

# TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

IN THE MATTER OF THE SWEARING-IN OF

MAGISTRATE CATHY WADLEY AS A

MAGISTRATE OF QUEENSLAND

TOWNSVILLE

..DATE 23/11/2007

Also present

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The Honourable Kerry Shine, Attorney-General and Minister  
for Justice

On behalf of the Queensland Bar Association:

Mr Collins

On behalf of the Queensland Law Society:

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Mr Armit

On behalf of the Queensland Police Service:

Snr Sgt Szendrey

HIS HONOUR: Good Afternoon. Your Honours, distinguished  
guests. This is a ceremony to welcome Magistrate Cathy Wadley  
to the Queensland Magistracy. I would first like to  
acknowledge the traditional owners and the custodians of the  
land on which we gather for this special occasion today. I  
would also like to specially acknowledge Cathy's family who  
are able to be with us today. Her mother, Marjorie, her  
brother, Terry, her sister, Mary, and her son, Thomas.

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I also acknowledge Justice Cullinane and I thank you again for  
making your Court available for this ceremony.

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I also recognise the Acting Magistrates who are with us today,  
the Director-General of the Department of Justice, Miss Julie  
Grantham who has travelled from Brisbane to participate in  
this ceremony, the Court administrator, Mr Paul Marschke, and  
the Regional Services Manager, Mr Michael Bice.

It is also pleasing to be able to sit with a full Bench of  
Townsville Magistrates in this Court this afternoon. And of  
course I welcome all of you, our distinguished guests, to this  
ceremony.

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Judge Wall, formerly of this Court, has expressly asked me to  
express his good wishes and congratulations to Magistrate  
Wadley, and he apologises that he is unable to be here today  
because of his commitments in Southport.

Cathy was one of three appointees announced by the Attorney-  
General last week. The others, Magistrates Baldwin and  
Callaghan, have become Queensland's first two brother and  
sister Magistrates in the true sense of the word. Magistrate  
Baldwin is the sister of Magistrate Damian Dwyer and  
Magistrate Callaghan, who will be sworn in on the 3rd of  
December, is the brother of Magistrate Bernadette Callaghan.  
However today is Magistrate Wadley's day.

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She was sworn in at a private ceremony in Brisbane earlier  
this week. Her initial appointment is to Townsville for a  
period of two years. She has replaced, on the Bench,

Magistrate Howard Osborne who has recently transferred to Mount Isa. It is pleasing that following the appointment of Magistrate Osborne and Magistrate Smid that yet another local practitioner from Townsville has been appointed to this Bench.

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Cathy brings a diverse and interesting background to our Court. As far as I can tell her first career was as a technical assistant in the geography department at James Cook University where her duties included cartographic drafting, soil analysis, and recording daily weather patterns. I'm sure they are all attributes that will be very useful in her new appointment.

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She then worked and managed her own small business in Toowoomba. Something that will immediately resonate with the Attorney-General. Followed by co-leasing a community swimming pool in Oakey. She has also worked as a nurse's aid in another career move, which will be a value to Magistrates, as a physiotherapist's aid.

In 1983 she gained an Associate of Music in the piano forte. Followed in 1986 by a Bachelor of Arts degree from James Cook University with a major in Bahasa Indonesia, South East Asian history, and social sciences. I mention these things to just indicate the broad depth of experience that Cathy has had in other areas outside the law and which will assist her in her Magistrate's functions.

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But in 1990 she became a paralegal with the Townsville office of the Commonwealth Director of Public Prosecutions. In 1993 she received a Bachelor of Laws degree from QUT and the following year was admitted as a solicitor. She continued for a period as a paralegal at the Commonwealth DPP but then joined Boulton, Cleary, and Kern here in Townsville for about two and a-half years as a litigation solicitor returning for another two and a-half years approximately to work at the Commonwealth DPP.

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She then had experience with the Aboriginal and Torres Strait Islanders Legal Service before joining Legal Aid in 1997 where she has specialised in criminal law since that time including in another connection with our Court about three and a-half years as a Legal Aid representative in the Drug Court.

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For the past 12 months she has been the senior solicitor at Legal Aid Queensland succeeding Magistrate Osborne. I'm sure that as a result of those two appointments that Townsville will become a very attractive career option for Legal Aid Queensland lawyers in future.

