

TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

VALEDICTORY CEREMONY TO CELEBRATE THE CAREER AND THE SERVICES
TO THE STATE OF QUEENSLAND OF MAGISTRATE ROBERT QUINLAN

WYNNUM

..DATE 05/11/2007

Also present

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On behalf of the Magistrates Court:

Mr Hine, Deputy Chief Magistrate

On behalf of the Bar Association of Queensland:

Mr Murphy, Senior Counsel

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On behalf of the Queensland Law Society:

Mr Berry, Vice-President

HIS HONOUR: Good afternoon and welcome to this valedictory ceremony to celebrate the career and the service to the State of Queensland of Magistrate Robert Quinlan. I firstly acknowledge the traditional owners of the land on which we gather today.

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I also acknowledge the presence at the Bar table of Mr Murphy, senior counsel representing the Bar Association of Queensland and Mr Berry, the vice-president of the Queensland Law Society representing the President of the Society today.

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I also would like to particular welcome and acknowledge Bob's wife Carmel and also Bob's family, Bernard, Mary and her husband Lee. We are joined today on the Bench by the Deputy Chief Magistrate, Mr Hine.

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There are a large number of Magistrates and retired Magistrates, perhaps too many to individually mention today, but your Honours and former your Honours you are all extremely welcome.

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The Court Administrator and the Regional Services Manager, Messrs Marschke and Madden have also joined us today, and I welcome all of you, our distinguished guests, to these proceedings.

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There are a number of apologies and I will note those expressly, as indeed will his Honour Magistrate Quinlan. Of course, many Magistrates are scattered around the State far and wide and are involved in conducting Court today, so they cannot all be here.

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I have apologies from Magistrates Black, Costanzo, Dowse and Kennedy, as well as Magistrates Halliday and Tynan. I also have received apologies from the Regional Services Manager, Mr Harvey, and also Ms Roberta Felton, an elder from Mornington Island, and the fact that she has apologised obviously tells a story and tells about the respect that Magistrate Quinlan is still regarded at Mornington Island, it having been some time since you have sat in that jurisdiction.

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There is also an apology from Mr Fry, Solicitor, and also from retired Magistrate Ian Rose and his wife Desley. Another apology is the Attorney-General who, as I will explain in a moment, is absent because of commitments in Mt Isa today, otherwise he would very much have liked to have joined us.

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Although not all of your colleagues in the Magistracy can be here today, Bob, I know that I speak on behalf of all of them in the comments that I am about to make.

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You retire on the 11th of the 11th 2007, a date that I know is of special significance to you. That will be after 47 and a-half years of significant service to the people of Queensland through this Court, the last 27 and a-half years as a Magistrate.

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The Attorney-General would like what he would have said if he could have been here incorporated in my remarks and I am pleased to do so. He says:

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"It is with regret that I am unable to be here today to farewell from the Court a well respected and popular member of the Magistrates Court Bench in Magistrate Bob Quinlan and to acknowledge in person his contribution to the administration of justice in Queensland over the past 47 years since joining the Magistrates Court as a clerk in 1960.

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Magistrate Quinlan, you were appointed as the Registrar of the Court in 1968 and acted as Clerk of the Court and Registrar of the Supreme and District Court at various centres around Queensland. You were admitted as a Solicitor of the Supreme Court of Queensland in 1970 and a Magistrate at Cloncurry in 1980. By some coincidence the reason for my inability to attend this ceremony today is my presence in Cloncurry and Mt Isa for a community cabinet meeting.

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The appointment to Cloncurry required your travel around the most remote centres in Queensland from Birdsville, Taboola and Burketown. As was the custom at the time, appointment as a Magistrate entailed many community obligations, including as chairperson of the hospital board. You then spent many years in Brisbane before moving to the Wynnum Court, with circuits to Holland Park in 2004, and you have remained here since your retirement.

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I have had the privilege of attending and speaking at a number of valedictory ceremonies for retiring Magistrates this year. A common feature of these is the gratitude and recognition offered to Magistrates and their families for the generous contribution that they have made to the many communities in which they have lived and worked. You, Magistrate Quinlan, and your wife Carmel, are no exception.

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You have been involved in many charity and community organisations including the St Vincent De Paul Society, and over recent years have been most generous in giving your time to assist with the resettlement of refugees. In this sense of compassion and fairness and concern for others, that has been a hallmark of your judicial service and one of the features that has endeared you to the profession. Magistrate Quinlan, such is the nature of your service to the community that you were awarded a Centenary Medal in 2001 in recognition of this.

