

TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate
KILNER, Magistrate
BRASSINGTON, Magistrate
COSTANZO, Magistrate
KEHOE, Magistrate
PIRIE, Magistrate
RINAUDO, Magistrate

IN THE MATTER OF THE WELCOMING OF
MAGISTRATE GRAEME LEE AS A
MAGISTRATE AT SOUTHPORT

SOUTHPORT

..DATE 28/08/2006

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 and the Bar of the Gold Coast:

Mr B Reilly

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On behalf of the Queensland Law Society:

Mr Skuse

CHIEF MAGISTRATE: Good morning. This is a ceremony to welcome Magistrate Graeme Lee as a member of the Bench of Magistrates at Southport and to introduce him to the local legal profession. I'd firstly like to acknowledge the traditional owners of the land on which we gather today, and I welcome all of you, our distinguished guests, who have been able to join us this morning.

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I'd like to thank Judge Newton, in his absence, for making this Court available to us. Unfortunately, he is absent on circuit to Rockhampton this morning.

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Magistrate Lee was sworn in two weeks ago in Brisbane and he has been working in this Court since last Tuesday. He brings significant adjudicative experience to our Bench. Coming from roles such as being the State Director of the Social Security Appeal Tribunal, and also a senior member of the Misconduct Tribunal. He's also practised as a mediator since 1990, having worked in this capacity with the Queensland Building Tribunal, Legal Aid Queensland, the Retail Shop Leases Tribunal, and the Bar Association Dispute Resolution Scheme.

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He's also been an arbitrator and mediator to the New South Wales Workers' Compensation Commission.

I can see some experience there which is relevant to our small claims tribunal, which will be very helpful in our extremely busy Southport Court, where Magistrate Lee has been appointed for the first 12 months of his term of appointment.

In fact, in 2005/2006 there were 2,332 small claim matters in this Court, second only to Brisbane in the volume in this jurisdiction, and in civil claims in general. The total number of civil claims in this Court last year was just over 7,500.

Before Magistrate Lee commenced private practice as a barrister 20 years ago, he was a radiographer. Although the previous appointment to Southport, Magistrate Brassington, had been a nurse, it should not be assumed that this was indicative of some new appointment criteria for here.

As many of you all know, Magistrate Lee continues the family tradition established by his father, Bill, who was a distinguished and well-respected Judge or Justice of the Supreme Court.

I observe that he has also shown a thirst for continuing learning, having attained a Masters of Law and Arts with his thesis on the Childrens Courts in Queensland, something which will also be of value in this Court. He's also tutored and

lectured law at the three Brisbane universities.

As I've indicated, Magistrate Lee, as you all know, is taking up a position with the six other Magistrates who are with us this morning, in what is an extremely busy Court. In addition to what I've already said about the small claims work of this Court, unfortunately it also receives more domestic violence applications and more child protection applications and makes more orders in each of those areas than any other Court in Queensland, including Brisbane. It is also the second busiest Court in the criminal jurisdiction. Last year 16,300 defendants, to take a round figure, moved through this Court on approximately 31,600 charges. That's approximately nine per cent of the total lodgement of criminal matters in this State, and comparing that to Brisbane, where there were approximately 32,000 defendants on 66,000 charges, a total of 18.75 per cent of the criminal lodgements in this State, those comparisons indicate just how busy this Court is.

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Mr Reilly, I call upon you to address the Court on behalf of the Bar Association of Queensland and the Bar of the Gold Coast.

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MR REILLY: Thank you. May it please, it is, in fact, my honour this morning to represent the Bar. In particular, those members of the Bar Association who have chambers on the Gold Coast.

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There was a time when if you mentioned the Gold Coast Bar it

was understood to be a treacherous body comprised principally of liquid and sand, but is generally to be avoided. There are some unkind souls who may still hold that definition as being apt.

