

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

IN THE MATTER OF THE SWEARING-IN OF MAGISTRATE SUZETTE COATES
AS A MAGISTRATE OF QUEENSLAND

BRISBANE

..DATE 30/01/2006

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:

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On behalf of the Bar Association of Queensland:

Mr Daubney

On behalf of the Queensland Law Society:

Mr Davis, President

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On behalf of the Aboriginal and Torres Strait Islander Legal Service:

Mr Shadbolt

KARARAINA MURRAY APPOINTED AS RECORDER

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HIS HONOUR: Welcome to this ceremony for the swearing in of Suzette Marie Coates as a Magistrate for Queensland.

I would firstly like to acknowledge the presence here today of the Honourable, the Attorney-General and Minister for Justice who I understand is not far away. I would also like to acknowledge the Honourable, the Chief Justice. It's a pleasure to have you with us here this morning, and also the President of the Court of Appeal, and I know that you've made a special commitment to be here today because of admissions ceremonies that are occurring this morning. I also understand that Federal Magistrate Baumann may be with us this morning.

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I'd like to acknowledge Mr Daubney on behalf of the Bar Association of Queensland, Mr Davis, the President of the Queensland Law Society and also Mr Shadbolt who is representing the Aboriginal and Torres Strait Islander's Legal Service. Also the Director-General of the Department of Justice and Attorney-General, Ms Rachel Hunter, who is with us here today.

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Also of course, your new colleagues, the Magistrates of Queensland who are able to be with us here this morning. I also welcome other distinguished guests and members of the judiciary who are present here today.

I'd like to specifically acknowledge Magistrates Coates's husband, Mr Tony Manan, her son's Jess and Jack and her aunt, Audrey Coates who is with us here this morning. Also her brothers John and David and their partners Sally and Lisa and her nephews Tom, Nick, Chris and Samuel, who are all joining us for this special occasion. I apologise Attorney, I was looking at the other end of the Bar table when I said that you were - were nearby. In fact you are with us, I am pleased to say.

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I'd like to ask Magistrate Coates to take the affirmation of office, so if you could rise and could you repeat the - the oath and then I'll ask you to - could you just repeat the affirmation?

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OATH OF OFFICE ADMINISTERED

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HIS HONOUR: Ladies and gentlemen, on Friday we witnessed the end of an era with the statutory retirement of Magistrate Bill McKay as a member of this Court. Many of you were here for that occasion. As you all know, Bill did not want a formal valedictory ceremony. Therefore, on Friday evening we said farewell to him at a small, informal function of only 200 or more people. I'd like to place on the public record today however, that over the past 27 years Magistrate McKay has made a significant contribution to this state, as was recognised on Friday evening. I also want to publicly thank him for his support and his collegiate approach which was demonstrated by his co-operation in enabling his position to be filled in Brisbane today by the transfer of Magistrate Paul Kluck from Cairns, and also allowing the appointment of Magistrate Coate to Cairns for five years from today.

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I also wish to thank the Attorney-General for her role in ensuring that this appointment was announced sufficiently in advance, that there has been no hiatus in the full compliment of 85 Magistrates that constitute this Court.

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And so as one era ends, another begins here today. Magistrate Coates brings 29 years of professional legal, adjudicative and community experience to this Court. Having been admitted as a solicitor in Queensland in 1977 and in New South Wales in 1979. She has conducted a sole solicitor's practice in Atherton in all areas of the law since 1991. Along the way she has worked with the Aboriginal and Torres Strait Islander's Legal Service in Sydney, Brisbane and Cairns and she has also worked with the Legal Aid Office of Queensland. It's pleasing to see Mr Hodgins, the Chief Executive of that office, with us this morning as it is to have Mr Shadbolt from the Indigenous Legal Service with us this morning.

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Magistrate Coates has also worked extensively for Indigenous families in North Queensland during the Commission into Aboriginal Deaths in Custody, her work with the Aboriginal and Torres Strait Islander's Legal Service and the Royal Commission, means that she will be familiar with the travel to Indigenous communities of Cape York and the Torres Strait Islanders which is an integral part of the work of Magistrates who are appointed to Cairns.

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Another connection with our Court is that in 1983 she co-ordinated the commencement of the Duty Lawyers Scheme at 179 North Quay, our old premises. She also organised the first Duty Lawyer Accreditation Scheme with the Law Society and she

did the first outline of the duty lawyer handbook, which is an invaluable resource for all of those who appear in our Court.

