

TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

BUTLER, Chief Magistrate

IN THE MATTER OF THE SWEARING-IN OF

SANDRA JOYCE PEARSON

AS A MAGISTRATE OF QUEENSLAND

BRISBANE

..DATE 21/07/2009

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:

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On behalf of the Government of Queensland:

The Honourable Cameron Dick MP, Attorney-General and Minister
for Justice

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The Honourable Ms Rachel Hunter, Director-General of the
Department of Justice and Attorney-General

The Honourable Mr Phil Clark, Deputy Director-General of the
Department of Justice and Attorney-General

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On behalf of the District Court:

His Honour Judge Irwin

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On behalf of the Federal Court of Australia:

Federal Magistrate A Demack

Federal Magistrate M Jarrett

Federal Magistrate S Coates

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On behalf of the Bar Association of Queensland:

Mr Michael Byrne QC

On behalf of the Queensland Law Society:

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Mr Ian Berry

HIS HONOUR: I'll now in accordance with the Magistrates Act administer the oath to you, Mrs Pearson. Please read the words. 1

MRS PEARSON: I, Sandra Joyce Pearson, swear that I will properly serve her Majesty Queen Elizabeth II, her heirs and successors in the office of Magistrate and that I will treat everyone fairly and without bias according to law, so help me God. 10

HIS HONOUR: Congratulations and please accept this Bible as a memento. 20

MRS PEARSON: Thank you.

HIS HONOUR: Well, Congratulations, Magistrate Pearson. I'm delighted to welcome the newest member of this, the largest of Queensland Courts. With the appointment of her Honour, the number of current serving Magistrates is 86. Today I speak on behalf of all the Magistrates of the Court, both those present here today especially, and also those who cannot be here today, including those in regional Queensland. 30 40

At the outset let me acknowledge the traditional owners of the land upon which this courthouse stands. Magistrates are proud of the role they play in the numerous Murri Courts that sit throughout Queensland. Those Courts are only effective because of the participation in them of the Indigenous elders, and I acknowledge the wisdom of the elders, both past and present. 50

I acknowledge with pleasure the presence of the Attorney-General; the Honourable Cameron Dick MP; Judge Irwin of the District Court; Federal Magistrate Demack, Jarrod and Coates; the Vice President of the Bar Association, Mr Michael Byrne QC; President of the Queensland Law Society, Ian Berry; the Director-General of the Department of Justice and Attorney-General, Ms Rachel Hunter; the Deputy Director-General, Mr Phil Clark; and representatives of Crown Law, the office of the DPP; the Commonwealth DPP; and Legal Aid Queensland.

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Her Honour has been appointed to initially preside in the Cairns Magistrates Court. Many of her colleagues from North Queensland have expressed their regret that they cannot be present here today, but there will be an opportunity for the local profession to welcome her Honour in a ceremony to be held in the Cairns Magistrates Court on Friday 31st of July 2009.

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A special mention should be made of the family, relatives and friends of Magistrate Pearson. I welcome in particular her husband Gavin Pearson and her young sons, Max and Eddie. Her Honour's proud mother Joy Petrie is present, as are her two brothers, Michael Mikitis and his wife Heather, and David Petrie and his partner Bead. Welcome to all of you.

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Magistrate Pearson brings to our Bench a lengthy history of service to the law, both as a barrister in private practice in Cairns and as a Prosecutor in Brisbane, Ipswich, Maroochydore

and Cairns. I personally recall her Honour from when she was a junior member of the office of the Director of Public Prosecutions in the early to mid-1990s. Her Honour stood out then because of her capability and application. Subsequently she developed into an experienced Crown Prosecutor. Then from 2001 as a barrister in private practice in Cairns her Honour's practice broadened beyond the criminal law to include civil and family law matters. She engaged in complex trial and appeal work and gained the respect of the Bench and her fellow legal practitioners in Cairns.

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Magistrate Pearson's legal experience, particularly as a criminal barrister, will be of particular relevance to her new role as a Magistrate. In addition, she is very familiar with the demands of circuit work in remote Cape York and Torres Strait Island communities, something which she will confront once again as a Cairns Magistrate. There can be no doubt that this appointment continues the high quality of recent appointments to the Magistrates Court Bench. I wish her Honour well in this new phase of her legal career. Mr Attorney.