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During this time, as the Attorney-General put it when he announced Cathy's appointment, she has appeared in numerous Queensland Courts from Brisbane to Thursday Island and as far west as Mount Isa. All of these experiences will equip her well for life in Queensland's busiest Court and I know, Cathy, that you will bring to this Bench the essential judicial qualities of independence, impartiality, integrity, courtesy, equality, competence and diligence, and importantly, dignity, empathy, understanding, compassion, humanity and humility, all essential attributes, as I say, of a judicial officer. And you also bring to the Court a desire to serve in regional Queensland, which is much appreciated.

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So on behalf of all Queensland Magistrates, I now again have the pleasure of welcoming you to our Bench. I know that you will find, and I am sure you have already found in your orientation week in Brisbane, that the Magistrates of this Court will be, to the extent you need to rely on them, a constant source of support and advice to you in the performance of your Magisterial duties. I now have pleasure on calling upon the Attorney-General to address the Court. Mr Attorney?

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THE ATTORNEY-GENERAL: May it please the Court. Could I also acknowledge the traditional owners of the land in which we gather today, Chief Magistrate Judge Marshall Irwin and your Honours, Justice Cullinane, Mr Tony Collins representing Mr Fraser of the Bar Association of Queensland, Mr Don Armit representing Megan Mahon, the President, Queensland Law Society and Senior Sergeant Steve Szendrey of the Queensland Police Service, to the family of Magistrate Wadley, to the Director-General and other officers of the department who are here today.

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Magistrate Wadley, may you please accept my congratulations and that of the Government on your appointment to this high office. I do share the pride of your family and your friends and your colleagues in this outstanding achievement. You do join a distinguished group of men and women who serve their respective communities as Magistrates throughout Queensland. It's not surprising that this ceremony is so well attended here today and indeed, it's an indication of the esteem to which you are held by your peers.

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You bring to the Bench a wealth of experience and it is those lessons learned throughout your interesting and varied career that will inform you in the execution of your important duties. You started, as the Chief Magistrate indicated, and I will repeat some of these matters concerning your career because they indicate to others the qualities that impressed me in terms of my having the duty to make recommendations to her Excellency.

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You started your working life as a technical assistant at the geography department of James Cook University. You were a secretary of a small business in Townsville. You managed a small business in Toowoomba and were co-lessee of a community swimming pool before undertaking university study. Prior to

this your study had included the piano and you received your Associate of Music from the Australian Music Examinations Board. After graduating from James Cook University with a Bachelor of Arts you then undertook a Bachelor of Laws degree from the Queensland University of Technology, from which you graduated in 1993. You were admitted as a solicitor of the Supreme Court in 1994 whilst working as a paralegal at the Commonwealth DDP in Townsville.

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You have had a wide and varied career in the law, having worked in private practice with Bolton Cleary and Kern Solicitors, Commonwealth DDP, ATSILS and most recently the Legal Aid Office in Townsville where you were employed, of course, as a senior solicitor, having had experience as a criminal law solicitor and Drug Court solicitor. I must say that the Legal Aid Office, particularly in Townsville and perhaps throughout the whole of Queensland, can justifiably be proud of this appointment.

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Judicial appointment is a milestone in your career of which you should and I'm sure do feel a great sense of pride. It is a recognition of not only a degree of learning and diligence, but also of integrity and a sense of justice and the confidence that you will discharge your duties with those qualities.

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As I said earlier, you are joining a distinguished group of Queenslanders. I should say you are joining a talented, respected and innovative group of people who serve as Magistrates these days. The Magistracy has been very proactive in recent years, particularly in the areas of the Drug Court and the Illicit Drugs Court Diversion Program, the Homeless Persons Court Diversion Program, the Special Circumstances List and the Murri Court, and I would like to take this opportunity to acknowledge that contribution and commend the Magistrates for their role in developing these initiatives, particularly those in the Townsville region.