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Please allow me, in my absence, to offer my best wishes to both you and Carmel for a long and healthy retirement. I hope that you achieve all of the goals you have set for yourself. It is at least clear that you will not be idle. Please also accept my sincere thanks for your years of dedicated service to the Magistrates Court Service in Queensland. The Court has benefited from your thoughtful deliberation and compassionate consideration of matters before it,"

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And I endorse entirely the Attorney's remarks from my own experience. In fact, while you joined the Magistrates Court in 1960 you had started your service to the State the previous year joining the then State Government Insurance Office as a clerk before transferring to the gain of our Court to the Ipswich Magistrates Court before commencing the peripatetic life of a clerk and the Court Registrar, which led you to your appointment as a Magistrate.

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I should note that the day following your retirement, as I am
sure you are aware, Magistrate Cridland will retire from
Warwick. There was a valedictory ceremony for him last
Friday. He will be retiring after 42 and a-half years in the
Magistrates Court, 18 and a-half years as a Magistrate.

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So by the 12th of November we will have lost 90 years of
experience in the Court, 46 years of that experience being as
a Magistrate, and I was happy to see as I commenced my remarks
today that among the people who walked into the courtroom was
Magistrate or retired Magistrate Ken Taylor who retired only
about a month ago after 44 years with the Magistrates Court
and 22 years as a Magistrate.

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That is a great deal of experience to lose and while I know
that those appointed in your place will be new Magistrates who
will bring their own experiences and abilities and
qualifications and skills to this Court as part of a
rejuvenation and regrowth which must occur in any institution,
you, as with the other Magistrates, will be greatly missed.

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Of course, over the time that you and Magistrates Cridland and
Taylor, and many of the retired Magistrates who are here
today, have been a part of this Court you have seen
significant changes. The Chief Justice of Australia
recognised this earlier in the year when he said:

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"One of the most important developments in the Australian judicature over the past 30 years is the development of a fully professional and independent Magistracy."

You have been part of the change which commenced with the passing of the Magistrates Act in 1991 and the transition from the public service concept of a stipendiary magistrate to today's judicial magistrates recognised as members of the courts of the first instance in the judicial system of Queensland.

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Throughout that period, as the Attorney has recognised, you
have been highly respected and regarded as a member of that
judiciary, both by your judicial peers and by the legal
profession, many of whom are here today or have sent
apologies.

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You have been a mentor to many of your colleagues. You are
known for your fairness, your impartiality, your objectivity,
your courtesy, and also that highly prized commodity of
commonsense which is very important in this Court which deals
with 96 per cent of the criminal work in this State and also
deals with a high proportion of unrepresented parties. The
decision of Justice Ambrose in Purcell against Venardos (No 2)
reported in 1997 Volume 1 Queensland Reports at page 317 will
remain a monument to you. In that case your decision not to
commit for trial was not only upheld but the important
principle was confirmed that it is open to a Magistrate
conducting committal proceedings to assess the credibility and
reliability of witnesses called in determining whether the
evidence is sufficient to commit the defendant for trial. In
other words, you have discharged your duties in a highly
professional manner and contributed significantly to the high
regard in which this Court is held.

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As the Attorney-General has said, you are a compassionate man
with empathy for others who are less fortunate than you and

that is why you have been involved in the charitable work that
the Attorney has described. There can have been no better
person to be in charge of the relief payments to persons
affected by the 1974 Australia Day floods than yourself.

As the Attorney said, your contribution to law in the
community was recognised by the award of the centenary medal
earlier this century. It is no surprise therefore that one of
your retirement plans is to undertake volunteer work as well
as learning to play the piano properly and being a farmer's
assistant to your grazier brothers.

I thank you for your support and your collegiality over the
past four years while I have held this position. You have
materially contributed to the sense of cohesion and common
purpose for our Court.