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ATTORNEY-GENERAL: May it please the Court, I begin by acknowledging the traditional owners of the land where this Court is convened and pay my respects to their elders, both past and present. I also acknowledge you, your Honour, Chief Magistrate of the Magistracy in Queensland; Queensland Magistrates; Federal Magistrates; and officers of my Department of Justice and Attorney-General.

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It ought not to be necessary to say that personal integrity is essential in any man entrusted with the discretion of a Magistrate. Personal character and presence will count for much, but above all there should be patience, sympathy and a ready tact in dealing with human failings. This quote from the New York Times on the 4th of June 1895 shows that little has changed in the expectations of what makes a good Magistrate, except perhaps that the other half of the population historically excluded from judicial office is now also considered suitable.

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It gives me great pleasure to be able to welcome Magistrate Pearson to her new position on the Bench of the Queensland Magistrates Court. I also welcome your husband Gavin and your sons Max and Eddie to the Court today. I am pleased they were able to be here to share this milestone in your legal career.

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Your Honour will be joining the Bench in Cairns where you have most recently been in practice at the Bar. Prior to this you worked in the office of the Director of Public Prosecutions working from one end of the State to the other. Indeed, 10 of your 17 years as a legal practitioner were served in the office of the Director of Public Prosecutions, and it is there that you began your legal career in 1991 as an instructing clerk in the Brisbane office. After completing your Bachelor of Laws at the University of Queensland you were admitted to the Bar in 1992, and the following year you were promoted to legal officer. You worked on bail applications in criminal

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compensation applications, as well as confiscation of the proceeds of crime. You then took part in the committals project at Ipswich and then moved to the Maroochydore office of the DPP in 1995. Your Honour was appointed as Crown Prosecutor in Cairns in 1996 and became acting senior Crown Prosecutor and legal practice manager of that office in 1998 before commencing practice at the private Bar in 2001.

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Your Honour's practice has largely been in the criminal jurisdiction. However, since practising at the private Bar you have also widened your experience to include civil and family law matters with a diverse practice in Cairns and surrounding districts, including Innisfail, Atherton, the Atherton Tablelands and remote Cape York and Torres Strait Island communities.

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There has been a long history of public service by Magistrates and their families in the many centres they serve in and around Queensland. I know this will be no exception when your Honour joins the Bench because you already have a long and creditable list of community involvement. Your Honour has participated in the Cairns Youth Services Group meetings chaired by Judge Bradley in Cairns. You have provided assistance to students at the James Cook University campus moots competition, as well as acting as a Moot Court Judge for Cairns High School competitions. I also understand you are a member of the judiciary of the Cairns District Rugby Union. Accordingly, you are well suited to be a Magistrate.

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Your Honour has also been actively involved in professional organisations, including the Bar Association of Queensland, the Far North Queensland Law Association, the Far North Queensland Bar Association, the Women's Lawyers Association, and the Family Law Practitioner's Association.

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The Queensland Magistrates Court is the busiest Court in the State. Most of people who have dealings with the justice system in Queensland will have contact with the Magistrates Court. More than 95 per cent of criminal matters in Queensland are determined in this Court. For this reason, the Magistrate is, for many people, the face of justice in Queensland. This is an important role and one that carries with it an enormous responsibility to both the people of Queensland and the administration of justice generally.

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Magistrate Pearson, I thank you for taking on this challenge and I have every confidence that you will carry out your duties with distinction. May it please the Court.

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HIS HONOUR: Thank you, Mr Attorney. Mr Byrne, for the Bar Association.

MR BYRNE: May it please the Court. Chief Magistrate, Judge Butler, Magistrate Pearson, other distinguished judicial officers, Mr Attorney, Mr Berry, friends, ladies and gentlemen, it is my privilege on behalf of the Bar to welcome your Honour Magistrate Pearson to your new role as a member of this Honourable Court.

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It is perhaps notable that your Honour joins the Court on the very day when the Attorney foreshadows substantial increases in the jurisdictions both criminal and civil of this Court, but what has been described this afternoon by your Honour Judge Butler as the largest Court, and by the Attorney as the busiest, is also, as we all know, the most decentralised Court in the State.

