

TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

IN THE MATTER OF THE SWEARING-IN OF

MAGISTRATE KEVIN PRIESTLY AS A

MAGISTRATE OF QUEENSLAND

CAIRNS

..DATE 01/04/2008

Also present

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

On behalf of the Bar Association of Queensland:

Mr A Philp SC

On behalf of the Queensland Law Society:

Ms J Parisi

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HIS HONOUR: Good afternoon, as you know this is a ceremony to
welcome Magistrate Kevin John Priestly to the Queensland
Magistracy, and in particular, to the Bench of Magistrates in
Cairns in the position of Northern Coroner. I would like to
start by acknowledging the traditional owners and custodians
of the land on which we gather here today, and to acknowledge
their wisdom and culture.

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I acknowledge the presence of the Honourable Minister for
Justice and Attorney-General, the Honourable Kerry Shine MP;
Mr Philp, Senior Counsel representing the Bar Association of
Queensland; and Ms Parisi, the President of the Far North
Queensland Law Association, representing also the Queensland
Law Society today. Also, I acknowledge his Honour Judge White
and Mr Wettenhall, who is with us today; Acting Magistrate
McFadden, and also the Acting Registrar of the Court, Amanda
Graham.

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I believe that Mr Coates, Federal Magistrate, was hoping to be
with us here today, and if he is, I also acknowledge and thank
him for his support for this occasion. I also welcome your
new colleagues of the Bench of Magistrates here in Cairns, who
I am proud to sit on the Bench with here today. Unfortunately
not all of our Magistrates can be with us, Magistrate Comans
and Magistrate Coates are both on leave at the present time,
and Magistrate Spencer is on circuit in Cooktown today.

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It is also pleasing to have the State Coroner, Magistrate
Barnes, sitting on the Bench with us today on this special
occasion. Justice Jones sends his apologies, he is unable to
be in Cairns today as undoubtedly you would know, but I again
thank him for his collegiality in making this Court available
for this occasion.

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The Director of Public Prosecutions, as she still currently
is, Ms Clare, sends her best wishes to you. She, of course,
will be sworn in in Brisbane tomorrow as a District Court
Judge with Mr Andrews and Mr Everson, who will be taking his
position on the Bench in Cairns. I will not be able to be
there tomorrow, because I will still be in Cairns at that
time, but I would like to place on record publicly my
congratulations to each of them on their appointments.

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Today I speak on behalf of all Queensland Magistrates in welcoming you to the Court. You were sworn in as a Magistrate in Brisbane on the 6th of March 2008, but today is an opportunity for your family and the Cairns legal profession, and your friends, to participate in the celebration of your appointment, and I especially welcome your partner, Margot, your daughter, Peppa, and your mother, Pat Priestly.

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As I said at your swearing in in Brisbane, you bring to our Court a depth of knowledge and experience, not only in the field of law, but in broad life experience, and you bring good, practical commonsense to our Court, and that will be vital in the discharge of your responsibilities. You, of course, have a foot in both branches of the professions, so both the Bar and the solicitors' branch of the profession can feel particular pride in your appointment, having been a Barrister in Cairns for 20 years, and more recently, over the last two years, as a solicitor.

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You have practiced in a broad range of jurisdictions, and in more recent years you have been involved in the field of safety risk management, in the development of compliance and safety management systems in aviation, maritime, workplace and adventure tourism, and also in mining areas.

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You have also been a regular member of teams taking audits of management systems, including risk assessments. So that will all hold you in good stead to accept the allocation of functions to this newly created position of Northern Coroner. Your appointment continues the approach for which I and, I am sure, the local legal professional is appreciative and grateful, Mr Attorney, of appointing appropriately qualified local practitioners and regional practitioners in regional centres in Queensland.

