



Transcript of Proceedings

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MAGISTRATE COURT

JUDGE IRWIN, CHIEF MAGISTRATE
BLACK, Magistrate
McGINNESS, Magistrate
HODGINS, Magistrate

IN THE MATTER OF A WELCOME TO MAGISTRATE COMANS TO CAIRNS

CAIRNS

..DATE 22/08/2006

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

On behalf of the Bar Association of Queensland:

Mr J D Henry

On behalf of the Queensland Law Society:

Mr J Pinder

HIS HONOUR: Good morning. Thank you for attending this ceremony to welcome Magistrate Alan Comans to the Bench of Queensland Magistrates in Cairns, and to introduce him to the Cairns legal profession.

I note the presence here today of Mr Henry on behalf of the Bar Association of Queensland; Mr Pinder who is the president of the Queensland Law Society; I also acknowledge Justice Jones and Judge Bradley and Mr Lynn, very pleasing to see you with us again. I'd like to once again thank Justice Jones for making this Court available for a ceremony of this nature. I'd also like to welcome everybody who has been able to attend with us this morning.

It is pleasing to sit here with the Bench of Magistrates in Cairns, but I do express apologies from Magistrate Spencer, Magistrate Coates, and Magistrate Morgan. The first two Magistrates are on their way to a Cape circuit this morning, and Magistrate Morgan is sitting in Innisfail. I also express apologies on behalf of the Attorney-General who of course has honoured Magistrate Comans by this appointment and spoke of him at the swearing in ceremony last week on the 14th of August.

At that stage Magistrate Comans was one of three newly appointed Magistrates who have been appointed following recent retirements from our Court. Inevitably these retirements lead to transfers in a Court that has 85 Magistrates appointed to 30 different centres through a vast State such as Queensland. On this occasion Magistrate Dwyer has taken the opportunity to transfer to Bowen and to Emerald which is closer to his family and Magistrate Comans has been appointed to the vacancy which has been created.

He will hit the ground running after 16 years experience as an Acting Magistrate, almost as long as some of our retirees. He would have spent at least 50 per cent of the last 16 years constituting the Bench of this Court. As the Attorney-General said in her speech last week, he is well placed to become a Magistrate. His has been meritorious service which, in my view, has been appropriately recognised by this appointment and it does give me great pleasure to welcome him to this Bench.

He in fact has had a 35 year association with the Magistrates Court having commenced as a clerk in Maryborough in 1971 and

in the "I've been everywhere" style of Registrars and Clerks in Magistrates Courts he has also been in Ipswich, Roma, Brisbane, Bundaberg, Taroom, Innisfail, and Petrie, so this appointment brings him back close to Innisfail where he has served before, and I am sure you are looking forward again to the pleasure of working in the northern part of the State.

The Magistrates in Cairns who are with me this morning, and those who are unable to be here, have all looked enthusiastically forward to you joining them for your initial appointment here of 12 months. Your appointment demonstrates the continued importance of having a mix of experience in this Court both from within the ranks of Acting Magistrates and of course from external appointments, and once again I welcome you to the Bench in Cairns.

Mr Henry, could I call upon you to address the Court on behalf of the Bar Association of Queensland.

MR HENRY: May it please the Court. Your Honour Magistrate Comans, I rise to welcome you to Cairns both on behalf of the Queensland Bar Association and more particularly the Cairns Bar. Your Honour is fortunate in joining here a very highly regarded local Bench. I am confident, given what we have been told of your Honour's own background, that your Honour will further fortify the excellent repute of our local set of Magistrates.

The profession can be pleased that we welcome a new Magistrate with a long experience of service of the Magistrates Courts from within. Your Honour's experience as a Court official and as an Acting Magistrate is a tried and true foundation for the performance of the Magistrate's role. Speaking as one who learnt much from a lengthy period of Government service I expect your Honour's experience of service within the Courts will be of benefit, not only to your Honour in the discharge of your important new function but also to your colleagues and the profession generally.

Might I respectfully commend the Court's preservation of a career path to the Bench for the finest and brightest of those within its own ranks, a path trod, I would add, by the Court's esteemed local leader his Honour Mr Black and one of the retired old boys present I note, Mr Lynn.

Your Honour's professional career has led you to service in many places. Might I suggest this is the most attractive place to date. Your experience of meeting people and fitting into and enjoying new places will doubtless see your Honour fit comfortably and seamlessly into life in the Cairns community. I trust you will find your time here both professionally and personally rewarding, and again welcome you on behalf of the Bar.

HIS HONOUR: Thank you, Mr Henry. Mr Pinder, I call upon you to address the Court.

MR PINDER: Your Honour Chief Magistrate, your Honours - particularly your Honour Magistrate Comans, on behalf of the solicitors' branch of the profession welcome to Cairns.

To misquote I feel very much like it is déjà vu again having spoken just over a week ago at your Honour's swearing in in Brisbane. At that time the Attorney outlined your Honour's lengthy and distinguished career in the Magistrates Court thus far which included more than 15 years serving as an Acting Magistrate. Upon my return I was able to inform my colleagues that our newest Magistrate would very much hit the ground running.

As your Honour is aware, the Magistrates Court is one of the busiest jurisdictions in the State and there are no more busier centres than Cairns. My members are indeed fortunate that the Magistrates who have been appointed and serve here have all proven to be professional and industrious and have kept the wheels of justice turning very smoothly in the Magistrates Court. Your Honour, I am sure, will be an excellent acquisition to the team.

Your Honour will also find that the solicitor practitioners who appear in your Honour's Court are also professional and efficient, and I hope that in some small part they make your Honour's task a little easier.

Your Honour, again, welcome to Cairns, and I also wish you a very rewarding stay both professionally and personally. Thank you.

HIS HONOUR: Thank you, Mr Pinder. And now, Magistrate Comans, this will be one of the first decisions you have delivered from the Bench in Cairns. I invite you to respond.

MAGISTRATE COMANS: Yes. Thank you very much, Judge Irwin.

Your Honours Mr Justice Jones, Judge Bradley; fellow Magistrates; members of the legal profession; Mr Henry and Mr Pinder; staff of the Magistrates Court; representatives from the various agencies that appear in the Magistrates Court; ladies and gentlemen; thank you all for that very warm North Queensland welcome. As his Honour Judge Irwin pointed out my family and I did spend some two years in Innisfail in the early 1990s and we thoroughly enjoyed living and working in North Queensland. I look forward to a similar experience here in Cairns.

As it has been pointed out, and as some of you already would have known, I have recently been appointed as a Magistrate after working my entire career in the Magistrates Court as clerk, a Registrar, and an Acting Magistrate. Consequently I am acutely aware of the system that is the Magistrates Court from an internal perspective. However, I do feel I also have an appreciation of how the Court is viewed from the outside as well, that appreciation having been gained from long contacts over the years with the profession, the prosecution, and other users of the Court. I even have some insight into the rigors

of private practice as my father was a sole practitioner for some 40 years.

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So, again, I thank you all for the warm welcome. I now look forward to the challenges of coming to grips with local issues, making a contribution to the Magistracy, and to the communities in which I will serve as a Magistrate. Thank you all.

HIS HONOUR: Thank you your Honour, and I also again would like to thank those of you who have been able to attend this ceremony this morning. I think that it is important that Magistrates appointed to local Benches are introduced to the legal profession because there is a close working relationship between all parties who appear in these Courts.

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I hope that those of you who are able will join us for morning tea in the Magistrates' conference room on level 2 of this building.

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I direct that these proceedings be recorded, and Court is adjourned.

THE COURT ADJOURNED AT 9.22 A.M.

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