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In 1995 she was appointed to the Queensland Women's Consultative Committee for the reference on women and the law. From 1998 to - to 2004 she was the official visitor to the Lotus Glen Correctional Centre. She is an approved Queensland Law Society and Supreme Court mediator and at the time of her appointment, was a CMC part-time commissioner, as indeed was Magistrate Rinaudo, who is with us this morning from Southport, immediately before his appointment and it's pleasing to see a number of her former colleagues from the Crime and Misconduct Commission including other former part-time commissioners with us this morning.

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She was also at the time of her appointment, a member of the Anti-Discrimination Tribunal, a role which she had held since 1994 and she was a member of the Native Title Practitioner's Panel. Somehow, in addition to all of those achievements, she was able to find time to become involved as the pro bono solicitor for the Tablelands Junior Soccer Association and she has also been the president of the Atherton Tablelands Business Womens' Club.

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So Magistrate Coates, welcome to our Court. I know I speak on behalf of every Magistrate in wishing you well, for a satisfying and fulfilling judicial career as a member of this bench, and I know that you will receive significant support from your new colleagues in familiarising yourself with your new role. Congratulations again on your appointment.

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May I call upon you, Madam Attorney, to address the Court? Thank you.

THE ATTORNEY-GENERAL: At the outset may I acknowledge the traditional owners of the land on which we gather here today. I would like to acknowledge the Chief Justice, the Honourable Paul de Jersey, President of the Court of Appeal, the Honourable Margaret McMurdo, Queensland Chief Magistrate Judge Marshall Irwin and Deputy Chief Magistrate Brian Hine, the Director-General of the Department of Justice and the Attorney-General, Ms Rachel Hunter, Vice-President of the Bar Association of Queensland, Mr Martin Daubney, President of the Queensland Law Society, Mr Rob Davis, Principal Legal Officer of the Aboriginal and Torres Strait Islander Legal Service, Mr Greg Shadbolt, legal practitioners, ladies and gentlemen.

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It gives me great pleasure to be here today for your swearing in, Suzette, your swearing in as a Magistrate. Magistrate Coates, I congratulate you on achieving this significant milestone in your career. It is not only a significant professional milestone for you but also an important event for the Magistracy of Queensland.

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Today we in Queensland gain a Magistrate who has built an impressive career in the law over the past 29 years and a woman, throughout her career, has demonstrated the desirable qualities of empathy, courtesy and fairness in her duties as an officer of the Court. As we have heard today, you have particularly demonstrated these qualities in your work with indigenous Queenslanders, having worked extensively for both Legal Aid Queensland and the Aboriginal Legal Service in Brisbane and Cairns. Your commitment to this area of the law was also demonstrated when you acted for Aboriginal families before the Royal Commission into Aboriginal Deaths in Custody.

I particularly note and commend you for having also performed pro bono work for Aboriginal and Torres Strait Islanders throughout your career and continuing this practice through your work in Atherton. Not only have you developed and maintained close relationships with members of the Aboriginal community in Cairns, you have also found time to be active in your town's community activities. Your involvement with community organisations extends from being secretary of the local kindergarten through to being president of the Atherton Tablelands Business Women's Club. More recently you have also provided pro bono legal services to the Tablelands Junior Soccer Association.

In your professional life, Magistrate Coates, you have set an impressive track record of achievement across a wide range of areas, such as a wide experience in private practice, being an approved mediator, as well as having been a part-time commissioner for Crime and Misconduct Commission and a member of the Anti-Discrimination Tribunal Queensland since 1994. And I note that the Queensland Anti-Discrimination Commissioner, Susan Booth, is with us today. Further, there is no doubt you have a strong understanding of the Queensland Magistrates Courts. Your other career highlights include working at Legal Aid and coordinating staff at the duty lawyer scheme in the Brisbane Magistrates Court.

Magistrates Coates, you will take your first posting as a Magistrate in one of Queensland's busiest Courts, the Cairns Magistrates Court. It is a location you, of course, know intimately. In your new position, as in all Magistrates Court, you will preside over a broad range of legal arguments and issues. Most people who come into contact with the judicial system will do so through the Magistrates Courts. It is the people's Court, and like all levels of our Court system, it faces many challenges as it responds to the changing needs of our community.

It is in these Courts in which we often see the greatest innovation and where new ways of addressing social problems are dealt with by the legal system. Currently innovations include the Murri Court, which involves elders from our indigenous communities in the Court process. The Murri Courts began in Queensland in 2000 and they expand on other initiatives such as the Justice of the Peace program where specifically trained JPs from the local community can convene Court to deal with certain indictable and simple offences.

Living in remote locations with largely Aboriginal and Torres Strait Islander populations, these JPs have the power to hear and determine simple and regulatory offences and grant bail and remands.

