

## TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE B BUTLER, Chief Magistrate

IN THE MATTER OF THE SWEARING-IN OF MAGISTRATES JANE BENTLEY  
AND CAMERON PRESS AS MAGISTRATES OF HER MAJESTY AND JUSTICES  
OF THE PEACE

BRISBANE

..DATE 29/04/2010

**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.

HIS HONOUR: In accordance with the provisions of the Magistrates Act I will now administer the oaths.

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MS BENTLEY: I, Jane Margaret Bentley, 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.

HIS HONOUR: Congratulations. Please accept the Bible as a memento of the occasion. Now it's Mr Press.

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MR PRESS: I, Cameron Douglas Press, 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.

HIS HONOUR: Congratulations. Please accept that-----

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MR PRESS: Thank you.

HIS HONOUR: -----as a memento.

MR PRESS: Thank you.

HIS HONOUR: Well I offer my congratulations to Magistrates Bentley and Press.

In addition, I extend my congratulations to Magistrate Duroux who sits to my right here. I should immediately explain that I haven't forgotten to administer the oath to Magistrate Duroux. As a serving acting Magistrate his Honour was already presiding at sittings in Redcliffe and so following his appointment he was sworn in on Friday morning in order to allow him to continue in Court that day.

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In welcoming all present I acknowledge, with pleasure, the presence of the Attorney-General, his Honour The Chief Justice, Justice Alan Wilson, Justice Logan of the Federal Court, Judge Irwin of the District Court and Deputy President Hack of the AAT and I also acknowledge Acting Director-General Mr Phil Clarke and senior departmental officials.

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I would, in particular, like to welcome the relatives and friends of our three new Magistrates. I make special mention of Magistrate Bentley's daughter, Katie-Ann, her mother Cheryl Bentley and sister Susan Bentley; Magistrate Press's wife Sheree Press; Magistrate Duroux's daughters Amy and Grace, his partner Sareeta Clark, his ex-wife Marie Duroux and sister Lyndel Duroux.

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This Court has a close and valued relationship with the Indigenous community whose elders participate in Murri Courts throughout Queensland. It's therefore fitting that I pause to acknowledge the traditional owners of the land where this courthouse stands.

It is my great pleasure to warmly welcome Magistrates Bentley, Press and Duroux to our Court. I do so on behalf of all the Magistrates of this Court, including those who could not be with us and especially those in regional Queensland. These appointments bring the number of Magistrates to the full compliment of 87. Our three new members join the proud community of judicial officers who are members of Queensland's largest Court. Each will take up appointment in a regional centre; Cairns, Rockhampton and Southport respectively. I know each of you is highly respected by the Magistrates and members of the profession in the centres to which you have been appointed.

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Magistrate Bentley practised at the Bar in Cairns immediately prior to her appointment. Her Honour has a long professional career that included over eight years with the Legal Aid office, periods as a legal officer with Queensland Police and the National Crime Authority, and more recently seven years with the Commonwealth DPP where she headed their Cairns office. Magistrate Bentley's breath of criminal experience will serve her well in her new role in Far North Queensland.

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Magistrate Press commenced as a solicitor in Rockhampton in 1985 and after success in that arm of the profession, moved to practise as a barrister in Rockhampton throughout the past 10 years. His Honour has brought experience across a number of legal areas but brings to the Court particular expertise in civil law. With the prospect of increased civil jurisdiction for the Magistrates Court his Honour's civil experience will be of great value to the Court.

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Magistrate Duroux comes to the Magistracy after a 30 year career in the service of the Magistrates Courts. After gaining his law degree and obtaining admission as a solicitor in 1994 his Honour worked for a time as a solicitor in Redcliffe before returning to public service. He has been a clerk of the Court and an acting Magistrate since early 2000. Prior to appointment he was Registrar of the Court at Holland Park and in recent years has spent increasing periods of each year as an acting Magistrate. He'll be a welcome addition to the busy compliment of Magistrates at Southport.

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These appointments continue the high quality of recent additions to the Magistrates Court's Bench. I wish each of their Honours well in this new phase of their legal careers. Mr Attorney.

ATTORNEY-GENERAL: May it please the Court, at the outset I acknowledge the traditional owners of the land and pay my respects to their elders past and present and acknowledge their continuing custodianship of the land from time in memorial.