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Your Honour's appointment to Cairns in the Far North will have its own nuances and challenges, but there is no doubt that your experience and abilities will ensure a seamless transition from the Bar to the Bench.

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Moving to your Honour's career in the law, some has been said, some remains to be said. I note that your Honour has come a long way since the initial entry on your CV which reads, "Appeals clerk, office of the DPP, 1991."

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Now, from my own perhaps faulty recollection, and I would of course yield to a different memory by you, your Honour, or you, Chief Magistrate, but as I recall the entire appeal section at that time comprised your Honour, Leanne Clare, as her Honour then was, and me.

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They were heady, somewhat hectic days. Accordingly, I am pleased that your Honour not only survived that experience, but through a combination of talent and hard work went on to become a Crown Prosecutor and appeals lawyer in your own

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right, and subsequently an integral and highly respected member of the Bar in Cairns.

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Magistrate Pearson, you were, my sources tell me, instrumental in establishing the Coral Coast Chambers in Grafton Street, Cairns from where you have worked with other counsel and a dog during your time in private practice. In addition then to your Honour's obvious love of animals you are, at least to my knowledge, the only member of this Court whose residential address for some time was a boat.

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Your Honour was also for a period perhaps the most faithful and detailed reporter ever of legal happenings in the Far North of the official journal of the Queensland Bar Association, the Bar News. It is fair to say that this feature was a constant reminder that no matter where we practice we are all part of the one Queensland legal system. I am, however, also reliably informed that some practitioners gave a sigh of relief when the detailed reports prepared by your Honour were replaced by less detailed accounts by subsequent editors.

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In closing, I have spoken to a number of your colleagues since Friday and to a person they were not only enthusiastic in praise of your Honour's skill as a lawyer, but equally unanimous in noting the gap that your Honour's elevation will leave in their ranks.

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That said, the local profession left me in no doubt that they were extremely pleased with the Attorney's choice of you, Magistrate Pearson, for the Cairns Bench. On behalf of all the Bar we look forward to appearing in your Honour's Court. May it please the Court.

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HIS HONOUR: Thank you, Mr Byrne. Mr Berry on behalf of the Law Society.

MR BERRY: Chief Magistrate Butler, Magistrate Pearson, Attorney, my friend Mr Byrne, judicial officers in this Court with us today. It almost seems a momentous occasion not only for yourself, but 40 years since man set foot on the moon, representing both men and women I might say. As well, this day is celebrated by probably one of the biggest reforms in the Court's service since I have been in this business since about 1976.

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We have already heard something of her Honour's career and I will not repeat those details now, but I will perhaps delve into other matters. What I would like to talk about is her Honour's work beyond the courtroom, and here we have somebody who returns to the profession and the community far more than their fair share, and I cite some examples.

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Her Honour has participated in meetings with the Cairns Youth Services Group under Judge Sarah Bradley since 2001 and she has been a member of the Cairns District Rugby Union judiciary. I must concede, your Honour, I didn't realise they

played rugby union that far north. A Red Cross collector, a sponsor of the Queensland Police Service Drug Awareness publication for primary school children. She has provided much assistance with the James Cook University and high school reading competitions and a number of professional presentations. On that point, your Honour, you ought to be congratulated for that because it is a matter that we do live in a community and you obviously adhere to putting in what you have got out.

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I am told your Honour is modest by nature and that when she participated in a panel discussion on appointment to judicial officer at the Bar Association conference on the Gold Coast in March 2008 the possibility that she would soon achieve judicial office probably would not have been amongst her thoughts.

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Her Honour's colleagues also tell me that no matter how much work she has on her plate she has always found the time to help the younger practitioners with their problems, and again you ought to be congratulated for that. Even with a busy practice and two young children, her Honour has the knack of always being able to fit in what needs to be done.

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As one colleague said, "I don't think I could get done half the things that she does." I will claim privilege without naming that person. Her swearing-in today affirms the adage that if you want a job done, give it to a busy person.

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So I congratulate the Attorney and this Court on a very wise
choice of her Honour's appointment, and on behalf of the
solicitors of Queensland I congratulate you on your
appointment. May it please the Court.

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HIS HONOUR: Thank you, Mr Berry. Your Honour?