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With your interest in indigenous issues, I'm sure you will be observing the progress of these programs with great interest. Magistrates often lead the way or facilitate these kinds of initiatives through their Courts and it is their wide ranging experience and expertise that helps them to achieve positive changes in the judicial system. I take this opportunity to commend you, Chief Magistrate, for your leadership in this area.

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Magistrate Coates, I believe with your broad experience of the law and, just as importantly, broad experience of life you are well equipped to take your new role. For all these reasons I have no doubt that you will serve our state admirably in judicial office over the years to come and I wish you so very well.

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HIS HONOUR: Thank you.

THE ATTORNEY-GENERAL: May it please the Court.

HIS HONOUR: Thank you, Attorney. I'd also like to join with the honourable Attorney in acknowledging the traditional owners. I now call upon you to address the Court, Mr Daubney.

MR DAUBNEY: May it please the Court. The President of the Bar, Mr Lyons, QC, has asked me to convey his regret at his inability to attend today. His absence, however, means that I have the pleasure of appearing to extend to your Honour the Bar's congratulations on your appointment. Your Honour's achievements and personal history have been well covered by previous speakers. It is abundantly clear that you bring to your new role a depth of experience, both as a regional practitioner of long-standing and a person who has had an active involvement in the wider community, which will enable you to discharge the important duties that lie ahead.

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Your Honour has extensive courtroom and similar experience, both as a practitioner and as a tribunal and commission member. The Court you join is, as I have said on previous occasions, the powerhouse of dispute resolution in this State. It is the Court with which the majority of litigants in both civil and criminal matters will have contact. The proper discharge of this Court's adjudicated function requires Magistrates who are not merely learned in the law, as your Honour is, but have a practical and commonsense approach to the law's application and extensive practical experience in litigation and dispute resolution. Your Honour's professional life and experience well equips you for that role.

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Today marks the commencement of what we hope will be a long and satisfying chapter in your Honour's life of service of, and for, the people of Queensland. Your Honour, may I indicate that in carrying out your new and important role you will have

the support and assistance of the members of the Queensland Bar. On behalf of the Bar Council and members of the Queensland Bar, may I extend to your Honour our very best wishes for a fulfilling, challenging and happy time on the Bench. May it please the Court.

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

MR DAVIS: May it please the Court. Your Honour, Chief Magistrate, your Honour with the Attorney General and Minister for Justice, Chief Justice, Chief Judge, Your Honour's, distinguished guests, fellow practitioners, undeniably Magistrate Coates comes to the Magistracy with a breadth of experience that is at once unique and extensive. After Magistrate Coates commences her duties at the Magistrates Court in Cairns, however, I have no doubt that her name will appear regularly in the media as her judgments and pronouncements are considered, analysed, dissected.

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I don't have to warn her that unless she refuses to bail everybody, declares every defendant guilty, automatically imposes the very maximum sentence on all, she will be seen by some media commentators and perhaps the occasional politician in the drearily predictable law and order debate especially as being soft on crime, out of touch with community views, or even arrogant, pandering to minority groups, and, apparently worst of all, politically correct.

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I could do no better than to quote from the Chief Justice of Australia, His Honour, Murray Gleeson, who back in 2000 said, "Judges, and especially those in positions of leadership in the judiciary, seek ways, consistent with the need to preserve their independence and impartiality, of informing the public on issues of public interest concerning the Courts, their problems and the way in which they're addressing those problems. Judges cannot engage in the political process and they do not, or at least they should strive for political legitimacy or seek popular acclaim. His or her duty is to maintain both the reality and the public appearance of impartiality."

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Chief Justice Gleeson explained why the judiciary has such bad press in this way. "Some Judges have a personal inclination towards reticence. Some have the opposite inclination. One thing is clear, Judges may not engage in public debate over the merits of their decisions. They give their reasons, their decisions once. This leaves them, on occasions exposed to criticism, some of which may be valid, some of which may be ill-informed or misguided or even malicious. Public confidence in judiciary can be eroded by such criticism, but Judges themselves are limited in their capacity to respond."

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His Honour strongly recommended that Court's employ public information officers to, to use his words, "facilitate communication between the Courts and the media". As far as I'm aware no Court in Queensland employs a public information officer, and every other Court in Australia, the Commonwealth

and State, does have the benefit of such advice. It is perhaps
unfortunate that this is the case as I believe it does leave
the judiciary in Queensland exposed to some of the most
disgraceful attacks by people who should know better. Only
recently there was another example of a blatantly political
attack on our Courts based on a deliberately simplistic
interpretation of sentences and this attack was done for
vested interests. Another attack recently descended to the
very depths of petty insult. It even went to the extent to
encourage outrage against the accused's lawyers and the
Magistrate concerned. These are matters of deep concern.

