

## TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

IN THE MATTER OF THE SWEARING-IN OF  
THE HONOURABLE MAGISTRATE ALEC  
JOLLIFFE CHILCOTT AS MAGISTRATE OF  
THE MAGISTRATE COURT OF QUEENSLAND

BRISBANE

..DATE 01/08/2005

..DAY 1

**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 Federal Court of Australia:

Justice Spender

Federal Magistrate, Justice Jarrett

10

On behalf of the Bar Association of Queensland:

Mr Richard Douglas SC

On behalf of the Queensland Law Society:

Mr Rob Davis (President)

20

30

40

50

BENCH: Good morning. Please be seated. Welcome to the ceremony which marks the occasion of the swearing-in of Alec Jolliffe Chilcott as a Magistrate for the State of Queensland.

1

I firstly acknowledge the traditional owners of the land on which this Court is built. I acknowledge and welcome the presence here today of Mr Richard Douglas on behalf of the Bar Association of Queensland and Mr Rob Davis from the Queensland Law Society. I congratulate you, Mr Davis, on your recent election as the President of the society and I wish you well in your important role and I look forward to working with you on behalf of the Court in matters of mutual interest.

10

I also acknowledge the presence here today of those members of the bench of Queensland Magistrates who are able to be with us. I know that your appointment has been a popular one with your new colleagues and that you have already received many congratulatory calls from them and other persons who work within the Magistrates Court system.

20

I extend a particular and special welcome to your wife Heather and your daughter Erin and to all of you, our distinguished guests. I note and welcome Justice Spender from the Federal Court of Australia and also his Honour Justice Jarrett, Federal Magistrate. I have an apology from the Minister for Justice and Attorney-General. I am sure that everyone can understand why at this early stage of the new minister's appointment that she is unable to be with us this morning. I also have received an apology from the Director-General of her department.

30

You have already attained a piece of history as the last judicial appointment made by Mr Welford in his role as Attorney-General. I take this opportunity to thank Mr Welford for the extent of his consultation and his support to our Court during his term as Attorney-General and during my period as Chief Magistrate. Equally you will have the honour of being the first member of the judiciary that Mr Davis will welcome to the Court bench in Queensland. The Chief Justice and the Chief Judge have also sent their apologies.

40

Magistrate Chilcott, you were admitted as a barrister in 1988. In the same year you became a Registrar of the Sandgate Magistrates Court and you were appointed as relieving or an Acting Magistrate. These are positions that you have held until today, or at least for the next few minutes. To adopt the words of Mr Welford in announcing your appointment you have already gained considerable experience on the bench. As a relieving Magistrate in both Brisbane and in regional centres you have demonstrated the desirable qualities of empathy, courtesy and fairness in discharging the important duties of judicial office. This experience will serve you well in your first posting to one of Queensland's busiest Courts, the Southport Magistrates Court, for at least the next 18 months.

50

These comments by the Attorney-General are also consistent with unsolicited comments that I have received about your handling of cases as an Acting Magistrate from members of the public and the legal profession. As the Attorney-General also said, you have demonstrated an excellent understanding of the law and will be a great asset to the bench. I couldn't agree more.

1

From a personal point of view your appointment to this bench gives me a great deal of pleasure. You have been an outstanding Acting Magistrate and your appointment is thoroughly deserved. I am also pleased that one of our hardworking Acting Magistrates has been recognised by this appointment. It is the first time since Magistrate Arnold in November of 2003 that such an appointment has been made. The balance of the Court is now slightly in favour of your colleagues appointed from outside the Court. I continue to believe that a mix of skills and experience, that is from both inside and outside the Court, are important to the effective operation of this Court.

10

20

I add that you attained your legal qualifications while you were working as a clerk in the Magistrates Court, something that you have done over the last 31 years and, as with many of your colleagues, you have served around the State, not only in Brisbane but in Bundaberg, Barcaldine, Coolangatta, Gladstone and Ipswich. You are also well grounded in life experience. In your early days you worked as a jackaroo and you have also been involved in the community as secretary of sporting clubs as well as a sporting player. You have been involved in charity runs and also you have been an announcer and still to this day are an announcer with The Community Radio Station.

30

Would you please stand and take the Bible and take the oath of office.

MR CHILCOTT: I, Alec Jolliffe Chilcott, 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 law, so help me God.

40

HIS HONOUR: Thank you. Would you now sign the oath of office. Magistrate Chilcott, welcome to the bench of the Magistrates Court of Queensland. Please accept this Bible as a memento of this occasion.