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The area in which Magistrate Priestly will provide coronial services extends from Bowen north to the Papua New Guinea border, and west to the Northern Territory border. And, as those of you who will undoubtedly be familiar with that region will appreciate, it contains an incredibly diverse range of communities, with almost limitless opportunity for sudden and unnatural death. It includes the large urban centres of Cairns and Townsville, with a high concentration of visitors engaging in adventure tourism. It also includes Mount Isa, with its hazardous industries, and the communities on Cape York and in the Torres Strait, where light aircraft and boat are a common form of transport.

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So it will be a truly diverse and challenging catchment for you as a Coroner. You will travel widely to service the needs of these communities and, on past records, you can expect to

receive over 500 reportable deaths each year, so you will be very busy. You also have strong community ties, and a strong community ethos, having served as a part-time urban fire fighter in Kuranda, a position that you have had to relinquish on taking up this appointment.

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I would also like to take this opportunity to thank the Attorney for his support in the creation of this position through the conversion of the old Northern Relieving Magistrate position to that of a Coroner. Not only will it provide a specialist full-time Coroner for the community within this jurisdiction, but it will also free up Magistrates to undertake other aspects of the Court's growing jurisdiction which will, in turn, benefit the community by permitting the allocation of earlier hearing dates.

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I also thank you, Mr Attorney, that in conjunction with this you supported the creation of a second Brisbane coronial position which relieves a significant burden which was previously carried by the sole Brisbane Coroner, Magistrate Clements. Magistrate Lock, who has been here recently helping to set up the Coroner's office in North Queensland, was appointed to that position, and of course, he would be well known to many of you in this area.

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The appointment of Magistrate Priestly brings the total number of Magistrate positions on our Court to 86 with 87 Magistrates, because two are part-time. I am pleased to say that all of those positions are currently filled, and there have been three additional appointments since the 1st of January 2007. By that I mean there have been three new Magistrate positions created, including the position of Magistrate Pinder in Cairns in August of last year.

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I would like to conclude by referring to a recent observation by the President of the Judicial Conference of Australia, Justice DeBelle, in which he identified the professional qualities of a judicial officer as a sound knowledge of the law and relevant experience, analytical ability and good judgment, as well as a capacity for hard work and diligence.

He added that beyond legal ability, he or she must have personal qualities of courtesy, patience and the ability to listen, integrity, impartiality and a strong sense of fairness. The primary consideration should be merit and in this case, your Honour, there can be no doubt that you fulfil each of those criteria.

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And so, once again, I have much pleasure, on behalf of all Queensland Magistrates, in welcoming you to our Bench, today to our Bench in Cairns and to wish you a long and fulfilling judicial career which I know lies ahead of you. Mr Attorney, I now invite you to address the Court.

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THE ATTORNEY-GENERAL: May it please the Court. I, too, would like to acknowledge the traditional owners of the land on which we're gathered here today. Also, I'd like to acknowledge their traditional customs and their wisdom and their enduring history and culture. I also acknowledge the Chief Magistrate, Judge Marshall Irwin, the State Coroner Barnes, the other Magistrates who are here today, his Honour, Judge White, Steve Wettenhall, my parliamentary colleague, Member for Barron River, Mr Philp of counsel, representing the Bar and Ms Parisi, representing The Law Society.

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Magistrate Priestly, I had the pleasure, as you will recall, on the 6th of March this year in attending your swearing-in ceremony in Brisbane. You were in Brisbane to attend a special seminar conducted for the designated Coroners, being the second of the two new appointments to this position since late last year. Mr Steve Wettenhall, the Member for Barron River, had joined with his colleagues from the Cairns region, along with Desley Boyle, Member for Cairns and the Honourable Warren Pitt, the Member for Mulgrave, in lobbying quite successfully, along with, I might say, Magistrate Coroner

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Barnes, to have a designated Coroner appointed to Cairns to conduct the coronial work for north Queensland.

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Sometimes in the past where matters are complex and take a great deal of time, it has been impractical for the local Magistrate to undertake a particular coronial matter and this means that either the State Coroner travels to Cairns to conduct the matter or the witnesses and family members travel to Brisbane for the hearing. I think everyone would agree that a Coroner based in Cairns is a welcome addition for the local legal profession as well.