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MRS PEARSON: Your Honour, Judge Butler, Chief Magistrate, Mr
Attorney, Mr Byrne, Mr Berry, his Honour Judge Irwin, Federal
Magistrates Demack, Jarrett and Coates, and I can now say
fellow Magistrates, members of the profession, distinguished
guests and, finally and importantly, my family and friends.

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I am honoured to now be a member of the magistracy in
Queensland. It has always been my strong held belief that the
Magistrates Court is a jurisdiction that is vital to our
justice system, and my new role I see will be challenging not
just because of the volume of work that I am told I will be
facing, but also because of the diversity of the matters that
are going to be coming before me, and I cannot wait to be part
of it.

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I leave behind a busy practice at the Bar in Cairns and over
the last few days there have been some sentimental moments
where I have thought about how much I am going to miss being
at the Bar. I will no longer don the wig and robes. I am no
longer a barrister, a career that I have dedicated almost half
my life to.

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I will no longer be a part of chambers where I was blessed with colleagues who have become much more than that and with whom I expect I will remain lifelong friends, and I pause here to acknowledge publicly the barristers that have been a part of my life at the private bar; Barry Murray - and here I will explain the dog reference. Barry is blind and we have a guide dog who works in chambers with us. He has his name on the door; Jeremy Darvall, Kevin Priestly who is, of course, now the northern coroner, Tracy Fantin, Nerida Wilson and Neil McPherson. They have all been a part of my chambers over the years and I will miss that relationship.

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I am no longer going to have the one on one client contact and maybe that is a good thing, maybe I will not miss it, but part of it was, particularly with Indigenous clients and working in the remote communities on the Torres Strait islands and in the Cape York, it's an area of my practice that I found challenging, but rewarding, and that is something I have had some thoughts about over the last few days.

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I will no longer enjoy those moments of mirth delivered by judicial officers where you have to laugh before whom I have appeared from time to time, and here I will pause to again publicly acknowledge the great influence on my career that Judges White and Bradley of the District Court in Cairns have had.

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I will no longer enjoy the same relationship with my instructing solicitors who supported me throughout my career

at the Bar, and that is something that I have thought about
over the last few days. But I have consoled myself with other
thoughts because I still get to dress up, but I no longer have
to wear a wig and so I no longer have wig hair at the end of
the day.

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I start a new career with the same knowledge that I've needed
as a barrister and the same skills, but I'll be adding to that
on a daily basis because of the type of work I'll be doing.
I'm going to be part of a new chambers, which I believe has
some 86 members State-wide, made up of extremely talented
individuals and I look forward to meeting and forming those
relationships with the members of the magistracy. And of
course I will continue to have contact with the Indigenous
communities through my work in Cairns. And, of course, from
here on in I get to make the lame jokes that everybody else
has to laugh at.

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I want to take this opportunity to acknowledge some of the
people who have had an impact on my life and who have no doubt
had a hand in me achieving what I have today. First of all,
my parents; my mother, Joy, is here. Thank you for being here
and thank you for always encouraging me to be independent, to
have a career. My dad died when I was eight and so obviously
Mum had to do much of it on her own and that's been a great
role model to be guided by. But even Dad instilled in me a
strong work ethic in that short time available. My
stepfather, David, couldn't be here today, but of course he's
had an influence over the years as well. My brothers. I am

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Thank you, Mr Attorney, for your words. Thank you, Mr Byrne and thank you, Mr Berry and for your very kind words today. I certainly aim to give my all to this new position and to live up to this wonderful image that you've all portrayed of me today. May it please the Court.

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HIS HONOUR: Thank you. I'm particularly pleased that today's welcome could take place in this, your new major trials Court. The Government is to be congratulated on providing this facility, which I am sure you all agree is of a superb design and is well suited to meeting the demands of the ever large and more complex matters required to be heard in the Magistrates Court. And today's announcements no doubt will make it even more necessary.

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Thank you, ladies and gentlemen, for your presence here today. You're invited to join Magistrate Pearson outside for some refreshments. It remains simply that I direct that these proceedings be recorded by Andrew Lavelle. Please adjourn the Court.

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THE COURT ADJOURNED AT 2.10 P.M.

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