

TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

IN THE MATTER OF A WELCOME IN HONOUR OF MAGISTRATE SUZETTE
MARIE COATES TO THE BENCH OF MAGISTRATES IN CAIRNS

CAIRNS

..DATE 06/02/2006

..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 Supreme Court of Queensland:

The Honourable Justice S Jones

On behalf of the District Court:

His Honour Judge P White DCJ
Her Honour Judge S Bradley DCJ 10

On behalf of the Federal Magistrates Court:

Mr J Coaker, Magistrate

On behalf of the Magistrates Court of Queensland:

Mr R Spencer
Ms W Cull
Mr T J Black
Ms T Previtiera
Mr J Lock
Mr D Dwyer
Mr T Braes
Mr K McFadden 20

On behalf of the Bar Association of Queensland:

Mr A Philp SC 30

On behalf of the Queensland Law Society:

Mr J Pinder

On behalf of the Mulungu Aboriginal Corporation Medical Centre:

Mr Gertz 40

JENNIFER KITE APPOINTED AS RECORDER

HIS HONOUR: Good morning, and welcome to this ceremony which is in fact to welcome Suzette Marie Coates to the Bench of Magistrates in Cairns following her swearing-in in Brisbane last week as a Magistrate of this Court. I'd like to firstly acknowledge the traditional owners of the land on which this courthouse is built and I'd also like to acknowledge the 50

presence here today of Justice Jones, their Honours Judges
White and Bradley, Federal Magistrate John Coaker, and the
Bench of Cairns Magistrates. I'd like to once again thank
Justice Jones for allowing the Supreme Court to be used for
this special occasion. I also welcome Mr Philp, senior
counsel, representing the Queensland Bar Association; Mr
Pinder, representing the Queensland Law Society; and Mr Gertz
from the Mulungu Medical Centre; and I'd like to welcome each
of you, our distinguished guests here this morning.

The Attorney-General has expressly asked me to apologise for
the fact that she is unable to attend this morning, but she
did show her support for Magistrate Coates, not only by
appointing her to this position, but also by speaking at her
swearing-in in Brisbane last Monday. I also wish to thank the
Attorney-General in her absence for ensuring that this
appointment was made so as to ensure that there was no hiatus
in the full complement of the 85 Queensland Magistrates
following the transfer of Magistrate Kluck from Cairns to
Brisbane last week. In fact, your appointment is the first of
three changes to the Bench in Cairns which will occur during
the first six months of this year with Magistrates Lock and
Previtera returning to Brisbane.

Consideration of the appointment of a new Magistrate to
replace Magistrate Lock on the 21st of March has already been
initiated, and again we are hopeful that there will be no
significant gap or indeed any gap at all between Magistrate
Lock returning to Brisbane and the new appointment being made.

Magistrate McGinness from Brisbane will commence a three-year appointment towards the end of May this year in the place of Magistrate Previtera. After this burst of activity I hope that the Constitution of our Bench will settle down and remain stable for some period of time.

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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. As you all know, she has conducted a sole solicitor's practice in Atherton in all areas of the law since 1991, and she is the second appointment from the Tablelands to the Magistrates Court in the last 18 months.

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Along the way she has also worked with the Aboriginal and Torres Strait Islanders Legal Service in Sydney, Brisbane and Cairns, and she has also worked for Legal Aid Queensland. She has worked extensively for indigenous families in north Queensland during the Commission into Aboriginal deaths in custody, and this work and her work with the Aboriginal and Torres Strait Islanders Legal Service will mean that she will be familiar with the amount of travel that is involved to indigenous communities in both Cape York and the Torres Strait by Magistrates who are appointed to the Court in Cairns. Up until her appointment she continued doing pro bono work for Aboriginal and Torres Strait Islanders, and it is a pleasure to see representatives of those communities with us this morning.

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Another connection that Magistrate Coates has with our Court is that in 1983 she coordinated the commencement of the duty lawyer scheme in Brisbane. She also organised the first duty lawyer accreditation scheme with the Law Society and she also was involved in the preparation of the outline for the duty lawyer handbook which remains a very important and valuable resource for members of the legal profession practising in this Court.

In 1995 she was appointed to the Queensland Women's Consultative Committee on the reference Women and the Law. From 1998 to 2004 she was an official visitor to the Lotus Glen Correctional Centre and she is an approved Queensland Law Society and Supreme Court mediator; again, a skill which will be very relevant to the work of this Court, particularly in the Small Claims area.