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Magistrate Priestly, let me take this opportunity to welcome you to the Magistrates Court at Cairns. You have now been in this position as the designated northern Coroner for a number of weeks and Magistrate Lock has been of great assistance to you, I'm sure, in setting up the Coroner's office here in Cairns.

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Having been admitted to the Bar in 1985, you have practised extensively across a broad range or a broad cross-section of various legal practice. In your early career you focused on criminal law but later practice saw you move into the area of motor accident and workplace personal injury law. An interest in becoming involved in accident prevention and hazard management was behind your decision to leave the Bar in 2006 and commence practice as a solicitor. In that role, you developed a practice as a consultant in the field of safety risk management. The areas in which you specialised have been aviation, maritime, tourism and work place health and safety.

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The skills that you have developed over the course of your career will prove invaluable in your role as Coroner and will assist with the detailed analysis required in coronial investigations together with the recommendations for prevention of further similar incidents.

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Having spent most of your working life in Cairns, you have become an integral part of the Cairns' legal community and, indeed, the wider community, particularly through your involvement in community organisations. Your service as a part-time urban fire fighter with the Queensland Fire and Rescue Service in Kuranda is testament to your commitment to safety in your area. I was also pleased to welcome your relatives here today, including your mother, Pat, who is able to join us for this ceremony. I am told that she is highly regarded in the community for her work in a number of areas. I wish you well in your onerous and important tasks.

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HIS HONOUR: Thank you, Mr Attorney. Mr Philp, I invite you to address the Court.

MR PHILP: Your Honours, it's my great pleasure to welcome your Honour on behalf of the Bar Association of Queensland and the Far North Queensland Bar. Of course, your Honour is very well known to us in Cairns, having practised here at the Bar or as a solicitor for over 20 years. Your Honour has shown your customary bravery to agreeing to this ceremony occurring on the 1st of April, but I'm happy to see that at least it's after 12 midday, to reflect the gravitas of the occasion.

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Never has a job been more made for a person and vice-versa. Your Honour's strengths and interests virtually are prerequisites for an outstanding Coroner. A Coroner is required to investigate deaths and fires, to determine whether any person ought to be charged with a criminal offence and to recommend procedures to reduce or minimise future accidents. Your Honour's keen analytical mind and wide knowledge of the law will hold you in good stead.

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Also, your Honour has demonstrated a deep interest in Workplace Health and Safety issues, particularly related to the marine environment, with an emphasis on prevention of injury, rather than assessment of blame. But where your Honour will truly excel is your experience and love of participating in most of the dangerous activities so often reviewed by the Coroners Court - scuba diving, ocean sailing, white water rafting and fires. How many Coroners have been members of their rural fire brigade?

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We look forward to appearing before your Honour and, like always, the Bar will do its utmost to assist your Honour in your important new role. We are confident that your Honour will obtain tremendous satisfaction from this new position and we anticipate that your Honour will have much to offer the community in return. Thank you.

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HIS HONOUR: Thank you, Mr Philp, and it's pleasing to see, on perhaps the first occasion at one of these ceremonies, the new tradition proliferating of the Bar robing as part of these events. And Ms Parisi, happy birthday, at least for the Queensland Law Society. I note your 80th birthday also falls on the 1st of April.

MS PARISI: That's correct. May it please the Court. The Honourable The Attorney-General, Chief Magistrate, Judge Marshall Irwin, your Honours, distinguished guests, fellow practitioners, ladies and gentlemen.

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It's a great honour to represent the Queensland Law Society president, Ms Megan Mahon and the Queensland Law Society at

this welcoming ceremony. Ms Mahon sends her regrets and her best wishes to Magistrate Priestly.