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The over-representation of indigenous Queensland in our criminal justice system is an issue to which we all need to continue to devote our attention. Another important initiative in this regard announced in the State budget was the pilot Queensland Indigenous Alcohol Diversion Program. The Government committed 2.8 million for a four-year pilot of this innovative Court-based treatment program that aims to reduce alcohol abuse and associated crime by addressing the addictions causing offending behaviour. As such, the program will provide support services, including housing and social services, to participants. Earlier today, with the Chief Magistrate and other Magistrates, I had the pleasure of attending the launch of that project here in Townsville and I was impressed by the commitment shown by officers not just from this portfolio but across the whole range of relevant Government departments to the success of this initiative.

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Magistrate Wadley, the administration of justice in this State is dependant on people such as yourself being prepared to take on the responsibility that necessarily accompanies your

appointment as a Magistrate and so on behalf of the people of Queensland may I extend my thanks for your willingness to undertake this role, and may I offer you my best wishes for a long and successful career on the Magistrates Court Bench. May it please the Court.

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HIS HONOUR: Thank you, Mr Attorney, and thank you for those kind remarks which I will have much pleasure in conveying to the Magistracy. Mr Collins, could I invite you to address the Court.

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MR COLLINS: If the Court pleases. Mr Attorney, your Honour Justice Cullinane, members of the profession, ladies and gentlemen. I have been asked by Mr Fraser of Queens Counsel to represent the Queensland Bar Association on this occasion. I regard it as a singular honour for many reasons. However, as I stand here before the full Magistracy of Townsville, the Chief Magistrate of Queensland, his Honour Justice Cullinane and the Attorney-General, I am a little reminded of Voltaire's last words. As he lay on his bed dying a priest approached him and asked him if he was prepared to renounce Satan and all his works. Voltaire opened one eye, looked at the priest and said, "Father, this is no time to be making enemies."

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In appearing before you I wear the robes of a barrister. Barristers have been wearing the black robes for nearly 300 years to mourn the death of Queen Ann. This is no occasion for mourning. True ability in the law comes from an understanding of humanity, both its frailty and its strengths, but ultimately its source is a belief that we can all contribute to a better society. Magistrate Wadley comes to this Court with a personal reputation for hard work, diligence and a great empathy for her clients over many years of public service in the Legal Aid Office. On behalf of the Bar Association of Queensland I welcome your Honour's appointment, which is universally supported by the members of the association here in Townsville. We look forward to appearing before your Honour. We know that you will bring to the Bench a fair-minded attitude in your approach to difficult cases which this Court has to deal with on a daily basis. I have had personal experience of your Honour's calmness in the face of adversity.

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Your Honour, I looked to see if I could find an appropriate quote for a moment like this and I had the honour of attending a sentencing conference in Canberra where Sir Gerard Brennan made a speech and in quoting from a statement made by Mr Justice Kelly of the Australian Capital Territory Supreme Court, he encapsulated, in my opinion, the notion of a judicial officer.

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His Honour said, "No person, whether Judge, witness, Prosecutor or accused should suffer any loss of human dignity in the conduct of criminal proceedings. Of course an offender must receive condign punishment for his offence. In passing sentence a Judge may make observations about the gravity of the offender's conduct or the circumstances of the offender's life but those comments must be designed to explain the reasons for judgment not to denigrate the human dignity of the person on whom the sentence is passed. Adopting that approach, the Judge not only preserves her or his own dignity but shows that sentencing is an aspect of the rule of law. It is difficult to - to translate that approach into propositions about judicial conduct but a Judge who puts that approach into practice presides over a Court of authority and efficiency."

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Magistrate Wadley, it gives me great pleasure to welcome you to the Bench. You and I have not led parallel lives but we have walked a similar path for these past 17 years. I looked back into my memory to see if I could recall the first occasion we met and to the best of my recollection it was about 17 years ago on circuit in Mount - in Mackay where your Honour told a joke which made me blush, a feat which is notable in itself. Welcome to the Bench, your Honour. May it please the Court.

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HIS HONOUR: Thank you, Mr Collins and thank you for wearing the robes of a barrister today. For those who are present, I might explain that there has been discussions between our Court and the Queensland Bar Association which will lead to barristers wearing robes in the Magistrates Court certainly on occasions such as this which has been progressively occurring over the past couple of weeks and in some other parts of the Magistrates Court jurisdiction so you're leading the way today, Mr Collins. Thank you.

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Mr Armit, I invite you to address the Court.