You have chosen to retire nine months before your statutory
retirement date. Magistrate Sarra will be taking your place
for at least the next six months. Your retirement will give
you the time to enjoy the many other opportunities that life
has to offer together with Carmel, and may I also take this
opportunity to thank you, Carmel, for your support for Bob and
for our Court over the many years and the sacrifices that you
must have had to make as you have moved around Queensland,
particularly in the early years of Bob's career before his

transfer to Brisbane. So to both of you, please accept my
best wishes on behalf of all of the Magistrates of Queensland
for a long and a happy and a fulfilling retirement, although
with the Attorney's recent legislative initiative, which I
believe may be passed through Parliament next week, which will
allow retired Magistrates to return as Acting Magistrates I
hope your retirement soon becomes semi-retirement.

Mr Murphy, could I ask you please to address the Court.

MR MURPHY: Your Honour Judge Irwin the Chief Magistrate,
Deputy Chief Magistrate Mr Hine, your Honour Magistrate
Quinlan, Mrs Quinlan and the family, other members of the
Magistracy both working and retired, distinguished guests, and
ladies and gentlemen, it's a great honour and a privilege for
me to appear on behalf of the Bar Association of Queensland,
in particular our president Hugh Fraser QC who is unavoidably
somewhere else at this time.

Unusual as it is, in this Court at least, I have come robed.
I have done this in the context of there being discussions
between the Bar Association and the Chief Magistrate that this
Court may well be the Court in which barristers in the future
will wear robes to Court which may not only improve the
sartorial elegance of many barristers but may add to the
dignity of what is often called the engine room or the

powerhouse of our system of justice. I have worn it today in honour of you, Magistrate Quinlan, and also to show something that you will now miss out on.

Today the Magistracy and the profession say goodbye to a very good friend who leaves this Court after many years of great service to it and the people of Queensland. But we don't want to just say goodbye, we also come here to thank you. It is hard to know where to begin. There are so many reasons why we should thank you. The first thought that comes to mind is the sheer effort that you have put into everything that you have done, not only as a Magistrate in this State, but as a clerk beforehand, and as a registrar, not to mention the great voluntary work that we all know about.

No job is easy all of the time and it is fair to say that the work of a Magistrate is never easy. Your long career and your achievements have already been spoken of and there is no need for me to repeat them. When I sought out anecdotes from many of my colleagues for the purpose of speaking here today I was simply given a number of references such as: Honest Bob; hard worker; fair-minded; helpful and courteous. I must say, from my own experience, when I ventured out of my safe jurisdiction a few years ago I found that all of those adjectives describe you aptly.

Your Honour's career in the Magistrates Court as a clerk and
an Acting Magistrate, as a Magistrate, and registrar spans, as
we know, over 40 years. It has also covered a vast area of
this State; many places many of us would dare not go. If only
in a geographical sense it is perhaps fitting that you have
ended your career by the sea.

I believe that the origins of the name Quinlan are Gaelic and
it means fit and strong. I believe it is also used in the
context of well-shaped and athletic. Undoubtedly your Honour
has lived up to that name and we hope that you will continue
to do so in your well-earned retirement.

The Bar of Queensland wishes you well and your family well in
your retirement.

May it please the Court.

HIS HONOUR: Thank you, Mr Murphy, and thank you for playing
your part in history at what may be the first valedictory
ceremony in this Court and also the first occasion where a
member of the Bar has appeared robed in our Court, and I know
that you do that out of respect for his Honour, but also as
has been discussed between us I expect that it will be the
start of something which will occur more regularly in our
Courts in future.

Mr Berry, I invite you to address the Court.

MR BERRY: Thank you. If it pleases the Court, your Honour Judge Irwin, your Honour Magistrate Quinlan, Magistrate Hine, Mrs Quinlan, Mary, Lee and Bernard - I'm not sure whether Bernard's here, but I wish him well if he is. It is a great honour to represent the Queensland Law Society and probably about over 7,000 solicitors in this State. I think we still call them solicitors; I know lawyers is now the term we seem to use. I also convey the apologies of my president, Megan Mahon, who is still in Europe until Thursday, so hence my appearing.

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Your Honour is one of the last of a special category of Magistrates who came to the Court well before qualifying as a solicitor, and he spent all of his adult life in service of the Court in varying capacities.

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May 1960 may seem a long time ago for many, but it was when your Honour first came to the Magistrates Court in Ipswich. It just so happens, your Honour, that that is the place from where I came, and I must say that even though we both have grey hair I don't think I was there at the time, but we do have some things in common in that I also did the Solicitors Board exams. It was some 10 years before you were admitted as

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a solicitor in 1970, and in the previous decade your Honour's progress in the administrative ranks was marked by several promotions and transfers. Your Honour acted as a Magistrate towards the end of the 1970s in various centres before formally being appointed as a Magistrate in Cloncurry in 1980 and having a vast circuit in western Queensland as the Chief Magistrate has indicated. In 1983 your Honour returned to Brisbane and in 2004 came to the Wynnum Court from where you have been since.