At the time of her appointment she was a part-time Commissioner for the Crime and Misconduct Commission. She was also a member of the Anti-Discrimination Tribunal, a position that she had held since 1994, and she was a member of the Native Title Practitioners Panel. Somehow, in addition to all that, she managed to fit in time to be the pro bono solicitor for the Tablelands Junior Soccer Association, and she was also the president of the Atherton Tablelands Business Women's Club.

So, Magistrate Coates, I again have much pleasure in welcoming you to this Court and I know that I speak on behalf of every

Magistrate, and I have no doubt everybody who is with us this morning, in wishing you all the best for a satisfying and fulfilling judicial career as a member of this Bench.

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Yes, Mr Philp, would you like to address the Court?

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MR PHILP: Yes, thank you. Your Honours, it's with a great deal of pleasure that I welcome your Honour to the Bench on behalf of the Bar Association of Queensland and, in particular, the members of the Bar of far north Queensland. The Bar welcomes your appointment. Not only does your Honour have the knowledge, experience and temperament to make a fine Magistrate, your Honour has a keen sense of judgment and an appreciation of the need to balance the competing interests that will play out before you each time you sit.

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I have only two regrets in respect of your appointment. First, your Honour provided an important service in the regional town of Atherton that will not be easy to replace. The role of a solicitor in such a town is often underestimated or overlooked. Your Honour performed that role with distinction and, while I am sure that those who know you in Atherton will be happy for your success, many will be lamenting your move. Secondly, it's most likely that I will now have to pay for the cakes.

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Your Honour joins a strong and happy Bench in Cairns. I am quite sure your Honour will fit in beautifully. One thing you will note is that Magistrates, like Judges, do not gossip. I

thought this may at first throw your Honour, but you demonstrated late last year that you will be able to conform when I asked you if you had anything to tell me. You were obviously aware of your appointment and I was virtually sure of it, and you replied in words I never thought I'd hear fall from you, "My lips are sealed." Well said.

Welcome, your Honour.

HIS HONOUR: Thank you, Mr Philp. Mr Pinder?

MR PINDER: Thank you, your Honour.

HIS HONOUR: Good morning.

MR PINDER: Your Honours, and particularly our special guests, your Honour Magistrate Coates, on behalf of President Rob Davis and all members of the Queensland Law Society I extend to Magistrate Coates our enormous congratulations and best wishes. It's indeed pleasing to again be speaking at a welcoming ceremony for a judicial officer where the very worthy recipient has been drawn from the ranks of the solicitors' branch of the legal profession.

The Honourable the Attorney-General, Ms Linda Lavarch, and the Government have, by enactment of the Legal Professional Reform legislation, the last trace of which will be in place by 1 July this year, acknowledged then our almost non-existent differences between the two branches of the profession in

Queensland. The legislation identifies all persons practising law in Queensland now with legal practitioners and the regime applies equally whether you choose to practise as a barrister or solicitor.

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The Government's dispensation with any previously perceived differences between the Bar and solicitors have been further acknowledged by the increasing number of appointments of solicitors to senior judicial positions, and your Honour's appointment is a further and welcome example of that attitude.

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I was provided with a copy of your Honour's curriculum vitae prior to this speech today, which was indeed lengthy and distinguished. It told me, however, nothing more than I already knew of your Honour - that is, that you'd enjoyed an excellent professional career as a solicitor and that your practice, particularly in recent times, had been broad with an emphasis on the important areas of anti-discrimination and native title. Your Honour's professional experience and acknowledged robust practise of the law makes you ideally suited to the challenges of your most recent appointment as Magistrate. Again, as your Honour embarks on a new career in judicial office, I wish you the very best for the future.

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HIS HONOUR: Thank you, Mr Pinder. Mr Gertz, it's very pleasing that you're able to be with us this morning. I understand that you wish to say something briefly as well.

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MR GERTZ: Thank you. Thank you, your Honours. Some time ago I was reading The Cairns Post and I read that Suzette was going to be admitted as a Magistrate, and I thought to myself, "How wonderful is that." "How good is that", I thought to myself.

I have some experience with the Magistrates Court and Suzette has played a part in three of those factors in the Magistrates Court - oh, there's four actually, but Suzette's played a part in three of them. The very first experience in the Magistrates Court I appeared as a defendant, and that's not the responsibility of Suzette. The second factor in the Magistrates Court where I have had experience, I actually submitted some - made some submissions in the defendant's - in their pleas of guilty and also done a number of bail applications. The third factor is I prosecuted on behalf of Community Corrections while a Community Corrections officer at Kowanyama Aboriginal community and the fourth factor is that with the Registrar of the Mareeba Magistrates Court I have constituted a Magistrates Court. Suzette's played a part in three of those. She's instilled a lot of confidence in me and gave me a lot of encouragement.

