

---

---

## Transcript of Proceedings

Copyright in this transcript is vested in the Crown. Copies thereof must not be made or sold without the written authority of the Director, State Reporting Bureau.

Issued subject to correction upon revision.

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate  
BLACK, Magistrate  
KLUCK, Magistrate  
SPENCER, Magistrate

IN THE MATTER OF A WELCOME TO MAGISTRATE DWYER TO CAIRNS

CAIRNS

..DATE 06/05/2005

**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

1

On behalf of the Bar Association of Queensland:

Mr A Philp SC

On behalf of the Queensland Law Society:

Mr J Pinder

10

ALISON WHITE APPOINTED AS RECORDER

HIS HONOUR: Good morning. Thank you for attending this ceremony to welcome Damien John Dwyer to the Bench of Magistrates in Cairns.

20

I acknowledge, firstly, the traditional owners of the land on which this Court is built. I also acknowledge your colleagues, the members of the Queensland Magistracy who are able to be on the Bench with us today.

Apologies have been extended by those Magistrates and former Magistrates who are required elsewhere - Magistrates Lock, Cull, Previtera, Morgan and Braes, and the former coordinating Magistrate for Cairns, Mr Lynn - have all sent their apologies to you this morning, as does the Attorney-General.

30

I would like to thank Justice Jones again for making this Court available to us for this ceremony. I would like to welcome Judges White and Bradley, and also former Magistrate Fitzsimon. It is always wonderful when you are able to be present to participate in our ceremonies.

It is also pleasing that we are joined here today by Mr Philp of Senior Counsel representing the Bar Association, and Mr Pinder representing the Law Society.

40

And I welcome each of you, our distinguished guests.

This year has seen the increase in the number of Magistrates in Queensland from 81 to 84. Cairns has been the beneficiary of one of these new appointments, that of Magistrate Dwyer who has been appointed here initially for a period of 12 months. The creation of this position is a recognition that Cairns is one of our busiest Courts. The appointment brings the total of Magistrates in Cairns to six. This will also allow a Cairns Magistrate to assist Townsville one week out of every month, or approximately 12 weeks a year.

50

Magistrate Dwyer was sworn in in the presence of his family in Brisbane two weeks ago. However, I believe it is important, whenever possible, to introduce a new Magistrate to the community in which they will initially serve. On this occasion my visit with Magistrate Black to Thursday Island for

the opening of the impressive new Court facility there during the course of this week has provided this opportunity, and I know that Magistrate Dwyer will be looking forward to his circuits to Cape York and to Thursday Island having previously been a Clerk of the Court and an Acting Magistrate at Thursday Island.

1

So you are really coming home to us, having commenced your legal career some 30 years ago in the Magistrates Court service. About 50 per cent of those 30 years has been spent in the Magistrates Court and the balance has been spent as a barrister in Mackay.

10

During your time with the Magistrates Court you worked in many offices in North Queensland including as a relieving Clerk of the Court based in Cairns; official visitor to Wujul Wujul and Hope Vale; you also worked for a time at the Innisfail Magistrates Court; and at the time of joining the Bar you were the Clerk of the Court and the Acting Magistrate at Cooktown. You therefore bring to this Court considerable experience in its operations.

20

Your experience as a barrister in Mackay has included acting for the Aboriginal and Torres Strait Islanders Legal Service, and that will give you a basis for the work with the indigenous community which will be so much a part of your life as a member of the Bench in Cairns.

In addition you bring with you broad life experiences. You have been active in community affairs having been a volunteer at the Mackay Regional Community Legal Centre, and also a deputy chairman of the Mackay Regional Health Authority, and you have been involved as chairs of boards connected with the various mill areas in the Mackay district.

30

Your interest in sport also accompanies you having been on the management committees of various Mackay sporting clubs involved with rugby league, cricket, and turf, and by way of balance you also take a keen interest in your daughter's ballet.

40

So I welcome you to our Court. As the Attorney-General said at the time of your appointment, you will be a great asset to our Bench, and I join with your colleagues who are on the Bench with you today in wishing you a long, fulfilling, and successful career which I know you will have as a Magistrate.

Mr Philp, I invite you to address the Court.

MR PHILP: Your Honours, it is my pleasure to speak on behalf of the President of the Bar Association at this ceremony to welcome your Honour as a Magistrate.

50

Your Honour comes to the Bench with a long history of involvement in the administration of justice in Far North Queensland and the benefit of your experience as a busy barrister in practice in Mackay. Those attributes will hold your Honour in good stead in performing one of the most

important functions in our justice system, that of a  
Magistrate in an important regional centre like Cairns.

1

10

20

30

40

50

Your Honour has the good fortune to be joining a Bench which has the full confidence and support of the profession. I have no doubt that your Honour has the learning, capacity, and temperament to share in that confidence and support to the benefit of both your Honour and the community. Others here will no doubt outline your Honour's extensive experience in the law and your Honour's wide community involvement.