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Your Honour the Chief Magistrate, your Honour the Chief Justice, Justice Logan, Justice Wilson, Judge Irwin, Deputy President Hack, Judges, retired Judges and Tribunal members, members of the Queensland Magistracy and retired members of the Queensland Magistracy, Mr Phil Clarke acting Director-

General for the Department of Justice and Attorney-General, other distinguished guests, ladies and gentlemen, it gives me great pleasure this morning to join with everyone here today to welcome these three new appointments to the Bench of the Magistrates Court in Queensland.

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The Magistrates Court is the busiest Court and the one that Queenslanders are most likely to have contact with. For many people their interaction with the Magistrates Court provides them with their first, and very often their last, contact with the justice system in Queensland and it leaves them with lasting impressions of how justice works in our State. There is no doubt that it is a vital part of our vibrant and independent judicial system.

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The Honourable Michael Kirby once told a meeting of the Australian Association of Magistrates, "Although I've never served as a Magistrate I recognise the enormous importance of the work of the Magistracy and the great changes that have come over the Magistracy in my professional lifetime" and what a change this has been for the Magistracy in Australia, particularly in Queensland.

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From an often dispirited group of lay-justices and public servants they can complete independence. Magistrates have now become true judicial officers and thus, full colleagues of the judiciary. They are recognised as such and are respected for their high standards of their appointments, their independence and their participation in professional bodies in which Judges work with them as true equals on issues of common judicial concern.

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The Magistracy has been described as the undervalued workhorse of the Court system but in Queensland case this is only part true. While the Magistrates Court can rightly be described as the workhorse of our Court system, I want to assure the Chief Magistrate, other Queensland Magistrates and the new appointees that their work is definitely not undervalued.

The regard with which the Government holds the Magistracy is evident in the Civil and Criminal Jurisdiction Reform and Modernisation Amendment Bill, which the Government introduced into the Parliament earlier this month. It is one of the major reforms of the justice system in Queensland in recent times and the broader jurisdiction being proposed for the Magistracy in the Bill is a clear recognition of the value that we place on the Court and those who constitute Magistrates Courts throughout Queensland.

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Which brings me to our three new Magistrates: their Honours Press, Bentley and Duroux. These new appointments bring the Bench of the Magistrates Court, as the Chief Magistrate has observed, to its full compliment. Further, the experience and legal expertise of the appointees will be a valuable resource in these times of broadening jurisdictional boundaries.

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Your Honour Magistrate Press, I thank you for your willingness to serve in the important capacity as a Magistrate and for

being prepared to accept an appointment at this challenging time in the history of the Court. Your legal experience as a solicitor, then as a barrister, then again as a solicitor, and once more as a barrister, has prepared you well for this next phase of your career. You will join the Bench in Rockhampton where you have spent the past 31 years in the practice of the law.

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Rockhampton, situated as it is almost on the tropic of Capricorn, has a very tropical climate which can sometimes be a little daunting to those from less moderate climes. Your Honour will be well accustomed to it. The British novelist, Anthony Trollope, visited Rockhampton in the later part of the 19th Century and famously described it as a "City of Sin, Sweat and Sorrow." He went on to describe a Rockhampton resident who died and went to hell. The first night he was there Trollope asserted he was yelling for blankets. I am sure your Honour's experience and expertise will leave you similarly insulated in the furnace that can sometimes be the Magistrates Court.

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As well as your considerable legal expertise, your Honour also brings a wealth of experience to the Bench, garnered from involvement in a large number of community organisations. It is this willingness to participate in local organisations that has endeared the Magistracy to their local communities, particularly in regional Queensland.

Another region, the far north, will also be home to a new Magistrate. The Cairns Bench will benefit from the appointment of your Honour Magistrate Bentley. Your Honour comes to the Magistracy from your most recent engagement in the office of the Commonwealth Director of Public Prosecutions in Cairns. Your Honour's wealth of experience gained through working at Legal Aid and the National Crime Authority will be a welcome addition to the Cairns Magistracy.

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The Magistrate Court in Cairns services the remote Indigenous communities in our cape as well as the islands of the Torres Strait. I know you are committed to the long and sometimes arduous duty of circuiting to remote communities in our State's far north. This is to be greatly commended as it is critical to the delivery of justice to all Queenslanders.

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From the north of our State we head south to the Gold Coast where your Honour Magistrate Duroux will serve. Your Honour has been an acting Magistrate since the year 2000. When you sit on the Bench at Southport it will be like a welcome home, hopefully, as you've been sitting as an acting Magistrate at Southport for most of this year.