MR CHILCOTT: Thank you.

HIS HONOUR: I now call on Mr Douglas to address the Court.

50

MR DOUGLAS: May it please the Court, your Honour, the Chief Magistrate, Judge Irwin, Senior Magistrate Hine and your Honour, Magistrate Chilcott. May I first extend to the Court and to your Honour an apology on behalf of Mr Glen Martin of senior counsel on his inability to attend the ceremony this morning. He asked me to pass on his good wishes to you.

It is my pleasure to appear this morning on behalf of the Bar Association of Queensland to extend to your Honour the Bar's congratulations on your appointment. Your Honour's achievements and personal history have been well canvassed by the Chief Magistrate. You are a barrister of 17 years standing. You have already served this State well in your work in the Magistrates Court as a Registrar, Acting Mining Warden and Acting Magistrate and your Honour's judicial experience, personal qualities and wide life experience - again canvassed well by the Chief Magistrate - will well-equip you to further serve the interests of the people of this State in your new role.

1

10

Your Honour, in carrying out that role you have the support and assistance of the members of the Queensland Bar. On behalf of the Bar counsel and the members of the Queensland Bar may I extend to you, your Honour, our best wishes for a fulfilling, challenging, hopefully not controversial and happy time on the bench. May it please the Court.

20

HIS HONOUR: Thank you, Mr Douglas. I now call on you, Mr Davis, to address the Court.

MR DAVIS: Your Honour, Judge Marshall Irwin, Chief Magistrate, your Honours, distinguished guests, ladies and gentlemen. It is my very great pleasure to attend this important event, the swearing-in of new Magistrate Alec Chilcott who has the distinction of being the last appointment of the former Attorney-General Rod Welford and the first judicial ceremony I am attending as President of the Queensland Law Society.

30

Early on I can say that you have got it coming and going and by this I mean praise and approval. While I am in my new office means that I must not be parochial in excess. I can't help but be pleased as a Gold Coast practitioner that your Honour will be going to Southport Magistrates Court. Certainly my colleagues there are as delighted as they are relieved that the heavy burden of work there will be considerably relieved by your Honour.

40

The former Attorney when announcing your Honour's appointment noted your considerable experience in the Magistrates Court, which is an understatement. Magistrate Chilcott comes to the bench after what could only be described as a very lengthy apprenticeship, including more than 10 years as a relieving Magistrate in Brisbane and regional areas. Admitted to the Bar in 1988 his Honour has served as Registrar in the Sandgate Court since that time and in all has notched up some 30 years with the Department of Justice in Brisbane, Ipswich, Bundaberg, Barcaldine, Coolangatta and Gladstone. Between 1995 and 2000 his Honour acted as Mining Warden for Queensland for a total of some 30 months and introduced some key initiatives such as evidence by telephone and evidence by affidavit which won wide respect and approval. Certainly his Honour has come a long way since his stint as a jackaroo back in the early 1970s followed by brief stints with Queensland Rail Works and the Main Roads Department before joining

50

justice. I suspect that there is a lot of country still in you.

1

When you proudly list your CV - among other things, you sold raffle tickets for the Barcaldine Rugby League Club more than 30 years ago and played cricket in a local team there at around the same time - then your country roots are certainly showing. I was impressed also about diverse charity work that his Honour has done over many years and it is this selflessness which is as important for a community connected member of the judiciary as his or her legal qualifications and experience. You have a well rounded, practical and commonsense approach in important work ahead, and beyond that experience as Acting Magistrate his Honour is a member of the Australian Coroner Society, the Australian Institute of Judicial Administration and Australian Institute of Management. His Honour's appointment is a well deserved one and it gives me a great deal of pleasure on behalf of the Queensland Law Society and the solicitors of Queensland to welcome and congratulate you.

10

20

HIS HONOUR: Thank you, Mr Davis. Magistrate Chilcott, would you like to reply.

MR CHILCOTT: Thank you. Thank you Chief Magistrate, Judge Irwin, Deputy Chief Magistrate, Mr Hine, fellow Magistrates and Acting Magistrates, from the Bar Association Richard Douglas and President of the Queensland Law Society Mr Rob Davis. Thank you for your kind words. I would also like to thank The Honourable Mr Rod Welford in his absence for his faith in appointing me and giving me this opportunity to serve our community as a Magistrate.

