

TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

IN THE MATTER OF THE SWEARING-IN
MR JOHN CHRISTOPHER PARKER AS A
MAGISTRATE OF QUEENSLAND

MAROOCHYDORE

..DATE 14/06/2005

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.

HIS HONOUR: Welcome to this ceremony for the swearing in of John Christopher Parker as a Magistrate of Queensland.

1

I would firstly like to recognise the traditional owners of the land on which this Court complex is built.

10

I would also like to particularly welcome their Honours Judges Dodds and Robertson and also extend a special welcome to John's wife, Dr Heather Parker, and also to his daughter, Jodie, and her husband, Ben, who are with us this morning. I would also like to welcome all of you, our distinguished guests, and it is very pleasing to see such a large attendance this morning, but probably not surprising given the quality of the man who is sitting on my right.

20

I have some apologies. Firstly from Magistrate Ken Taylor who is on extended leave at the present time, and also from the Attorney General and the Director General of the Department of Justice and Attorney General. The Attorney General is involved with cabinet commitments this morning. He has asked Mr Ferguson to speak on his behalf this morning, but I would like to incorporate in this opening address some observations that the Attorney General made about Magistrate Parker's appointment when announcing it last week. He spoke of his broad life experience which coupled with his formal qualifications as a barrister will make him a great asset to this bench. Those are comments with which I respectfully agree. Indeed the only hint of disappointment that I have detected in John's appointment has come from some of my

30

40

50

judicial colleagues who are disappointed that John will no longer be appearing before them.

1

The depth of experience that the Attorney General spoke about included three decades practising in law in Australia and in Canada. Before that John was a teacher in Queensland and he continued in that capacity after immigrating to Canada where he attained degrees in Arts, majoring in economics and law, and being admitted as a barrister and solicitor in Manitoba in 1977 where he spent the next seven years appearing as Crown Attorney, the Canadian equivalent to Crown Prosecutor in Courts at all levels in Manitoba.

10

20

Upon returning to Queensland in 1984 he joined the Commonwealth Director of Public Prosecutions and prosecuted a number of major trials before he tried his hand at private practice in 1987. For the last 15 years, as you all know, he has been practising as a barrister in Maroochydore. As he said on another occasion in this Court, that was a sea change that he has never regretted and although I am not sure about this, John must have been the first or one of the first barristers to practice in that capacity by setting up chambers in Maroochydore.

30

40

He is also a qualified mediator. He has adjudicative experience as a part-time member of the Misconduct Tribunals and your new colleagues are all pleased to know, John, that you are an ardent golfer, although on your own admission against interest, only of limited ability.

50

John has initially been appointed to sit in Brisbane for the next 12 months. I have much pleasure in welcoming him to the bench of Queensland Magistrates. You will find great support from your new colleagues as I have done and on their behalf I wish you every success in your new role.

10

I would ask now if you could take the oath of office. Take the Bible in your hand and if you could repeat the Oath of Office.

20

MR PARKER: I, John Christopher Parker, swear that I will properly serve Her Majesty Queen Elizabeth II, her heirs and successors in the office of Magistrate and that I will treat everyone fairly and without bias according to the law so help me God.

30

HIS HONOUR: If you would like to sign the Oath? Also in the great tradition if I can have that in triplicate, please?

40

Well, Magistrate John Parker welcome to the bench of Magistrates in Queensland. Please accept this Bible as a memento of this special occasion.

BENCH: Thank you, Judge.

50

HIS HONOUR: The last ceremony in this Court was the welcome of Magistrate Buckley and on that occasion, John, you were on the other side of this bench speaking from the Bar table on

behalf of the Bar Association. On this occasion I have much
pleasure in calling upon Mr Courtney to speak on behalf of the
Queensland Bar Association and the local Maroochydore or
Sunshine Coast Bar Association of which John, until recently,
has been the president.

1

10

Mr Courtney?

MR COURTNEY: Thank you, your Honour. Your Honour, Mr Parker,
it is with great pride and absolute pleasure that on behalf of
the Bar I congratulate you on your appointment.

20

This must be one of the most popular and well received
appointments ever. I know you are not one for a fuss, but you
cannot help but be proud of today's turnout. In the time
since your appointment has become public the word that I have
used and that I have heard others use is "tremendous". It is
tremendous that you and your ability and skill have been
recognised and acknowledged by this appointment. It is
tremendous for the Magistracy that someone of your calibre has
been appointed.

30

40

Those who have instructed you over the years have briefed a
counsel who brought significant common sense, knowledge,
experience and hard work to the task. You have won many
trials that, in my view, most would have not. You have gotten
results on many sentences that, in my view, most would not
have gotten. A lot of your clients owe you a great debt.