MR ARMIT: May it please the Court, the Honourable the Chief Justice, Judge Marshall Irwin, Mr Attorney, your Honours, fellow practitioners, ladies and gentlemen, it was a worry when I was asked to speak here today especially knowing I'd be speaking down the batting order somewhat, that I might deal with matters that have been dealt with by the previous speakers. I seek your indulgence when I do so.

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It is very great pleasure to represent at this important occasion the President of the Queensland Law Society Ms Megan Mahon, the Queensland Law Society and the more than 7,000 solicitors in Queensland. Ms Mahon regrets her inability to attend the ceremony due to a prior commitment in Brisbane and sends her very best wishes and congratulations, both personally and as President.

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Your Honour, there would not be a practitioner or a judicial officer in North Queensland who does not know you either personally or by reputation. Both your personal friends and your professional colleagues greeted your appointment with tremendous enthusiasm and I was one of them. Your Honour, you

are truly a Townsville child, if I may use that term, and you began your working life here as a technical assistant in the geography department of James Cook University more than 30 years ago and your quest for the right career saw you work as a nurse's aid, as a music teacher for under five's, as an administrative assistant, as a small business manager and as a swimming pool co-lessee. You spent time in Toowoomba and Oakey in those early days before returning to Townsville.

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Your Honour, what was a loss to music teacher, cartographic drafting, soil testing, swimming pool management and the nursing profession was a real gain for the legal profession when you started your career as a para-legal with the Commonwealth Director of Public Prosecutions here in Townsville in 1990. When your Honour graduated with your Bachelor of Laws from the Queensland University of Technology in 1994 and was admitted as a solicitor in the following year, your Honour had truly found the right profession.

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Since your Honour's admission you have worked here in Townsville with Boulton Cleary and Kern Lawyers, the Commonwealth DPP, the Aboriginal and Torres Strait Islanders Legal Service and Legal Aid Queensland. Having served with distinction as a senior solicitor there for the past year or so, it is no exaggeration to say there was very little, if anything, that you have not done as a solicitor in most jurisdictions and always with skill, care and compassion.

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Your Honour, you begin this new phase of your professional life knowing that you take with you every kind and good wish not just of your profession but the community which you have so conscientiously served. Thank you.

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HIS HONOUR: Thank you, Mr Armit. And Senior Sergeant Szendrey, firstly congratulations on your recent appointment as the officer in charge at the Queensland Police Service Prosecutions Section in Townsville. I now invite you to address the Court.

SGT SZENDREY: Thank you, your Honour. May it please the Court, your Honour Judge Marshall Irwin, your Honours, distinguished guests, ladies and gentlemen, it gives me great pleasure to welcome her Honour Cathy Wadley to the office of Magistrate, a position which is held in high esteem within the community of Queensland. By accepting the position as a Justice of the State of Queensland you have taken on a great responsibility to the Queensland community. By your position you have the responsibility of enforcing the laws of this State and to protect the rights of the individual and ensure that justice is dealt out in a fair and timely manner.

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We have all seen you doing your duty as a solicitor for Legal Aid around the Magistrates Courts of North Queensland in an efficient and effective manner representing clients from all walks of life, ensuring that these ordinary persons received a fair go in Court, even though some Police Prosecutor attempted thwart your efforts with a long-winded summary of facts and a lengthy criminal history attempting to paint a picture of evil

of your client. You would then quietly get to your feet to address the Court in a soft but firm voice pleading your client's case. I have had the good fortune to work with you at the Ayr Magistrates Courts and always found you to be an approachable and capable solicitor. The contact that you have had with members of the community no matter what their position in life, they were treated by you with respect and dignity. As a recently appointed officer in charge of Police Prosecutions I have found I've had to face new challenges in my professional career as I expect that you will but I am sure that you will rise to these new challenges.

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In closing, I'd like to take this opportunity to wish you all the best in the future and I know you'll do a good job. Thank you.

HIS HONOUR: Thank you, Sergeant Szendrey. I now invite Magistrate Wadley to respond.

MS WADLEY: The Honourable Mr Kerry Shine, his Honour Justice Cullinane, his Honour Judge Irwin, sister and brother Magistrates, guest speakers, family and friends, thank you to all the speakers for your very kind words, quite overwhelming.