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Whenever we can, the Queensland Law Society seeks to respond
to unfounded criticism, particularly of our Courts, and
encourage a balanced discussion of our important legal issues.
I can assure the Magistracy and the judiciary generally that
we will always be in the very front rank of those who defend
the principles and independence of the Courts in the rule of
law.

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However, on a happier note, today we celebrate the appointment
of our newest Magistrate. I said earlier that Magistrate
Coates could be described formally as an Atherton sole
practitioner, but there is much more to her story. A BA in
1973, an LLB in 1976, both from Queensland University,
followed by admission as a solicitor in 1977. It was the
beginning of a noble career in the law which has ranged from a
general and wide-ranging practice to stints with, among other
organisations as we've heard previously, the New South Wales
Public Solicitors Office, the Aboriginal Legal Service and the
Queensland Legal Aid office.

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Magistrate Coates has a fine record of public service, having been a long-standing member of the Queensland Anti-Discrimination Commission, a member of the Native Title Practitioners Panel, a part-time commissioner of the Crime and Misconduct Commission, a member of the Queensland Women's Consultative Council.

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Her work long and dedicated and successful on behalf of the indigenous community has gone beyond exemplary to inspiring. When her appointment was announced I wrote to Ms Coates congratulating her, and I can do no better than end these comments with my closing.

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There is always regret when a distinguished and dedicated practitioner leaves our ranks, but you do so with our sincere best wishes and the knowledge that the loss to the profession is far outweighed by the greater benefit to the community. May it please the Court.

BENCH: Thank you, Mr Davis. Mr Shadbolt, I'll call on you to address the Court.

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MR SHADBOLT: May it please the Court, the Honourable Attorney-General, the Honourable Chief Justice, the Honourable President of the Court of Appeal, the Honourable Chief Magistrate, Magistrate Hine, and perhaps most importantly on this particular occasion, Magistrate Coates, other distinguished guests, and members of the Judiciary, ladies and gentlemen of all ages, I was both honoured and delighted to be offered the opportunity to make an address this morning on behalf of her Honour Magistrate Coates as she's formally inducted into her role as a Magistrate. Assuredly, a very proud moment for her, and I'm sure for her family.

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Magistrate Coates brings to the Bench a wealth and depth of experience such that I have no doubt that her appointment will be applauded by all. It is particularly pleasing, both from a personal viewpoint and also in my capacity as the principal legal officer of the Aboriginal and Torres Strait Islander Legal Service to be here today, given Ms Coates' extensive background in indigenous affairs, which has included working in senior positions in the Aboriginal legal services in Brisbane and Cairns, including the Cape area, as well as in New South Wales.

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In a recent conversation with Magistrate Coates I was particularly struck by her continuing - almost exuberant enthusiasm for various aspects of indigenous affairs. I know that one of her passions, for example, is utilising her skills in the area of setting up indigenous corporations in a way which manages to encapsulate and incorporate indigenous laws and customs and translate those laws and customs into legal jargon.

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I am also well aware of all the good wishes she had received from indigenous Australians upon hearing of her appointment. I know how proud Magistrate Coates must be to have won the hearts and minds of these individuals.

I speak from experience when I say that the key to such a rapport is the establishment of trust. Something which is not achieved easily, but once it is provides a life-long link to indigenous communities. Knowing the communities as I do, I can foresee the bragging rights that will transpire over various campfires and in family homes as past indigenous clients claim ownership of Magistrate Coates, and indicate to others how the superiority of their lawyer has been made clear by virtue of her appointment today. They will be as proud as punch. Many, I have no doubt, will regard her like their own family, and - and will claim her accordingly.

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Of a more notable cases which was - with which she's had an association, I think Ms Coates' involvement in a landmark Wik case. I further note that she acted for no less than eight families in the Royal Commissions investigation into Aboriginal deaths in custody. She was appointed, as we've heard, to the Native Title Practitioners Panel in 1999 for four years, and was re-appointed in 2004. And if all that wasn't enough, she's also had - been - been responsible for a number of highly significant publications involving indigenous issues.

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Of course aside from her impressive - very impressive involvement in and knowledge of indigenous affairs, Magistrate Coates has also extensive impressive credentials in other areas of the law. I'll - I'll just touch on this briefly because it's something that you've already heard to a degree.

