplomb and with the enthusiastic recognition of your colleagues, both on the Bench and throughout the legal profession.

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May it please the Court.

HIS HONOUR: Thank you, Mr Attorney, and I would also like to recognise the presence here of Mr Hodgens from the Legal Aid Commission, yet another person from your many faceted career here to honour you this morning. Mr Lyons, would you like to address the Court.

MR LYONS: Thank you, your Honour. May it please the Court, your Honour comes to this Bench after a significant and distinguished career both in the legal profession and in other areas. Perhaps the most notable aspect of your Honour's career in the legal profession, as has been mentioned, was your election of President of the Queensland Law Society in 1991 after five years of service on the society's council.

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Your Honour was a partner in, I'm pleased to say, a significant City firm of solicitors for a number of years, prior to establishing your own practice. In more recent times, you have also regularly been asked by your fellow practitioners to act as a locum, which no doubt is a tribute to your broad experience and practical commonsense.

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Mention has been made of your significant background in alternative dispute resolution, which it seems will be of growing importance in the years ahead in this Court. Beyond that, your Honour has substantial experience in what today has been the core area of work of this Court, which is deciding and finally determining disputes. Your experience includes holding the position of Chairman of Arbitrations for the Real Estate Institute of Queensland Professional Standards Tribunal and as a part-time member of the Social Security Appeals Tribunal and subsequently part-time member of the Administrative Appeals Tribunal. I can say that in these roles, your Honour has earned the respect of the Bar. Your commonsense and compassion have been significant features of your work in these positions and I have it on particularly

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good authority that at least at the Social Security Appeals Tribunal you were noted for the way that you dealt very well with the people who came before that tribunal.

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The Bar welcomes the appointment of legal practitioners to this Court, who have significant and substantial experience in litigation. I note your Honour's extensive litigation experience in Courts at all levels in this State. In addition, as has been mentioned, your Honour has made a significant contribution to the community in areas not directly related to your professional work. I'd particularly like to mention some things that have been already noted and those are your contribution to the Italian community and your work for such worthy organisations as the Alzheimer's Disease and Related Disorders Association and the Committee of the Aging. You have also retained a strong association with Nudgee College and made a significant contribution to its life over many years.

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Can I say that it gives me a great deal of personal pleasure to be able, in the absence of the President of the Bar Association, to express the Bar's congratulations on your Honour's appointment. Your father and mine worked together for at least the first 20 years of my life. I can fairly say my memories of your family go back further than yours. You and I were articled clerks together for a period at the same firm and for a time we had children at school together.

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I, too, note with particular pleasure the presence of your father here today, who has for many years been and still is a very highly respected member of the legal profession and a pillar of the Italian community.

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Again, may I congratulate your Honour on his appointment and wish you, your wife Margaret, and your family much happiness for the future.

May it please the Court.

HIS HONOUR: Thank you, Mr Lyons. Mr Ferguson.

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MR FERGUSON: May it please the Court, it is especially delightful for me, as President of the Law Society, to attend this ceremony because your Honour is a former president, having served with great distinction in that role from 1991 to 1992. Your Honour has a long and distinguished career as a practitioner since his admission in December 1979, including an association with M G Lyons and Company, firstly as an employee and later as a partner from 1971 to 1987, when you established your own firm, Rinaudo and Company.

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Without any doubt, your Honour has an extraordinary CV. The list of appointments and of positions held is quite breathtaking. You have been a director of the Law Employees Superannuation Fund, Dynamic Management Group Pty Ltd, Nudgee College Foundation Limited, Dispute Management Foundation Limited at Queensland University, a member of the advisory board of the School of Law at Bond University, Chairman of

Arbitrations for Real Estate Institute of Queensland, a Supreme and District Court approved mediator, a member of the Federal Magistrates Property Disputes Conferencing Panel with Relationships Australia, a member of the Administrative Appeals Tribunal, Commissioner for the former Criminal Justice Commission and the Crime and Misconduct Commission, a commissioner for Police Service Reviews and an occasional faculty member of the Dispute Management Centre of Queensland University.