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Your Honour, we're delighted to be welcoming one of our own to the Cairns Magistrates Court. You did your senior certificate at Cairns High School, became an articled clerk at local law firm, Murray Lyons and Company, and after admission, have practised successfully for more than 20 years as a barrister here in Cairns. Your Honour, your experience as a barrister has covered an extraordinary breadth and has seen you appear in many jurisdictions, including the Queensland Court of Appeal and the Full Court, Family Court. Your Honour's most recent experience was marked by a return to crime, as it were, which will undoubtedly be of great assistance on the Bench.

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As your Honour has rightfully pointed out, today, as it happens, has special significance for the Queensland Law Society - it is their 80th birthday. Part of that history is a strong commitment to supporting and defending the independence and integrity of the judiciary and I know that this tradition and principle will be carried forward forever.

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Your Honour knows that you are among friends here, and also know that you and your judicial colleagues will always enjoy the unwavering respect and support of the profession. Please accept our warmest congratulations on your appointment. Thank you.

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HIS HONOUR: Thank you, Ms Parisi. I now invite Magistrate Priestly to respond.

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MR PRIESTLY: Mr Attorney, Mr Philp, Ms Parisi, Judge White, Mr Wettenhall, ladies and gentlemen, it is a great honour and it is also a great opportunity, but this is an opportunity that would not have been possible if it had not been for some important influences on my life, and I think I must acknowledge some of those - or I want to acknowledge some of those influences.

Firstly, on a personal level, there have been three important women in my life. That might sound exciting. It is. It is firstly my mother, Pat Priestly. The greatest gift I think that a parent can give their children, and it is certainly something that I aspire to, is to be able to instil in your children the values that will see those children through the good times and the bad, and my mother certainly has done that and has been highly successful in doing that. For that, I am eternally grateful. The other thing is something I also learnt as you enter adulthood yourself, is that parental support does not stop when you become an adult. It has been invaluable to have a parent who continues to support you, perhaps indirectly and in not so obvious ways through your adult life, and for that I am grateful.

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I would also like to thank my partner, Margo Warnett, who has been extremely patient with me over the years with some of the career choices that I have made; in more recent years where I have sacrificed job security on one or maybe two occasions in return for something I also think is very important and that is for us to pursue our particular passions in life, and one of my passions has been through law looking at the safety area, and perhaps not so reactively but looking at it proactively, where we can make changes to the way we work, fly, the tourism industry et cetera where we can make positive changes to perhaps prevent the accidents, and obviously this particular position enables me to continue pursuing that career and that passion but, can I say now to Margo, with some degree of greater job security. Perhaps I should also assure the Attorney-General of that position as well.

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There is also the third woman that I need to acknowledge and that is my wonderful daughter, Peppa, who like most children have this ability to ground you instantly you start to

levitate, or aquaplane, or move into a level that is way above where you should be, and they seem to do it with just a few subtle words, or simple words or observations. After I was sworn in in Brisbane I returned on the weekend to Cairns with some meetings on the Monday, and I was sitting down in a coffee shop at Kuranda just with Peppa having a cup of coffee. I happened to be looking through that section of the paper that had the job classifieds, and I was just looking through them just out of curiosity, and Peppa noticed this and she said, "Why are you looking at the jobs?" and I jokingly said to her that, "Well, I just don't know that it's working out." The other wonderful thing about children is how they mimic adults reactions and looks, and for about 30 seconds I saw this graven look very similar to that which would have appeared on Margo's face if in fact I had said that to her.

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There is another area that I really need to acknowledge and that is the Bar. I had over 20 years at the Bar and enjoyed that time immensely. When I first started at the Bar I joined chambers with Judge White, with Kevin McCreanor, and with Jimmy Bradshaw. Although he was not in chambers with us there was also Jeremy Darvall. Really, those four people had a major influence and impression upon me as a 23 year old barrister just starting off in practice. Whilst those who know these characters would agree you could not find a more disparate collection of individuals, one of the very first things I learnt about being at the Bar was the collegial nature of the Bar, and that was reflected in the fact that you had four individuals who could be adversaries at one moment but always colleagues, and always extended to each other the mutual respect that goes along with being a colleague.