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She was admitted as a solicitor at the best part of 29 years ago, having also graduated with a bachelor of arts a number of years prior. We have seen her heavily involved in a wide range of legal fields via private practice; as an employee of Legal Aid Qld - including as we've heard, her involvement in the initial duty lawyer scheme; as an appointee to the Anti-Discrimination Tribunal in 1994; and as an appointee as a part-time Commissioner in, I believe, the civil liberties section of the CMC in 2004.

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And the impressive list goes on. For example, her involvement as an official legal visitor to Lotus Glen Correctional Centre, involvement with the Queensland Women's Consultative Council, and as recently as 2004, in the Regional - in the Rural Regional and Remote Pro Bono project launched by QPILCH. A civil libertarian who puts her beliefs into actions. A life in the law which has, in particular, been focussed upon helping those least able to help themselves. Commendable indeed.

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I note with some interest that Magistrate Coates has also obtained the tertiary qualification of an associate of Speech and Drama Australia in 1973. Clearly any - any thespian bent is likely to come in very useful in her role on the Bench as it seemingly has with a number of her peers.

In closing, I wish to take this opportunity on behalf of the Aboriginal and Torres Strait Islander Legal Service to

formally congratulate Ms Coates upon her appointment and all those involved in the decision, and to wish her all the very best in a role which, given her background, I have absolutely no doubt she will carry out with great aplomb. Thank you. May it please the Court.

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HIS HONOUR: Thank you, Mr Shadbolt. And now Magistrate Coates, would you like to reply?

MS COATES: Yes, thank you. The Honourable Attorney-General, the Chief Justice, the President of the Court of Appeal, his Honour the Chief Magistrate, retired Judge Pincus, retired Judge Drummond, and my new brothers and sisters, distinguished guests, family and friends, thank you for all kind words spoken on my behalf.

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It's very special to me to be appointed by the first woman Attorney-General of this State. It is interesting to note that the totem of justice in our society is represented as a woman, and she is the Greek God Themis. Themis is the Goddess of wisdom. Her mission on Olympus was not only to regulate ceremony, but to maintain order. Her attribute is a pair of scales. There is a wonderful sculptural form of her outside our District and Supreme Court in George Street.

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I have just completed nearly 29 years as a practising solicitor. On reflection I never would have been a solicitor without the dedication and commitment my mother and father to equality of education for women and their hard work to ensure that. And secondly, the energy and advice of my life-long mentor, my Greek uncle Stephen Comino, now nearly 53 years as a practising solicitor. A solicitor who was an environmental lawyer before it was fashionable.

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His encouragement that it was possible to hold different views and to have true ambition have always been gratefully appreciated. I have spent the last 17 years working and living on the Atherton Tablelands. Sole practice is hard, demanding and unrelenting, and I'm sure I would not have been able to go the distance without the support and intellectual legal advice of Stephen Keim, now senior counsel.

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Stephen enjoyed the adversity of acting for my clients which included memorable moments. Like, proofing witnesses on Lockhart River beach, travelling in an open boat in rough seas to Restoration Island for a site visit, camping on a camp stretcher under a tarp for a week while working.

Inspiration is an important aspect for personal perseverance, and I am always inspired by lawyers who love the law, and my friend, Terry O'Gorman, with his passion for civil liberties coupled with extraordinary hard work are always an inspiration.

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While these lawyers have provided advice on white fellow law and custom, I must acknowledge the great privilege I have experienced in acting for the traditional owners of our country. I understand that their education of me in their

laws and customs was the progressive study of my own
ignorance.

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I wonder what valuable ideas would best serve me now in my new
role, and I have thought that these may be significant in that
process. Firstly, the old adage that truth can sometimes be
stranger than fiction and, secondly, this comment which notes
that the measure of a civilised society is the way it treats
its most disadvantaged members.

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Finally, I've kept the best for last. I want to thank my
mother for her lifetime of devotion, for the - my brothers
John and David for their lifelong friendship, and the
unqualified support and love of my husband Tony Marnane and
our children Imogen, Jesse and Jack.

HIS HONOUR: Thank you. Congratulations again. And could I
present you with this Bible-----

MS COATES: Thank you.

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HIS HONOUR: -----suitably inscribed as a memento of this
special occasion.

MS COATES: Thank you.

HIS HONOUR: I'd like to thank all of our distinguished guests
for being with us this morning as part of this swearing in
ceremony. Even if I haven't acknowledged you individually you
are all our distinguished guests. I hope that many of you
will have the time to join us for morning tea with Magistrate
Coates on level 9 of this building.

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All it now remains for me to do is to formally direct that
these proceedings be recorded by a mechanical device under the
provisions of the Recording of Evidence Act and that Ms Kara
Murray be the recorder. Having said that, Court is adjourned.

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THE COURT ADJOURNED

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