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In addition to the Southport Court your Honour has also presided at many Courts throughout Queensland over the past 10 years, including Beaudesert, Beenleigh, Brisbane, Charleville, Cleveland, Coolangatta, Cunnamulla, Dalby, Gatton, Gympie, Holland Park, Ipswich, Maryborough, Redcliffe, Richlands, Southport, Toowoomba and Wynnum. You surely have been everywhere.

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Your career so far has seen you serve in the Magistrates Court for all but six months of that 10 years and you have previously worked in a private legal firm in Redcliffe. You've also served around the State as a clerk and then a Registrar of the Court. Your most recent appointment has been as Registrar of the Holland Park Magistrates Court in 2002 until your appointment last week as a Magistrate.

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Southport is one of the busier Magistrates Courts in Queensland, which is evidenced by the fact that eight Magistrates are appointed to sit there. Your Honour's well known for your capacity for hard work and with your Honour's past experience as an acting Magistrate you'll be able to seamlessly take up your new role.

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The appointment of three new Magistrates is an exciting event for the Bench of the Magistrates Court but it is also a significant event for the Justice system in our State. I thank the Chief Magistrate once again for his leadership of this Court and for his positive engagement in an open, thoughtful and very constructive appointment consultation process that is required under the Act. I thank the three new Magistrates in advance for their hard work and continuation of the standards of excellence that we have come to expect from this Court. May it please the Court.

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HIS HONOUR: Thank you, Mr Attorney. President of the Bar Association, Mr Douglas.

MR DOUGLAS: If it please the Court, the Magistracy of Queensland has been strengthened even further by the meritorious appointment of your Honours as members of this Court. The appointment of your Honours comes, of course, on the cusp of the enactment of the Moynihan amendments of a criminal procedural and civil jurisdictional character and they're due to commence in the middle of this year.

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The impact of those changes, beneficial in character as long as they are supported by adequate Legal Aid funding as expressly contemplated by Mr Moynihan, will impact heavily on the workload of this Court. The character and experience of each of your Honours plainly will prove propitious in meeting that impact.

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Your Honour Magistrate Bentley has wide experience in life and the law. Your experience in criminal law was perfected at both Commonwealth and State levels in prosecutions and defence including several years with the Queensland Police Service. Your Honour's appointed to sit in Cairns where you've lived, and worked for a number of years with the Commonwealth Director of Prosecutions. The Bar Association welcomes your appointment.

Your Honour Magistrate Press too is welcomed by the Bar Association. Your Honour, of course, is well known to the association members as one of the State's leading provincial barristers. I, like many of my colleagues, have appeared

against your Honour, and been opposed to your Honour, on many occasions. Your candour is beyond reproach and your competence is at the highest order. The Bar's loss is the Court's gain, Magistrate Press. Your Honour was a great friend of the late Justice Peter Dutney. Peter would be proud of you on this occasion. I note your Honour is appointed initially to Rockhampton where you presently reside.

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Your Honour Magistrate Duroux also is welcomed by the Bar Association. You have been with the department for most of your career. Your transition ought be seamless given that you've been an acting Magistrate since 2000. From what the Attorney-General essayed of the various or the many, the raft of places you've sat over the years, you can probably toss out now your GPS and your Refidex.

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To each of your Honours, the Bar Association bids congratulations and the association gives you its support. If it please the Court.

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HIS HONOUR: Thank you, Mr Douglas. President of the Law Society, Mr Eardley.

MR EARDLEY: Your Honours, congratulations on your appointment. Your appointments have the full support of the solicitors in Queensland.

We solicitors sometimes use the phrase "jointly and severally" and that certainly applies to the circumstances of this appointment. Each of you individually have particular skills but when you put them all together, the several skills that you all have will certainly add significantly to the power of the Magistrates Court and its jurisdiction.

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All of you have been appointed to important regional areas. Perhaps I can ask Judge Butler from time to time that you get some Brisbane time so that we can get the benefit of your experience as well. This is an important milestone in each of your careers. We wish you well, we congratulate you, and we also congratulate your families for this very important occasion, and we certainly look forward to being able to see you when we do our regional trips. May it please the Court.

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HIS HONOUR: Thank you, Mr Eardley. Well I now call on Magistrate Bentley.

MAGISTRATE BENTLEY: Thank you. Your Honour Judge Butler the Chief Magistrate, Mr Attorney, your Honour Justice de Jersey, Judges, Magistrates, Tribunal members, members of the profession, distinguished guests, family and friends and of course, Mr Clarke and Mr Ryan, I am honoured to be here today. I am, and I have been, overwhelmed in the past few days by the messages of congratulations and well wishes that I've received from everyone. I'd like to thank Mr Attorney, Judge Butler, Mr Douglas and Mr Eardley for your kind words today. I am very fortunate to have been able to work for a number of wonderful organisations in Brisbane and Cairns since I started working in the legal profession.

