

TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

MARSHALL IRWIN, Chief Magistrate Judge
GRAHAM BUCKLEY, Magistrate

IN THE MATTER OF THE APPOINTMENT OF GRAHAM JOHN
BUCKLEY AS A MAGISTRATE OF QUEENSLAND AND A MAGISTRATE
ON THE BENCH AT MAROOCHYDORE

IN THE MATTER OF A WELCOME TO CHIEF MAGISTRATE
JUDGE MARSHALL IRWIN TO MAROOCHYDORE

MAROOCHYDORE

..DATE 17/01/2005

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.

MR J PARKER of counsel on behalf of the Bar Association

MR G FERGUSON on behalf of the Law Society

ANTHONY KEITH HENNESSY APPOINTED AS RECORDER

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CHIEF MAGISTRATE JUDGE IRWIN: Good morning. Please be seated. I would like to welcome you all to this ceremony to mark the appointment of Graham John Buckley as a Magistrate of Queensland and as a Magistrate on the Bench at Maroochydore. Graham must be one of the most welcomed Magistrates of all time. On the 4th of January he was sworn in at a private ceremony and last week, together with another new appointment, Magistrate Margaret Cassidy, he was welcomed in a ceremony in the new Court complex in Brisbane.

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I wish to thank the President of the Queensland Law Society, Mr Glen Ferguson, who I am pleased to see sitting at the Bar table with Mr Parker on behalf of the Bar Association, today, for suggesting the idea that there be this additional ceremony in Maroochydore. I believe it is important, particularly in growing areas like the Sunshine Coast, which generates enough legal work to warrant the appointment of four Magistrates to the Bench in Maroochydore and also the building of the new courthouse at Caloundra, that there is a formal ceremony such as this to introduce a newly appointed Magistrate to the community in which that Magistrate will serve.

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After all, the Magistrates Court is properly known as the People's Court. It is the Court of first instance in the judicial structure of this State. More than 90 per cent of all the people who come before the Courts of Queensland appear in the Magistrates Court and approximately 95 per cent of people who are charged with criminal offences are dealt with here. There were almost 16,000 criminal charges involving over 7,000 defendants, both adults and children, lodged in the Maroochydore Magistrates Court alone in the 2003/2004 financial year. That is 4.65 per cent of the total number of charges which were lodged in the State during that period.

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The Magistrates at Maroochydore also circuit to Maryborough and Hervey Bay, to Caloundra, to Noosa and Nambour, so it is very much a community Court and I therefore take this opportunity to introduce Magistrate Buckley to the community and, in particular, the legal community of the Sunshine Coast. I wish to thank the Sunshine Coast legal community for supporting this ceremony this morning. I should also formally direct that these proceedings be recorded by mechanical device pursuant to the provisions of the Recording of Evidence Act and that Mr Tony Hennessy be the recorder. I also wish to acknowledge the traditional owners of the land on which this Court is situated.

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Graham Buckley brings a wealth of diverse experience to this Court. For him, it is a return to the Court where he commenced his legal career about 34 years ago as a clerk in Oakey. He was a depositions clerk and a Clerk of the Court. He also acted as a Magistrate in Longreach and at Cooktown. So, as I said in a ceremony last week, for Graham, it is very much like getting back on the bike and pedalling, something he has been doing now at Maroochydore for about two weeks.

For the last 15 years Graham has run a successful general legal practice in Laidley and it is to the Court's benefit that he has seen fit to put that behind him and move forward as a member of our Bench. During that time, I know from personal experience that he showed great ability in conducting trials and committals, particularly in the Magistrates Court. He therefore brings considerable practical experience to the Bench and he also brings, importantly, a considerable experience of life, having involved himself in the local community at Laidley through Lions Clubs, Ambulance Committees and the Chamber of Commerce.

Graham will be constituting this Court in the first instance for 12 months and, as you would know, he has replaced Magistrate Craig Proctor, who late last year transferred to Bowen. And while I am acknowledging Magistrates such as Mr Proctor, who have volunteered for transfer, I also wish to acknowledge one of the other members of the Bench in Maroochydore who, unfortunately because of commitments elsewhere to the Court, cannot be with us this morning, and that is Magistrate Athol Kennedy. He has been with you in Maroochydore for about the last 12 months, but he is leaving in two weeks time to take up a position at Emerald for the next two years and he in fact will be swapping with the next new Magistrate in Maroochydore, and that is Mr Cliff Taylor, who has been transferred to this Court for five years starting from the 7th of February this year.