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It was also the very interesting and different perspectives you would get on the same issue. I would move from Kevin McCreanor's room - a bit like forum shopping I think it is referred to these days - then to Judge White's room and occasionally to Jim Bradshaw's room and I get completely different perspectives on the same problem, which used to always make me think that perhaps I needed to develop a style of my own when it came to advocacy, but it was certainly of invaluable assistance to me during those early years. They were always there whilst I was in chambers. In later years there was Sandra Pearson and Barry Murray and Jeremy. The wonderful thing about the Bar is that the doors were always open and people were always available to offer you some assistance or some direction. I think that is a wonderful attribute of the Bar, and I am sure it will continue.

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There is also some important acknowledgements that I need to make in relation to the solicitors because essentially whilst most barristers consider that they have really achieved

everything that they did themselves, it really is with the benefit of solicitors providing you with briefs and supporting you, particularly in those early years.

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I returned to Cairns after completing my degree in Brisbane with very little practical work history and set up at the Bar. Within a relatively short period of time the solicitors offered me the opportunity in the lower jurisdictions to gain experience, and again, that is an important practice that needs to be encouraged in order that we do constantly have a growing and developing Bar. Over the years the solicitors have supported me as I have grown professionally and provided me with briefs that have seen me go up into the higher jurisdictions and extend myself professionally, and for that I am eternally grateful.

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Since accepting this position I have worked a couple of weeks now in the position of the Brisbane Coroner whilst John Lock, the Brisbane Coroner, has been working up here. I also undertook what was called a master class for the Coroners with Mr Michael Barnes in Brisbane. I recall we had one day of presentations and then the second day was a visit to the John Tonge Centre. I remained a very excited individual at the time.

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I had a grin on my face that could not be removed by anything until the final session at the John Tonge Centre which involved viewing an autopsy for two hours and at the conclusion of that I returned to the office the next day just reflecting on what the role involved, and there was some more positive experiences, but what nearly, or finally, ended it for me was when I heard Mr Michael Barnes outside my office talking to staff about how he had reduced 250 page findings down to 147 pages and I thought, "Well, I just don't know if I can live up to those expectations when it comes to writing."

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Just to conclude, I have been a long believer in the coronial system and as you would have probably gathered from some of the things that I have said, I have a great belief in the public health and safety role that the coronial system plays, and it can only be strengthened by focusing the work load through a number of specialist individuals who have an interest or a passion and who are prepared to apply their expertise and technical knowledge in arriving at determinations, findings and recommendations that will hopefully be implemented by Government departments, employers and so forth where there is a demonstrable public benefit. I am also very pleased to note that I have had two or three weeks, two weeks in Cairns now, and the coronial team that we have here, the administration staff and my legal officer, are working well. It's a great team and I look forward to continuing to be part of that sort of multi disciplinary team.

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My final comment when I started my speech, I suppose, and talked about a great opportunity, one of the great influences on my life I left till last, and that's really Cairns. You know I was raised through my high school in Cairns and enjoyed all of the usual things that you do with a childhood in Cairns; the outdoors, the sporting events, the sense of community, and I've been provided with so many opportunities, both personally and professionally in that regard. I've always believed that we should give something back to the community and I look forward to contributing to a better community in both Cairns and the broader region that I'll now be working in into the future. So thank you very much.

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HIS HONOUR: Thank you, your Honour, and again welcome to our Bench and the respect in which you are held is demonstrated here this afternoon by the number of people and also the broad cross-section of people who have joined us from the community and from the professions, and one of the reasons that I think it is important to hold ceremonies of this nature, even after the event of a swearing-in, is so that you can share your celebration of the appointment with the local community, which is what you have just done, particularly in your concluding remarks.

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I'd like to invite everybody who is able at this time of the afternoon to join us for afternoon tea and more particularly Magistrate Priestly and his family for afternoon tea in the Magistrates conference room on level 2.

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I direct that these proceedings be recorded by mechanical device by Lee-Anne Morris and Court is adjourned.

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THE COURT ADJOURNED AT 3.43 P.M.

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