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Firstly, I was given the unparalleled opportunity of working for the Public Defenders Office. The lawyers of that office were an outstanding group of people and it was there that I learnt what it meant to be a lawyer in the criminal justice system. I also met some very good friends in that office and I see some of them here today and thank you for coming. I actually met one of my very best friends at the Public Defenders Office, Ms Kerri Mellifont. She's here today. She was, and she still is, the hardest working and cleverest person that I know. That organisation went on to become part of Legal Aid and the traditions and values of the Public Defenders Office continued at the Legal Aid office and I was there for a number of years.

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As has been said, I've worked for the Queensland Police Service, that was a fantastic place to work, and the National Crime Authority where I was fortunate enough to work with his Honour Judge Irwin. I've worked for the Commonwealth DPP for about the last seven years and I've recently been reflecting on the wonderful people that I worked with at that organisation. In my opinion, the lawyers of the Commonwealth DPP are some of the most principled and fair lawyers that one could hope to find and I hope that I took some of those qualities with me when I left there.

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I then had the chance to take up a junior position in Cairns. My family and I quickly fell in love with Cairns which led to my decision to go to the private Bar there. I was overwhelmed by the support and encouragement that I had during my relatively short period in Cairns from solicitors, other barristers and judicial officers there, especially her Honour Judge Bradley, her Honour Judge McGinness and Magistrate Spencer. I'd also like to thank my Chamber mates, Nerida Wilson and Barry Murray, who can't be here today but they have been very supportive during the time that I worked with them at Coral Coast Chambers in Cairns.

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Of course, I have to thank my wonderful family. Firstly, my mother who has come here from Cairns and brought my daughter Katie with her. My mother has given me her unfailing and constant support and love over the years. My sister's travelled here from Cairns with her partner - sorry, from Sydney with her partner Aaron and I'm very proud for - that they were able to come today and very happy to have them here.

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Most of all I'd like to thank my husband Bart, my children Katie and Kurt. My husband has supported and encouraged me throughout my career and without that support I doubt that I would be here today. Unfortunately Bart and Kurt couldn't be here today because they have commitments in Townsville but I know that they're thinking of me.

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Thank you to my friends who are not part of the legal profession but have taken time out of their busy lives to come here and share today with me. Lastly, I would like to thank his Honour the Chief Magistrate, the other Magistrates of this Court and the staff of the Brisbane Magistrates Court who have



taken the time this week to assist me and - and who have provided invaluable information and advice which will no doubt stand me in stead for my new job.

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I am very much looking forward to becoming part of the Magistrates Court of Queensland. I am honoured by this appointment and I will do my very best to work hard, to deliver justice in accordance with the law, and to become worthy of the trust that has been placed in me. Thank you.

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HIS HONOUR: Thank you, Magistrate Press.

MAGISTRATE PRESS: Chief Justice Judge Butler, Chief Justice the Honourable Paul de Jersey, Mr Attorney, Director-General, Deputy Director-General, Justices, Judges, Magistrates, distinguished guests, ladies and gentlemen, I am deeply humbled to be serving Queensland in this capacity. History demonstrates that proper administration of justice is a corner stone of our democracy. Should its structural integrity be compromised, the structure of democracy, at best, is weakened and at worst, collapses. I therefore approach this role with a profound sense of responsibility and duty.

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I commenced my legal career in 1979 as an article clerk and I was very fortunate to learn my tools of trade under the tutelage of my master Allan Batts and his business partner the late Allister Schirmer. Apart from being highly competent practitioners they always demonstrated a most admirable quality and that is they always acted in the best interests of their clients. Throughout my career as a solicitor and barrister I have always endeavoured to follow this example. I will now endeavour to apply this principle to my duties as a Magistrate and I will strive to always act in the best interests of justice and the community.

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I have been privileged to be a members of the Queensland Mental Health Review Tribunal over the last five years. Through this Tribunal I gained further insight into the devastating effects of illicit drugs on individuals and our society in the plight of patients in desperate circumstances. I will miss this work on the Tribunal.

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I take this opportunity to thank some integral people in my life. My mother and father, Doug and Thea Press, who have always supported and encouraged me. Unfortunately my children cannot be here today but I am proud to say they are out there serving Queensland today; Erin nursing, Courtney teaching and Jarrod learning to teach. Last, but not least, Sherrie my wife of almost 27 years, she's my pillar, my strength and truly the other half. Thank you, dear, for always being there. And I would just like to say how pleased I am to have completed that speech without having to press the duress alarm here. Thank you.