So, having brought you up to date on the housekeeping matters within the Magistrates Court, I would now ask Mr Parker to address the Court on behalf of the Bar Association of Queensland. Mr Parker.

MR PARKER: May it please the Court, your Honour the Chief Magistrate, Magistrate Buckley. I appear today on behalf of the Bar Association and, in particular, the local Sunshine Coast Bar, to welcome your Honour to the Sunshine Coast region. We have about - well, we have nine, at the last count, full-time barristers practicing here on the Sunshine Coast, along with a number from Brisbane, who maintain a presence here as well. So, you will very quickly get to know us, no doubt, as time goes by.

I am sure your Honour will find, if you have not already found out in the last couple of weeks, that the Magistrates Court at Maroochydore can be a very busy place. At 9 o'clock in the morning the halls are usually overflowing with citizens seeking justice, solicitors seeking clients, barristers

seeking solicitors. Everybody is seeking somebody. But you will find, your Honour, that this is a very pleasant place to work. There is a very cordial and friendly relationship amongst all the members of the profession and the Bench or Benches and the courthouse staff, and it all goes along, I suppose, with our relaxed coastal lifestyle.

I came up to the coast from Brisbane about 14 years ago, before the word "sea change" had even been coined and I have never regretted it. Supervising Magistrate Tom Killeen and his fellow Magistrates have been influential in ensuring that proceedings run smoothly and efficiently with a minimum of stress for all concerned, as do our District Court Judges, Judge Robertson and Judge Dodds. And the cordial nature of practice on the Sunshine Coast is assisted as well by our having the President of the Law Society, Mr Ferguson, from amongst our midst, and the President of the Local District Law Association, Julian McNamara. Both of these gentlemen, if you do not know them, are outgoing and gregarious and they work hard and they play hard and they both contribute very much to the atmosphere here on the coast.

Your Honour, we hope that you are pleased with your move to this community. We assure you will enjoy your time here, both in the locality and in this courthouse, and we look forward to working with you and getting to know you better. Thank you.

CHIEF MAGISTRATE JUDGE IRWIN: Thank you, Mr Parker. And also could I take the opportunity to record my appreciation for the presence with us this morning, speaking about collegiality and cordiality, of his Honour Judge Dodds of the District Court. We very much appreciate that you have taken the time to join us in this ceremony this morning.

Mr Ferguson, could I invite you to address the Court?

MR FERGUSON: May it please the Court. A week ago at the rather grander accommodations of the Brisbane Magistrates Court it was my very great pleasure to welcome Magistrate Graham Buckley and another newly appointed colleague of his to the Magistrates Court Bench on behalf of Queensland solicitors and the Queensland Law Society. Today I am delighted to welcome him again, and this time my welcome is rather more personal.

I am also extremely pleased to welcome his Honour the Chief Magistrate. It is a sign of his Honour's commitment to regional Courts and practitioners that he continues to travel tirelessly throughout the State for the benefit of the Magistracy and the profession. I have attended a number of these welcoming ceremonies at rather larger regional centres and it is pleasing to see Maroochydore is acknowledged on this occasion in the same way.

I have a special affection for the Maroochydore Magistrates Court, being the Magistrates Court of Queensland I have spent most of my time in as a solicitor. My personal impressions -

and I am sure it is one supported by my colleagues and alluded to by Mr Parker - is that it is an exceptionally well run Court, where all stakeholders maintain a high level of professionalism, camaraderie and sense of humour, even during some testing times. Magistrate Buckley is no stranger to the wiles of those who attend Court in their various roles. Indeed, he started work in the Magistrates Court service in 1970 as a young clerk and saw a lot of Queensland in the next 19 years.