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If that wasn't enough to keep you occupied, along the way there has also been appointments as a Legal Aid Commissioner for this State, a member of the National Legal Aid Advisory Committee, a member of the Appeal Costs Board of Queensland and a part-time member of the Social Security Appeals Tribunal. There has been many other appointments in what has been, and remains, a very busy life.

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You have been a loyal and hardworking Society member and apart from your year as president, you have been a member of the Board of Management, of the Specialist Accreditation Board, chair of the society's Alternative Dispute Resolution Committee, council member from 1986 to 1993 and a member of the Grants Committee. While I'm delighted to be able to congratulate you on your well deserved appointment, the loss to the society is immeasurable.

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Over the past decade or so, your Honour has completed some 500 mediations across a wide area and your professionalism, integrity, not least of all, your patience, have won great acclaim.

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I want to pay particular tribute to your Honour's generous community spirit and practice generous assistance that has been indicated previously. You have been an honorary solicitor for a range of associations and charitable institutions, including the Alzheimer's Disease and Related Disorders Association, the Committee of the Aging, the Italian Chamber of Commerce and the Nudgee College Old Boys Association.

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All too frequently, there are regrettable comments made about appointments to the Bench to the effect that the appointee does not know much about the real world and how real people work, whoever they may be. This is certainly not the case in your appointment. Your involvement in a diverse range of organisations and the community is quite beyond any normal or even expected standard and you come to this new job not just with impeccable legal credentials, including a Master of Laws and Dispute Resolution from Bond University, but with a genuine empathy for people.

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It is my great pleasure to congratulate you on your appointment and to assure you that despite leaving the society, we shall not leave you and you can rely on your annual invitation to the Past Presidents Dinner.

It is an honour to be here today and on behalf of all Queensland solicitors, we wish you a long successful and pleasurable career.

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May it please the Court.

HIS HONOUR: Thank you, Mr Ferguson. And now, Magistrate Rinaudo this is your opportunity to deliver your first observations from the Bench.

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MAGISTRATE RINAUDO: Thank you, your Honour Chief Magistrate, your Honour Deputy Chief Magistrate, colleagues, Mr Attorney, Mr Lyons, Mr Ferguson, distinguished guests and friends. Well, that must be the most embarrassing 15 minutes of my life. I almost feel like I'm ready for the job now.

I would like to thank you all for your very kind words and particularly you, Mr Attorney, I hope that I will live up to your expectation and you do me a great honour by being present here today. I know that you have taken time out of your very busy schedule to be here, thank you.

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As you alluded, Mr Lyons, our association does go back a long way and I recall when we were articulated clerks together, only because it was always embarrassing when the results came out. All I can say about that and the other recollection I have is that your wife's results were normally better than yours.

I had thought that Mr Martin was coming today and I was going to suggest to him that it might be a bit difficult to be effusive and welcoming to Courts, members of the solicitors branch, however, practice seems to be making that task easier. This is the second day in a row that a solicitor has been appointed to a Court in this State and I think that's great.

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Thank you for your kind words and I look forward to working with your members, as always courtesy and professionalism.

Mr Ferguson, thank you also for your kind words. As you said, you hold the position of President of the Law Society, a position which I once held, so it's right that you should be judged more equally by me than others, but can I say that you've done a magnificent job for the solicitors of Queensland as president over the last two years and, as one of your members, I thank you for that contribution. I would also like to note that there are other past presidents here today and I can't see everybody in the Court, but I know that Peter Short is here, George Fox is here and Federal Magistrate Bowman, I think is here as well, and I am grateful for their attendance.