Although there has been, in more recent times, a greater degree of recognition that the Bar at the Gold Coast has grown not just in size but also in professionalism and experience. There are now about 40 members of the local Bar Association who practice and work on the Gold Coast. Fifteen practitioners who have chambers in the two established chamber groups in Southport. Another whose chambers is somewhat more mobile, and members who are involved in academia at one of the two local universities who offer law as a subject. The other members of the association being employed within governmental agencies or in-house counsel in private enterprise.

It's a particularly pleasing task on behalf of the Association to welcome your Honour, as your Honour, of course, has been appointed from the Bar, having graduated in 1985, and completing a Masters Degree in 1997.

As has been touched upon already, your Honour practised at the Bar in a variety of areas, including Family Law, Criminal Law, and Administrative Law. It seems that your Honour always demonstrated a very keen interest in the law relating to children, both welfare and criminal, and indeed, this jurisdiction ought provide plenty of scope for your Honour to pursue those particular interests.

Your Honour was also heavily involved in a variety of other areas that have been mentioned, but in addition to your Honour's experience that has already been mentioned, I note your Honour's spent eight terms as a member of the Barristers' Board, where you were there involved not only in disciplinary matters, but also the educational matters of those going to the Bar, and your Honour was also legal official visitor to correctional centres and mental health hospitals, in addition to your mediation and arbitration roles, and more recently your appointment in 2000 as State Director of the Social Security Appeals Tribunal.

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So your Honour undoubtedly brings with you a great deal of experience, not only in law, but in life and dealing with people and in timely decision-making to this jurisdiction.

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This jurisdiction, as has been mentioned, is a busy one, but also one which throws up some very odd factual scenarios and characters. To name a few that have occurred since I've been here, there's Fairly Arrow, Christopher Skase, Brendon Abbott, both the Cappers, and Jeff Fenech, to name but a few. We've also had the Mayor on trial on summary charges in this Court, and offences relating to the Big Brother program, not an errant contestant, but apparently people who, for some inconceivable reason, are trying to break into the house, rather than get out of it, and more recently, of course, there has been press concerning the differences of opinion between groups of motorcycle enthusiasts who are in this area.

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This jurisdiction, of course, is a very important one for most people. It is probably the only time they ever come into contact with the judicial system in their lives, and for many of them the manner in which they see justice being dispensed remains with them throughout the rest of their life, and becomes their idea of how justice operates in this State.

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It is also the jurisdiction where you have the largest number of unrepresented accused or other parties to litigation, where it's not always easy to remind oneself of the fairness and courtesy that ought be extended to all parties who appear before a Court. But your Honour has a great deal of experience and aptitude from those areas pursued in your life, which will no doubt be of enormous benefit to the Gold Coast community, and, in particular, to the Magistrates Court here at Southport, and on behalf of the Association, I welcome you to the Gold Coast.

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CHIEF MAGISTRATE: Thank you very much, Mr Reilly. Mr Skuse, on behalf of the Queensland Law Society, I would invite you to address the Court.

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MR SKUSE: Your Honour the Chief Magistrate, Judge Marshall Irwin; your Honour the Southport Senior Magistrate, Ron Kilner; your Honours; on behalf of President Joe Pinder of the Queensland Law Society, and on behalf of the Gold Coast District Law Association of which I'm head, I welcome, your Honour, our newest Magistrate, Magistrate Graeme Lee.

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The Gold Coast District Law Association is an incorporated association and has amongst its objects the promotion and improvement of the state and administration of law here, and also to protect the interests of the community in relation to the law. Accordingly, we have been known, on occasions, to lobby for additional judicial appointments on the Gold Coast, and we are grateful to the Attorney-General and the Minister of Justice for the appointment of your Honour as the latest Magistrate attached to Southport.

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The credentials of your Honour reveal a keen interest in the law and an extremely wide range of experience and knowledge, which will serve your Honour well in the hurly-burly of life in the Magistrates Court here.

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Your history evidences your commitment to the law and its overall importance in your life. We hope that none of your experiences at Southport operate in any way to diminish your enthusiasm or life goals in law.