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His graduation from QUT with his law degree in 1988 was followed by his promotion to Clerk of the Court and Acting Magistrate in Cooktown prior to his resignation in mid-1989. After a brief stint in private practice, his Honour went back to the Magistrates Court for a while as a Clerk of the Court and Acting Magistrate in Longreach, before resigning again in 1990. Until his appointment here, his Honour had his own practice in Laidley, where he was certainly a pillar of the community and, while Laidley is undeniably an attractive little place, I am sure that the attractions and beauty of the Coast will meet his Honour's expectations.

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In my comments last Monday I observed that having a general practice in a country town is not the easiest job. It requires a very broad knowledge of the law, a tactful and discreet approach and typically, a full-blooded involvement in the local community. Magistrate Buckley certainly had all of that and I am sure that his local Lions Club, his local Ambulance Committee and his local Chamber of Commerce, not to mention his many former clients, friends and colleagues in Laidley, will miss him and his family.

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However, today is a day of celebration and welcome for his Honour Magistrate Buckley and personally on behalf of the Queensland Law Society and his many friends and my former colleagues, I say welcome to the Maroochydore Magistrates Court. I hope your time here will be professionally rewarding and, when you look back on it in the future, you have nothing but fond memories. May it please the Court.

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CHIEF MAGISTRATE JUDGE IRWIN: Thank you, Mr Ferguson. And again, may I thank you for your continued support for the Magistracy through your attendance at these ceremonial occasions and in so many other ways.

I now invite Magistrate Buckley to respond.

MAGISTRATE BUCKLEY: Thank you, Chief Magistrate Judge Irwin, Judge Dodds, fellow Magistrates, members of the profession, staff, ladies and gentlemen. Thank you for those kind words, both from Mr Parker and Mr Ferguson. And as I said in Brisbane the other day, I was most honoured and proud to be appointed a Magistrate and I am most pleased to be stationed at Maroochydore and I am sure Maroochydore will live up to everything that was good about living in Laidley.

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Whilst I attended here in the last two weeks I have been attempting to carry a full load of work only from last week, and I thank my fellow Magistrates for their kind indulgence. I would like to thank them all personally, although Magistrate Kennedy is not here. They have all been most helpful in assisting me to settle in and are only too happy to point me in the right direction as and when required and have probably overlooked those little things that I might have overlooked and hopefully will meet proper attention as time goes by. I am certainly fortunate to have such experience close at hand.

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To the solicitors present, I was in practice at Laidley, doing all the general stuff such as conveyancing, lots of criminal law, wills, estates, general litigation, et cetera. So, I believe that I was at the coalface for all those years that I was there and I hope that the experience that I gained in private practice will assist me generally and will be of an asset to the Bench here in Maroochydore.

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To the Prosecutors, I can say that I believe I had a good relationship with the Prosecutors, both in Toowoomba and Ipswich, and more lately I have been having a fair bit to do with the Prosecutors in Beenleigh as a solicitor, whilst we obviously did not always agree, but I certainly appreciated their attitude, both in and out of Court, and certainly our relationship has always remained cordial and professional.

Whilst she is not here, I express my appreciation to the support that I have received from my wife and family over the years. It was certainly, as Mr Ferguson pointed out - it is not always easy in private practice and, not only do you have your clients and Courts to meet, you have also got that bank manager at the end of the day, and she was certainly there to assist me and provide the support that was needed over the years.

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With those few words, I would like to thank everybody for their attendance. It is certainly gratifying to see such a roll up as it is this morning. Thank you very much.

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CHIEF MAGISTRATE JUDGE IRWIN: Thank you Magistrate Buckley. And again, could I thank the legal community of the Sunshine Coast for supporting this ceremony this morning. It is pleasing to see such a broad range of the profession present this morning. I can see Prosecutors both from the State Prosecution Service, Mr Cummings, the representatives of the Police Service here, as well as solicitors who would generally appear on the other side of the Bar table, and it does again show a lot about the collegiality of the profession on the Sunshine Coast that so many of you have come together this morning to support this ceremony.

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I know that many of you will have commitments to attend to. For those people who are concerned about Court 1 this morning, I do not intend to start that until 9.45 a.m. That is to give those of you who are able an opportunity to join us in the conference room on this floor for morning tea.

Having said that, the Court is adjourned.

THE COURT ADJOURNED