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HIS HONOUR: Thank you. Magistrate Duroux.

MAGISTRATE DUROUX: Thank you, Judge Butler, Chief Magistrate for the State of Queensland. Firstly, may I thank the

Honourable Cameron Dick, Attorney-General for his attendance here today and for his very kind words. I sincerely thank the Attorney-General for the honour and privilege of being appointed as a Magistrate. I thank the Honourable Chief Justice de Jersey for his attendance and all other judicial officers who've found the time to be with us here today.

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Ladies and gentlemen, colleagues, former colleagues, friends and family, thank you for being with us. I also acknowledge the acting Director-General Mr Clarke, the deputy Director-General Mr Ryan for their attendance and I also note and thank Mr Paul Marschke, the Executive Director of the Magistrates Courts Branch, for being here today. These are all persons that I've known for - over the course of my former employment with - as a Registrar of the Magistrates Court. I thank the various legal practitioners for their attendance here today. Many of you are well known to me and no doubt will continue to be well known to me.

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In April 1980 I obtained employment with the Emerald Magistrates Court as a junior clerk. Apart from six months working as a - as an employed solicitor in private practice at Redcliffe I have been with the Department of Justice and Attorney-General since that time as a clerk, then Registrar and of course for the last eight years I have been the Registrar of the Holland Park Magistrates Court. I've also been an acting Magistrate for the last 10 years.

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During the last 30 years I acknowledge the hardworking group of people I have worked with and have made many hundreds of friends and more particularly, many hundreds of good friends. I would like to thank the many people who - who over the years have encouraged me in my role as an acting Magistrate and in my ambition to be appointed as a Magistrate. I particularly thank Magistrates Austin, Chilcott, Kilner, Arnold, Wilkie and O'Driscoll for their continuing support and friendship.

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I also thank retired Magistrates Bloxham, Gribbin and Yorkstone. To my former acting Magistrate colleagues I say thank you to one and all for friendship and collegian attitude that we all share. I acknowledge that as an acting Magistrate we do not shy away from the hard work and we work in various parts of the State, often at very short notice. That group of hardworking people accept this as part of the role and we do it without any complaint. I particularly thank some of my very close acting Magistrate friends in acting Magistrate Sternquist and Warfield.

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Some of my very close friends are - have been able to attend today and I thank each and every one of you for your - for your attendance at this very special day. I particularly thank Steve Anderson for being with us, Kath Hobson, Jan Taylor and Heather Chilcott.

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I thank and acknowledge the work of all staff in the Magistrates Courts. Your - your hard work is always appreciated and I think I can fairly say that I do understand the difficulties of your, at times, onerous tasks that you

must perform in that role. I also extend a great deal of thanks to the staff of the Chief Magistrate's office who have always been of a great assistance in the past and I have no doubt will be in the future. I particularly thank Narelle and Nicola for their ongoing support and assistance.

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Marie, thank you very much for your support over the years and the wonderful way in which our beautiful daughters have been brought up. My sister Lyndel is with us here today. I have four older brothers who all work in Emerald and are unable to be with us today. Those of you - those of you who know me well know that we come from a working-class background and that we are a very closely knit family. We have encountered numerous challenges over the years and as a family we stick together as very proud family members. I thank each and every one of my siblings for their ongoing support and love over the years and of course, where - where appropriate, reality checks. My partner Sereta, I sincerely thank you for your support and love in helping me achieve this appointment. I thank your family for their support and for, of course, Wendy and Mike being with us here today. To my two children, Amy and Grace, you mean everything to me. I hope that my appointment today will also give you inspiration to pursue and achieve your dreams and goals in life. I love you both dearly.

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I pass on my congratulations to the other two newly appointed Magistrates, Magistrate Bentley and Magistrate Press. To my colleagues in Southport, I look forward to taking up my appointment on the coast and continuing working with each and every one of you. I also look forward to serving the Southport community. Again, I thank you all very much for your attendance here today. Thank you.

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HIS HONOUR: Thank you, Magistrate Duroux. Well thank you all for your attendance. It's very much appreciated. You're all very welcome to join the new Magistrates for morning tea which will be held on level 9. There'll be somebody to usher you into the lifts if you wish to go up there and join us. Let the proceedings be recorded. Please adjourn the Court.

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THE COURT ADJOURNED

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