1

Your Honour's interest and success in horse racing is legendary. In fact, it is in direct correlation, I am told by your friends in Mackay, to the awfulness of your Honour's tips. One thing I did notice in your Honour's CV was your active interest in ballet. Now, here is the thing that confused me: I didn't know that you could bet on ballet.

10

On behalf of the Bar in Cairns I welcome your Honour to Cairns.

HIS HONOUR: Thank you, Mr Philp.

20

And just before I call on you, Mr Pinder, I didn't recognise former Magistrate Mr Scanlan who is also present with us this morning. There seems to be a tendency for people who finish their career on the Cairns Bench to retire here and to remain in the community.

Mr Pinder.

MR PINDER: Thank you. Your Honour, Chief Magistrate Judge Irwin, your Honours various, on behalf of the President of the Queensland Law Society, Mr Glenn Ferguson, who has asked me to represent him here this morning, and on behalf of all of the solicitors branch of the profession, Magistrate Dwyer, congratulations and welcome.

30

At the outset I must confess to being somewhat sceptical on hearing of your Honour's appointment to Cairns. Being a Mackay boy your Honour is no doubt aware of the intense long-standing rivalry between Cairns and Mackay in the Foley Shield Competition. Worse still, I understand your Honour has sworn allegiance to the infamous butchers stripes. I am happy however to inform your Honour that those are matters which we in Cairns are prepared to overlook.

40

We have heard this morning a little of your Honour's career in the law and community activities. Your Honour is however more of a racing man than has been disclosed today. What many might not know is that your Honour's career in the law is in many respects similar to the career of some of the horses your Honour has owned over the years.

50

In your earlier years your Honour would have been considered for a position like this very much a roughie at long odds. Your Honour's career commenced running on rough country tracks in the likes of Innisfail, Mount Isa, and Cooktown. Perhaps it was the absence of appropriate training or good pasture that saw your Honour slow to break into a gallop.

With your commencement at the private Bar your Honour's career blossomed and like snippety snip you've won the Townsville Cup. With the opportunity of running in improved company with more rigorous training, and perhaps the occasional application of the enforcer, your Honour's kicked and with your most recent appointment you are poised, like that wonderful sprinter Regimental Girl, to snare your own Magic Million victory. Your Honour is undoubtedly now an open company performer and, like Regimental Girl coming back from injury, your Honour sitting in Cairns will no doubt see you win the judicial equivalent of this year's Doomben 10,000.

1

10

I wish that your Honour's career in Magistracy is at no time hampered by injury or poor barrier draw and that your Honour remains an odds-on favourite to admirably serve the legal profession in the community.

Once again, congratulations, and welcome.

HIS HONOUR: Thank you, Mr Pinder.

20

And now I would call on Magistrate Dwyer who has been waiting for some time to make these remarks.

MAGISTRATE DWYER: Your Honours, brother Magistrates, Mr Philp, Mr Pinder, ladies and gentlemen - I just note, Mr Pinder, that last year Mackay holds the flag but I also note that since I moved to Cairns, Cairns gave Mackay a flogging the other day of 68 - 6, so I may have brought that with me.

30

This is indeed a homecoming for me as such. I first started visiting in Cairns when I was a clerk to Mr Nolan at Innisfail in the early eighties. I have had the opportunity in both my work - my life in the Public Service and in private practice - to work with some wonderful Magistrates commencing with Mr Scanlan and Mr Fitzsimon, Mr Pollock, Mr Blades, that is all in my job, and since then in my work in Mackay there have been a lot of Magistrates that I have worked very closely with. I can tell you that I have learnt something from all of them. From some I have learnt what to do, others I have learnt what not to do, and I hope I have learnt enough diplomatic skills not to disclose which was which.

40

I thank Mr Philp and Mr Pinder again for those kind words. I would like to thank, in closing, the Attorney-General for the support and confidence he has shown to me in making this appointment. I thank Judge Irwin for the assistance he has given me both leading up to the swearing in two weeks ago and since, and also my brother Magistrates.

50

And finally, although they are not here, I would like to thank my family. They hopefully will be joining me at Christmas after my eldest daughter completes her senior year, and I look forward to getting on with the job and working with you all.

Thank you.

HIS HONOUR: Thank you, Magistrate Dwyer. I have got no doubt, to adopt the racing analogy, that Magistrate Dwyer will be a stayer, and now we have almost gone past the post I would like to invite those who are able to join us for refreshments to join us in the jury assembly area at level 3.

1

Again, I thank you all for your attendance this morning. It is always wonderful to see such a great cross-section of the legal community here from all sides of the Bar table and the Court service. Thank you.

10

THE COURT ADJOURNED AT 9.20 A.M.

20

30

40

50