30

I undertake to perform my duties as Magistrate to the best of my ability. Thank you all for being here today to share this wonderful and long awaited occasion for me. I know that some of you have gone to great lengths to attend, including taking time off work, Ruth and Tony, and also that many of you re-arranged your diaries. Regrettably many of my family and friends are unable to attend here today because of illhealth, the short notice and distances involved, but I am grateful for them or to them for their very warm wishes.

40

Thank you Heather and my daughter Erin for being here today and to my other daughter Samantha, my stepsons, my mother-in-law and other family members. I know that you are all here in spirit. My special thanks go to Heather for her outstanding support over the years. She kept an even keel and made sure our life remained balance as I followed my dream. Her foresight and unswerving confidence in me gave me the courage to hang in there. Without that I doubt that I would be here today.

50

It saddens me deeply that my dear mother passed away only last year, that she did not live to witness this occasion when I would have thanked her publicly for the sound, wonderful, loving upbringing she and my father gave me together in Central Western Queensland. The values my parents instilled

in me are reflected in my daily work and I am proud to be the

1

10

20

30

40

50

third Magistrate appointed from the Barcaldine population. My thanks go to my father. I regret that due to age he was unable to travel from out west to be here today.

1

I have had the honour of serving the people of Queensland in the capacity of an Acting Magistrate for the last 17 years at various Courts throughout Queensland. There is a number of Magistrates and Clerks of the Court who have shaped my career and I would like to thank them for the roles they have played. One person I feel I should make particular mention of is fellow Magistrate Mr John Smith who I can now call my brother rather than my half brother. John has been my mentor since the early 90's and a major influence on my development career wise.

10

My Clerk of the Court from 1977 to early 1979 was Mr Brian Blades who later served as a highly respected Magistrate before moving on to become an Industrial Commissioner. My approach to my Court work can be credited to his influence largely. He set me a fine example as to professional conduct and also the logical thought processes essential for good law practice.

20

Another worthy of mention is Mr Terry Frankom who was my Magistrate between 1985 and 1988. Terry, I am grateful to you for taking the time in the morning tea breaks and lunch hours to teach me how to enjoy the finer things in life. That became a talent I transferred to my private life. Seriously, though, another invaluable skill I learnt from Terry was the art of delivering decisions on an extemporaneous basis, especially in civil matters.

30

As well as John, Brian and Terry along the way many of you have shown your faith in my ability and your belief in me. The kinds words, encouragement and at times words of comfort over the years will not be forgotten.

To the members of the legal profession it has been fortifying to have your support of my worthiness for appointment consistently expressed to me when our paths crossed. Over the years of waiting your good wishes and respect meant a great deal to me. It is gratifying to know that so many within your professional bodies were in my corner, so to speak.

40

My career has spanned 31 years in the Magistrates Court. The police officers with whom I have interacted during my career are numerous and my memories of them very clear. I could write a book of humorous tales experienced with several of you during the course of my work. As with the legal profession your support of me as a candidate for the magistracy over the years has been deeply appreciated. I will always remember it.

50

It would be remiss of me not to mention the clerks who I believe are the cold face of our Court system. Some of you are here today it has been a pleasure to work with you as an Acting Magistrate. I appreciate your professional support and hope to have the opportunity to work with you again in the future. Also my thanks to the other Court staff and security



staff for their courtesy and ready assistance.

1

As I cast my eye around the room I see amongst you the faces of family, friends, associates, workmates and peers that represent a large and valued part of my life, but Heather and Erin are definitely the best looking and most intelligent. Thank you each and every one of you.

HIS HONOUR: Thank you, Magistrate Chilcott, and thank you to all of our distinguished guests this morning who have been present on this occasion of celebration. It is impossible to recognise everybody. I did try to recognise and acknowledge the presence of some of you in my opening remarks, but suffice to say, and this also pays tribute to Magistrate Chilcott, that there is a broad cross-section of persons present here today from the community and from the legal profession and the judiciary to engage with you on this special day.

10

I note that Mr Carne, the chief executive officer of the Law Society, who has recently attained that position, is here and I would also like to congratulate Mr Carne on that appointment. There are also members of the private legal profession, both barristers and solicitors, former Magistrates, Acting Magistrates and, of course, members of the Court staff. That says, as I say, a great deal for the esteem in which you are held and I have no doubt that you will continue to perform your duties as a fully-fledged Magistrate in exactly the same way that you have in the 18 years or so that you have been a relieving Magistrate.

20

I hope that those of you who have the time this morning will be able to join us for morning tea on level 9 in this building.

30

SARAH WOOD APPOINTED AS RECORDER

THE COURT ADJOURNED

40

50