50

The attributes that you have brought to the Bar and the attributes that have given you success as counsel will no doubt serve you well on the bench. Again, in my view, I have no doubt that your rulings and findings will be fair, considered and with respect right. That concession, of course, will not stop me whinging if I am on the wrong side of one.

You will, of course, be missed. The solicitors who have briefed you will miss you. The judiciary who are here today to acknowledge your achievements will miss you, and I must say I will miss you. Since before I joined you in chambers you have had a significant impact on my legal career and my development as counsel. When we were against each other in all those trials when I was with the Crown I learned from you; when you took me into chambers, which was a huge thing on our part and it is something that myself and my wife, Jackie, are grateful for, I was your pupil in more than just name. In the eight years that I have worked with you more than anyone you have been my mentor.

So, your Honour, tomorrow morning when the Monaro rumbles into the underground car park of the Magistrates Court complex you should feel very proud of what you achieved and you should be sure that you have the best wishes of all your fellow practitioners.

Congratulations, John.

HIS HONOUR: Thank you, Mr Courtney. I would now like to call on Mr Glenn Ferguson, the President of the Queensland Law Society, to speak on behalf of the solicitors of Queensland.

1

MR FERGUSON: Thank you, your Honour. Your Honour, the Chief Magistrate Judge Marshall Irwin, your Honours Judges Dodds and Robertson, your Honours Magistrates Killeen, Taylor and Buckley, Queensland's newest Magistrate your Honour John Parker, distinguished guests, friends, ladies and gentlemen, the Attorney General sends his apologies and I am honoured not only to speak as President of the Queensland Law Society, but also on his behalf today.

10

20

My term as President of the Queensland Law Society ends in about six weeks, and this could be the very last time that I have the pleasure and privilege of representing the profession at the swearing-in of a judicial officer, and it is very fitting that it should be here on my home turf and his Honour I am proud to say is a close personal friend and also an outstanding member of this community.

30

40

Being bound by strict professional ethics I have to tell it the way it is, so here it is. His Honour is brilliant, talented and gifted, an inspiration and mentor, possessed of determination, resolution, energy and drive, an intuitive strategic sense and a self-replicating modesty but at once is wholly genuine yet equally unwarranted. Yes, I am talking about John Parker the golfer. I should also mention he is a very good lawyer. In fact, it is clearly admitted wherever

50

golfers gather at the 19th hole that it has been only the clear distractions that followed his admissions as a lawyer that stopped him from topping Greg Norman as the Australian golfing icon and stopped him from being hailed as the next Tiger Woods. When there is such talk in his presence he waves it away with a casual and even embarrassed laugh.

1
10

It has been quite a journey for his Honour to get to the Magistracy today. Born in Brisbane, he was firstly a teacher in the mid 1960s before immigrating to Canada to teach there. In 1970 he graduated from the University of Manitoba with a BA degree with economics the major study area. Then he enrolled to study law and graduated in 1976 to begin his next career. He did his articulated clerkship with the Deputy Attorney General of Manitoba and was admitted there as a barrister and solicitor in 1977 when he joined the Attorney General's Department as a Crown attorney where he stayed until 1984.

20
30

In fact, his Honour was President of the Manitoba Association of Crown Attorneys between 1981 and '84 and what an interesting job that it must have been for him. I looked up the current agreement between the Manitoba Association of Crown Attorneys and Her Majesty the Queen in right of the province of Manitoba represented by the Honourable the Minister charged with the administration of the Civil Service Act. Let me tell you all that Her Majesty has been very generous and very kind to Manitoba Crown Attorneys, no doubt building on an earlier agreement negotiated by his Honour in his then presidency role with Her Majesty. The current

40
50

agreement has some wonderful clauses, for instance it provides for a vision care plan and a dental services plan as well as a seamlessly endless list of holiday entitlements for maternity and paternity leave, to sick family and compassionate leave, lots of public holidays and vacation leave. I can only think that was negotiated for golfing trips.

1
10

It would not surprise me one bit if he becomes a shop-steward for the Magistrates Association and his Honour the Chief Magistrate might like to reflect upon that and start thinking about how to get lots more money from the Attorney General.

20

In 1984 his Honour returned to Australia and we are all glad he did. In that year his Honour was sworn in as a practitioner of the Supreme Court of the Northern Territory and in the following January was appointed principal legal officer in the Office of the Director of Public Prosecutions for the Commonwealth in Brisbane. After an extended absence of 16 years he was home again. In April 1985 his Honour was admitted as a barrister of the Supreme Court of Victoria and gained similar admissions to the New South Wales Supreme Court in the following July and the Queensland Supreme Court in August 1985.