Why I say that is because I've been associated with Suzette since 1987 when she came to Njiku Jowan Aboriginal Legal Service here in Cairns, and I was virtually Suzette's offsider for many, many years in the Magistrates Court and just listening to how Suzette conducted herself as a lawyer instilled a lot of confidence in me. And Suzette not only

appeared in the Magistrates Court but, as the Chief Magistrate mentioned, she's done a lot of other extra duties and I suppose from all the jobs that she took on you would say some solicitors would have to go out of their comfort zone to do those. With Suzette, that wasn't the case. That was her comfort zone.

I will just mention a couple of them where - where she has gained a great deal of respect from the Aboriginal and Torres Strait Islander community and one is - there's actually a couple, but I mention this one. Knowing she done a lot of work with representing families in the Aboriginal recommendations of Aboriginal deaths in custody, she also took on a matter in Mareeba where there was a number of complainants with the - took a complaint of racism to the Equal Opportunity Commission, and Suzette represented those clients and successfully argued that there was a case of racism that existed in Mareeba. So that has a very big lasting memory on me, Suzette taking on those jobs that would really be sort of out of her comfort zone.

But on behalf of the Aboriginal community, we welcome Suzette, and I know Suzette will do a good job. I don't have to wish her well because she will do a good job and I think her time as a Magistrate will be - she'll do a very handsome job.

Thank you, your Honours.

HIS HONOUR: Thank you, Mr Gertz, and thank you for being prepared to be a part of these proceedings this morning, and I

can see the confidence that Magistrate Coates has instilled in
you.

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MR GERTZ: Yes.

HIS HONOUR: Now, Magistrate Coates, would you like to
respond?

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MS COATES: The Honourable Justice Jones, his Honour Judge
White, her Honour Judge Bradley, his Honour the Chief
Magistrate, my new brothers and my new sister, distinguished
guest, friends and family, thanks for all the kind words
spoken on my behalf. It's very special for me to be appointed
by the first woman Attorney-General of this State and it is
interesting to note 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 attribute is a pair of
scales.

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I have just completed nearly 29 years as a practising
solicitor and I've spent the last 17 years working and living
in the Atherton Tablelands. Sole practice is hard, demanding
and unrelenting, and I am sure I would not have been able to
go the distance without the support of my wonderful three
secretaries, Janice Stark, Rita Gallina, and Jennifer
Delvarie. Also the encouragement of my mentor, my Greek
uncle, Stephen Comino, now 53 years as a practising solicitor.

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Also I must acknowledge the great intellectual legal advice of my friend, Stephen Keim, and the inspiration of Terry O'Gorman and his Irish passion for civil liberties.

Whilst 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 regressive study of my own ignorance. Some of these bush lawyers and their descendants are here today and I would like to welcome them to the Court, and I would like to acknowledge their contributions in expanding my personal horizons - and I'd like to start at what is regarded as the top of Australia, Josephine Akee from Mer Island in the Torres Strait; Desmond Tayley, the mayor of the Wujul Wujul Aboriginal Shire Council, grandson of Dolly Yougie and Youngerman Yougie; Patrick Nandy, councillor for the Wujul Wujul Aboriginal Shire Council, grandson of Old Man Nandy, a Kuku Ngungal man; Keith Rush, also deputy chairman of the Wujul Wujul Aboriginal Shire Council; Lorraine Muckin and Kayleen Davis, the daughters of George Gilbert Davis, Upper Mallunburra Yadinji. And I acknowledge their outstanding contribution of their ancestors to my understanding in their areas of law.

I wondered what valuable ideas would best serve me in my new role and these, I thought, would be the most significant. Firstly, that old adage, the truth can 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. Thank you.

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HIS HONOUR: Thank you, and, ladies and gentlemen, thank you for being our guests at this ceremony this morning. I hope that many of you will be able to enjoy - join us in the jury room on floor 3 for morning tea. It's wonderful to see a broad cross-section of people here this morning and to see standing room only, and voluntary standing room at the back of the Court on this occasion.

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I formally direct that these proceedings be recorded by a mechanical device, pursuant to the provisions of the Recording of Evidence Act, and that Ms Jennifer Kite be the recorder. And Court is adjourned. I hope to see many of you in the jury room shortly.

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THE COURT ADJOURNED

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