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As President, I have the pleasant duty of inviting your Honour to join our Association as a member. We are proud to have a number of judicial officers and senior legal academics on the Gold Coast amongst our members, and I hope that I may persuade you to join as well.

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We're pleased and thankful for your Honour's acceptance of this position here and we look forward to your Honour having a

very fulfilling career and hopefully here for more than 12 months. Thank you.

CHIEF MAGISTRATE: Thank you, Mr Skuse. I now invite Magistrate Lee - his Honour Magistrate Lee, to reply.

MAGISTRATE LEE: Thank you. Your Honour Judge Irwin; your Honour Judge Dearden; Mr Reilly; Mr Skuse; colleagues; members of the profession; ladies and gentlemen; I am most grateful for your attendance here today, at the special ceremony welcoming me to Southport. I thank you, Judge Irwin; you, Mr Reilly; and you, Mr Skuse; for your encouragement and kind words which I suspect are more generous than deserved.

I assure you all that I will do my very best in this important role, and hope that I will justify the confidence that you have shown in me today.

I should especially mention that since commencing duties here at Southport last week, I have had the continuous, spontaneous and enthusiastic support of all my colleagues, for which I am most grateful. It is much appreciated.

A huge part of my practice at the bar, particularly in the earlier years, involved constant appearances in the Magistrates Courts and Childrens Courts in the south-east corner. It was during these early times that I began to realise what an important role this Court actually plays in the administration of justice. I see it as a peoples' Court.

It is very important to the litigating public. This Court exercises a wide range of jurisdictions in civil, criminal and other matters, and in so doing conducts a major volume of litigation in this State.

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Difficult and similar questions of law often arise in this Court, as in other Courts. The only difference being the monetary limits in civil jurisdiction and the size of penalties in criminal jurisdiction.

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I am confident that this role will be challenging and satisfying. I hope my experience in the various tribunals I have served on over the years will assist me in this regard.

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Perhaps it's a matter of fate that I'm first appointed to the Magistrates Court at Southport, because after admission in 1985 - in late '85 - I commenced private practice straight away, and my first brief to appear for the defence in a civil trial was in the Southport Court - Southport Magistrates Court. A brief was delivered late the afternoon before. I worked it up, and I asked myself, "Why are we defending this case? What is the defence?" After all, the statement of claim disclosed - clearly disclosed liability in the defendant. But as the plaintiff's case unfolded, it became patently clear that, based on the evidence, the plaintiff's case was worse, so I learnt from a very early stage in my career at the Bar of the importance of the onus of proof and the standard of proof, and that clearly sticks in my mind as being the first civil trial I conducted at the Bar at this

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I'm very conscious of the enormous responsibility which this appointment entails. I welcome any support offered by my colleagues, the Bar and solicitors. I'm grateful that the support has been assured.

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I regard an independent profession as vital to the administration of justice and in its assistance it always gives to the Court in its attempt to achieve justice according to law.

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As I mentioned in my swearing in a fortnight ago, whilst I naturally have some regrets at leaving the Bar and my membership of various tribunals on which I have served, I look forward to this new challenge at Southport with anticipation.

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Once again, ladies and gentlemen, thank you so much for your attendance here today and it's much appreciated. Thank you.

CHIEF MAGISTRATE: Thank you, your Honour. I should indicate as well that Magistrate Lee has been appointed to the position which has been vacated by Magistrate Chilcott who accepted a transfer to Redcliffe a short time ago.

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I also would like to welcome Judge Dearden and thank him for supporting this ceremonial occasion this morning. Magistrate Lee has already proved more perceptive than I by noting that his Honour was sitting inconspicuously in the back row, something that I hadn't picked up earlier this morning.

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It is wonderful to have this opportunity for the whole Bench of Magistrates to be sitting together, which doesn't occur on many occasions. I'd like to thank you all for your support this morning, and the opportunity to engage with you. I hope that some of you, depending on your Court commitments, will be able to join us for morning tea in the Magistrates conference room on level two. I direct that these proceedings be recorded and Court is adjourned.

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