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There's a very special place in the distinguished history of the Queensland Magistracy for those who selflessly served, and no doubt at considerable personal and family inconvenience, and having been in this jurisdiction 30-odd years I certainly know the impositions being placed on you.

Queensland's a large state, a very decentralised one, and one which has its remote areas and, again, the Chief Magistrate's indicated to the places where you've been and I know that in certain circumstances that certainly in the years in which you've been here, that some of those conditions in which both you and Carmel were placed were probably very primitive. I don't know whether times have changed since, but I certainly hope they have.

Your Honour has always been active in the community in that you've been a chairman of the hospital's board in Cloncurry and I understand that your charity work has never flagged and will continue in your retirement. It truly reflects the old-fashioned the Magistracy, I say with respect. You go into retirement with our very, very best wishes and I know the esteem and affection of your fellow Magistrates, both past and present, many of whom would know you as the former president of the Magistrates' Association and I wish you the very best in your retirement or semi-retirement, as whatever it might be. If it may please the Court.

HIS HONOUR: Thank you, Mr Berry. And Superintendent Rand, I understand that you may also wish to address some remarks on behalf of the Queensland Police Service.

SUPT RAND: Thank you, your Honour. May I approach the Bench?

HIS HONOUR: You may.

SUPT RAND: Thank you. Your Honour Judge Irwin, senior Judges and Magistrates, your Honour Mr Quinlan, Mrs Quinlan and family. As the officer in charge of the Wynnum police district, in fact I've only just met his Honour today and having been here almost the same time and the same period of time as his Honour Quinlan, I have found that it hasn't been necessary for me to approach his Honour or him to approach me on any issues concerning police and police behaviour.

I, as a detective for many years, have always espoused that the main thing that we wanted as police was that we had a Magistrate who was fair and just. We didn't want bias, we wanted fair and just, and from all my reports of my prosecutors and the dealings they've had with you, sir, we have found that to be the case. Certainly how you've behaved previously has preceded you and we were aware when you arrived that we were to have a Magistrate who was certainly one that would be looked up to in the community and appreciated.

My reports from all my Prosecutors certainly condone that and supported that and, sir, I thank you on behalf of the

Queensland Police Service for everything that you've done for the community of Queensland and particularly the community of Wynnum and the Wynnum police district. I wish you well, and your wife well, in retirement and I hope that you are able to fulfil everything that you look for in retirement and may be able to return in a part-time capacity, if that is your wish.

Your Honour, thank you for the opportunity to address the Bar.

HIS HONOUR: Thank you, Superintendent Rand. And may I say, it's pleasing to see you again. The last time we saw each other was in Charleville, today I see you by the sea, and your presence here today and your participation in this ceremony again highlights the cross-section of support there is for Magistrate Quinlan. We have representatives from all sides of the Bar table speaking today which, again, demonstrates the overall regard in which he is held and the fairness and impartiality with which he has gone about discharging his work, so thank you for your participation in these proceedings. Well, it's time to leave the last word to Magistrate Quinlan.

MAGISTRATE QUINLAN: Judge Irwin, Deputy Chief Magistrate Hine, Mr Berry, Mr Murphy, other persons in the back of the courtroom, including past colleagues, present day colleagues, family and friends. I am overwhelmed at your attendance here today and also at the words that you've said.

I wish to pass on a few apologies which have not been mentioned. My friend, Michael O'Driscoll, who's now Magistrate of Southport. He was a one-time depositions clerk of mine and he was a depositions clerk at a time when I was asked to perform a committal involving 12 defendants. It was the Crown v Leith and Others. No other deps clerk wanted to do this committal with me because it was going to go for five months.

Anyway, I said to Michael, I said, "Michael, would you mind doing it just for me?" He said, "Yes." Now, Michael at the time was wanting to get into the Bar. He wanted to do the Bar exams and he just didn't know how to go about it. Some of the representatives there at the time were John Griffin, he was appearing for the Crown, Kerry Copley was at the Bar table as well and other leading counsel, and I just happened to mention to Mr Griffin one day, I said, "Michael here wants to do the Bar exams. Oh", he said, "Oh, that's no problem, I'll give him a reference. Kerry Copley here, he'll give him a reference" and, consequently, Michael received his reward on that particular day by being a volunteer to do that particular case with me. So Michael and I go back a long way.