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I feel honoured to have been appointed to the Queensland Magistracy. In the current world of chaos I feel privileged to have an opportunity to contribute to the justice system, a system which is not possible in many parts of the world. The whole of society benefits from a well administered justice system. This appointment has given me an opportunity to contribute to the quality of life that we know and value.

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In my professional life I have appeared on both sides of the Bar table. I also have a broad life experience. I trust that my professional and life experience to date has equipped me with the necessary skills to administer the rule of law in an objective, impartial, balanced manner together with compassion, fairness and empathy.

For those of you who know me, I have been a fighter for the underdog, the disadvantaged, for those who are without voice in the justice system save for a caring legal representative. Legal Aid Queensland provides that voice to the many and ever increasing socially and economically disadvantaged people in our community. I have just celebrated 10 years with Legal Aid Townsville.

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Legal Aid Queensland is indeed a fine organisation and one that I am very proud to have been associated with. Working with Legal Aid places one at the coal face of criminal, family and social justice issues. We often find that we not only provide a legal service, but act as quasi-social workers, psychologists, financial advisors, referral agents, all in a day's work in endeavouring to meet our clients' needs. We even have to endure from our dear clients verbal abuse, threats, insulting comments, "I want a real lawyer. You're only Legal Aid."

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We encounter clients on a daily basis with difficult human situations, intractable social problems, the destitute, those in despair, the mentally ill, the homeless, the disenfranchised, the dysfunctional, the criminal, victims of violence, those who face discrimination. Facing these difficult human situations has taught me humility. It's reminded not to take myself too seriously. Dealing with our clients made me realise how well off I am, how fortunate I have been to have a supporting and loving family, an education, an occupation.

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Despite the stressful nature of our work at Legal Aid, it has certainly been a rewarding environment and organisation to work in. In my view, Legal Aid Queensland has brilliant lawyers and admin staff dedicated to social justice issues. The staff at the Townsville Legal Aid office are no exception. My colleagues at the Townsville office, both professional and administration, are remarkable individuals dedicated to Legal Aid's philosophy of enhancing access to justice for the disadvantaged, adhering to core values, providing the best client service within our means and treating each individual with respect. They regularly work beyond the call of duty. I thank each of you, Jackie, Anna, Caroline, Richard, Hilary, Bob, Penny, Rebecca, Linley, Clare and Felix for your support and hard work. I wish each of you all the very best and you certainly deserve the very best given your dedication in serving the disadvantaged in our community.

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It was a sad and poignant moment last Friday when I set the security system, turned out the light, and walked and left behind a significant chapter in my life. I will miss my colleagues but in reality I have not ventured too far and I look forward to have continued contact with you.

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I thank my family for being here today and sharing in this important occasion with me; my mother, brother, sister and son. I have been blessed with opportunities in life. I have my parents to thank for providing me with the necessary skills to take up these opportunities.

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My parents provided for four children with every opportunity to develop and grow as individuals. They supported us equally and encouraged us along life's journeys. They led by example and instilled in each of us core values of honesty, integrity, respect, a sense of fairness, compassion, empathy, together with a strong work ethic. They provided us with every opportunity for a good education including opportunities in the arts, music, speech and drama and sport. Without those opportunities I certainly wouldn't be here today.

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I thank my son for the patience he has shown me from a young age as I embarked on my professional career. I thank him for not only being a wonderful son but also a great friend. He has always been there to share in and support me through the difficult times and the good times.

Finally, I thank you all for attending and sharing in this milestone with me. I trust that I will positively contribute to the Queensland justice system and hopefully impart in individuals that appear before me a greater respect for the law, a respect that can only positively enhance the high level of community capacity characteristic of our society. Thank you.

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HIS HONOUR: Thank you Magistrate Wadley and again congratulations and welcome. The respect in which our new magistrate is held I think is adequately demonstrated by the wide range of people who are in the Court today, everyone from prosecutors to defence counsel and from other walks of life as well.

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I thank you all for attending. You are all welcome to join us and Magistrate Wadley and her family for refreshments in the jury assembly area in this Court. I simply now direct that the proceedings be recorded and Court is adjourned.

THE COURT ADJOURNED

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