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I was rung by the Attorney to advise that my appointment had been confirmed at 3 p.m. last Thursday. The Chief Magistrate rang me about 3.05 to welcome me to the Court and the Gold Coast Bulletin rang about 3.06, asking for a comment on certain matters that had been given prominence in the media recently. My response to them was, "No comment" and I make no comment about that again today. However, an occasion such as



this cannot go by without thanking important people, both personally and in one's professional life.

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I want to start with my parents who gave me every opportunity. For a while I thought they would be happy knowing I was happy playing rugby, alas. In 1975, unfortunately for my rugby career but fortunately for my legal career I broke my leg. Oddly enough my legal career seemed to improve where my rugby career receded. My mother would have loved to have been here today. I'm glad that my father is. I worked with my father for 33 years as an articled clerk, as an employed solicitor, as a partner and as an employer. He taught me many things, but especially he taught me honesty, integrity, respect, humility and above all service. Even at 82, he is still a great servant of the Italian community in Brisbane.

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I was lucky when I started articles all those years ago when Peter Lyons' father's firm, M G Lyons and Co, and as he said my father was his first partner, but I was lucky because I was articled to Gerald Murphy, who is here today, and that was a great experience for me to be articled to such a great person and I thank you for being here today. I was also lucky because another person at that firm at the time was a great friend and mentor of mine and has been for most of my professional career and that was Neil Buckley, the Honourable Justice Buckley, who is also here today and I thank you for being here.

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They were great times back in those days and I enjoyed my time with M G Lyons, but when the time came, I was happy to move on and had my own practice, as you know, for about 18 years. I did have somebody that worked with me all that time and that was my secretary, Delores, and she's here today as well, and our association goes back almost to the day I started work.

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You are, I suppose the sum of all your experiences and I've had many. Most recently the AAT and particularly the CMC, as well as my time as a Legal Aid Commissioner and at the Law Society. Whilst I see some of my close friends from those organisations here today, I'm sorry that Brendan Butler is still away on holidays, at least I think he is. He was, as Chair of the CMC - CJC and then the CMC, he was a great servant of the people of Queensland and I learned a lot from him.

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All I can say is that I hope that the trust that you have placed in me and my experiences contribute to my ability to carry out my duties as a Magistrate with fairness, balance and according to law. Most importantly today I would like to thank my wife, Margaret, of almost 30 years. I thank her for being a great mother to my children - to our children, sorry. We had a debate in the car about whether she'd stand when I walked into the Court. I told her that I had contempt powers. She said she had plenty of other powers. I told her she could remain seated. Her other strengths, of course, are her steadfastness, her courage and her amazing ability to keep me in line. She is simply my rock and I thank her.

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I look forward to service on this Court, wherever it may take me and I might say that on those occasions when we talked about country service, a certain town, which shall remain nameless, save to say that there's some mining that goes on there, has been raised. I don't know if that's coincidence or not, but as I said to his Honour the Chief Magistrate, I was born in the West End and raised in New Farm, so anywhere I go on the other side of the Great Dividing Range will be all the same to me.

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Already after just one day, I've been made to feel welcome by all my colleagues that I've met so far. I thank you all for coming. I thank you, your Honour, for your kind words and the Deputy Chief Magistrate for his assistance and for making me feel so welcome, and I now suppose we had best do some work.

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HIS HONOUR: Well, before we do some work, there are some things that we can do which are even more pleasant. Firstly, I need to perform the formal task of directing that these procedures be recorded by mechanical device according to the provisions of the Recording of Evidence Act and that Keith Maxwell Dahlke be the recorder.

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I would also like to extend an invitation to Ray's extended family in what sounded to me to be a presentation of This Is Your Life, and it so wonderful that so many people that Ray has had contact with in the many parts of his career that I mentioned before have been able to participate in this ceremony this morning. So, I do warmly invite you to join us, if you don't have prior Court commitments, on the 9th floor in our conference area to spend a little bit more time with Ray and to have some tea and coffee with us.

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THE COURT ADJOURNED

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