Basil Gribbin has also sent in an apology. Basil Gribbin and I, we also go back a long day. We were both clerks together in Warwick. John Lock and Tina Previtera have sent apologies, together with my colleague Michael Halliday, and David Glasgow from Townsville and Stephanie Tonkin from Townsville, Ron Micola, Sharon Fuller - she's a daughter of an old colleague

of mine - and also Michael Forrest from the Legal Aid office.
So those persons have sent in apologies.

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I did not wish to have a valedictory ceremony, I'm not that
type of person. But Judge Irwin here is a hard person to say
no to. He leads from the front when promoting the collegiate
spirit within the ranks of the Magistracy and there has been a
communication explosion during the time that he has been Chief
Magistrate and I have appreciated that. I often say to
parties before the Court, "There is nothing like good
communication" and here we have the instance of Marshall being
the excellent communicator.

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I have never regretted working with the State Government.
Forty-eight years is a long time. The State not only provided
me with employment but a career path, and I would do the same
again. I appreciate the friendships that I have built up over
the years, from both sides of the Bar table and also from
stakeholder groups. It gives me a lot of satisfaction in
observing people improving themselves and moving on to bigger
and better things.

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I see young barristers appearing before me, next I hear of
them they are in the higher Courts, and then next I hear they
are on the Bench.

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So it is a source of great satisfaction for me to see this happening. Also within the police service, a service, I see Prosecutors - they appeared before me as Prosecutors - now they are high ranking members within the police force. So, as I said, that gives me a lot of satisfaction.

On the other hand it saddens me when defendants who are given a chance do not grasp the opportunity, and continue to reoffend. There have been occasions when I have hated being a Magistrate but I was aware that I was representing the community and a duty was expected of me.

I have worked with great Magistrates and great staff members over the years. I especially thank the Wynnum staff ably led by Kevin here who have been like extended family to me. There has been a downside; they make me eat too much, and when I retire I'll have to do more exercise to work off the excess.

A special thank you must go to David here who has worked very closely with me within the Court over the last three and a-half years and David, I thank you for your diligence and your dedication and also your faithfulness.

I have also enjoyed my visits to Holland Park during that same period and I appreciate the friendships which I've made there. My colleague Trevor Arnold, who is here today, has been a great person to work with, Trevor, and I appreciate that.

The Brisbane Bench was a learning experience for me and I have always said that the Brisbane Bench is where all the action is.

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I have appreciated the wisdom which has been handed down from others who were more experienced and wiser than me.

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There are other special people to whom I must make reference, and that is my family who I love.

About six years ago I visited Mornington Island with my wife Carmel and my son - and my son has just arrived - my son was stationed there, and whilst there I renewed a friendship with Roberta Felton and Marshall here has referred to Roberta before, and she's an elder there. When we were leaving she made the remark that she always wondered what the woman was like who was behind the man, and when I proposed to Carmel over 34 years ago I told her that I may have to travel the State and her reply was, "Wither thou goest so goest I will go", and you have never complained.

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When I was absent on circuit, when I was transferred to the north-west on three occasions, and when I used to receive those phone calls in the early hours of the morning when I was the after-hours Magistrate, not only were you behind me but you were beside me, and I thank you for that.

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Ladies and gentlemen, thank you for your attendance. I look forward to mingling with you over drinks outside.

HIS HONOUR: Yes, I decided that applause is something which is much to be recommended in the Magistrates Court. We on the Bench get all too little of it. So it might be another tradition that starts today.

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Well, Bob has mentioned refreshments and I'd like to invite all of you who have come today - and I must say it's wonderful to see the Court overflowing as it is, standing room only - I invite all of you to come with us to the Court next-door where there is an opportunity to spend some time mingling with Bob.

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I'd like to thank Kevin Doncaster for his work and all of the staff here at Wynnum for the organisation which has gone into making today an undoubted success. All that remains for me to do is in the time honoured tradition to direct that these proceedings be recorded by a mechanical device by David McLennan and Court is adjourned.

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THE COURT ADJOURNED

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DAVE McLENNAN APPOINTED AS RECORDER

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