30

40

After working as a formidable Prosecutor doing major Commonwealth cases for some two and a half years, his Honour came to the Sunshine Coast, a move which naturally marked him as a person of considerable discernment. He established his practice at Maroochydore in 1990. His popularity and respect

50

could not be better illustrated than by the fact that he was,
until his appointment, President of the Sunshine Coast
District Bar Association.

1

Joining us all here today is his Honour's wife and family. Dr
Heather Parker is a GP with a special interest in aviation
medicine which must be useful on the home front treating
flights of fancy about his alleged golfing prowess - not that
there would be any of course - but the plain unvarnished truth
about lots of birdies and aces and the like.

10

20

I welcome his Honour not just as President of the Queensland
Law society, but also as a friend and it is nice to know that
in the twilight of my Presidency I can have this great honour.
It is one swearing-in that will be remembered by me as the
highlight of my term.

30

The Attorney General and the solicitors of Queensland
congratulate an outstanding lawyer on a well deserved
accolade.

40

Your Honour, Magistrate John Parker, we wish a long and
distinguished career.

May it please the Court.

50

BENCH: Thanks, Glenn.

HIS HONOUR: Thank you, Mr Ferguson. As a result of those comments I have already earmarked Magistrate Parker as a member of the committee that will be preparing the submission for the Remuneration Tribunal.

Mr Ferguson, this is as you have said probably the last occasion that you will address this Court in your capacity as President of the Bar Association. As you have described it you are in the twilight of your term. I would like to take this opportunity, although it is Magistrate Parker's day, to thank you on behalf of our Court for your support in so many ways during the course of your term as President for two years, a term that has run almost concurrently with the commencement of my appointment as Chief Magistrate.

You have been the President of the Law Society at a time when the Queensland legal profession has been undergoing significant change and it says much for your leadership that it has been a smooth transition. You can move on knowing that it has been a job well done and I thank you on behalf of our Court for your cooperation with us on behalf of the solicitors branch of the profession over that period of time.

I would now like to call on Magistrate Parker to respond.

BENCH: Your Honour the Chief Magistrate, Judge Dodds, Judge Robertson, my fellow Magistrates, Steve and Glenn both very good friends of mine - I hope you do not mind me using first names here - thank you very much for your kind - and ladies

and gentlemen of course, thank you very much for your very
kind words, especially the two gentlemen at the Bar table. I
am sure you have got me confused with somebody else, but - and
you can probably tell by the body language that I am not
entirely comfortable up here, but hopefully that will change,
but on Friday last I took my wig and gown and trundled off to
the District Court the same way I have done a thousand times
before, but it was a very strange experience because I knew
that it would be the last time I would appear in a Court as an
advocate for one side or another, and later after I had
finished at Court in Brisbane I went over to the Magistrates
Court building and met with Judge Irwin who showed me around
and introduced me to a lot of the people I would be working
with and I had that same feeling you have when you are the new
kid at school and everyone is sort of looking at you and
checking you out and it is a very strange feeling.

Over the weekend I browsed through the Bench Book which the
Magistrates have and I realised just how much I have got to
learn. There is so much in there that I am not familiar with,
all sorts of different legislation that I have had very little
contact with over the years, so it is going to be a steep
learning curve no doubt, but the time is right for me to make
this move I think. I am satisfied in my own mind that I can
bring something to the Magistracy, if nothing else in 30 years
of criminal practice you learn quite a bit about human nature
and about human behaviour and I think that will stand me in
good stead.

When I expressed an interest in the Magistracy I was really gratified by the amount of support and encouragement that I got from various sources and I would like to thank all those people who encourage me and support me in that direction.

They know who they are and I have thanked them personally, but I do thank you again publicly, and similarly I am most pleased and honoured that the Attorney and Judge Irwin consider me a suitable person to sit in this Court and I consider it quite an honour.

Thank you all for taking the time from your busy day today to come and share this occasion. As I look down I see - look out, I should not say down. That will come later. As I look out I see friends, I see associates, I see work mates, colleagues, family, golfing mates, people from all parts of my life and I am really gratified and thrilled to see you all here. I am a bit overwhelmed by it all I must say.

So I will just finish up by say please come and see me in Brisbane, drop in. I hope to see a lot of you in the Court if I am sitting, but hopefully not as defendants.

Thank you.

HIS HONOUR: Thank you, Magistrate Parker.

PETER VINCENT DOHERTY APPOINTED AS RECORDER