



MAGISTRATES COURT OF QUEENSLAND

Valedictory Ceremony In honour of Magistrate Diane McGrath Fingleton Friday, 9th July 2010

Judge Brendan Butler AM SC Chief Magistrate

We gather here today to celebrate the judicial career of Magistrate Diane McGrath Fingleton on the occasion of her retirement.

It is fitting, given Magistrate Fingleton's long championing of the Murri Court, that I should commence by acknowledging the traditional custodians of this land where the Caloundra courthouse sits. The traditional owners have cared for and been part of this land for thousands of years. That rich cultural heritage is preserved in the wisdom of the Elders past and present and informs our Murri Court process today.

I particularly acknowledge the Elders of the Caloundra Murri Court who are present with us today.

I am sure this small courtroom has never seen such a large and distinguished gathering. I welcome you all on this important occasion.

Acknowledgements

I especially welcome all of Magistrate Fingleton's family members. I particularly recognize her husband John McGrath, her brothers Harold and Ron and other family members who are present today.

In making my comments today I speak on behalf of the Court, especially those magistrates present here today and those magistrates who wished to attend but were unable to do so.

Magistrate Fingleton's retirement today, at a time of her own choosing; almost 15 years after her initial appointment as a magistrate, will bring to a close one part of

her varied career, that of being a judicial officer. It surely will not mark the end of this amazing woman's active intellectual life and community involvement.

The presence here today of so many distinguished Queenslanders is testament to the contribution Diane Fingleton has made, not only as a judicial officer but also by way of the example her life has given. Hers has not been an easy life, as you all well know. It has been a life with glittering peaks and devastating troughs, but through it all Di has maintained her commitment to social justice for others and drawn strength from adversity.

Although this modestly sized courtroom in which we meet today might suggest otherwise, we are not farewelling just a country magistrate. For Diane Fingleton rose to the office of Chief Magistrate and, until the unfortunate sequence of events which led to her resignation, was an exceptionally effective reformist Chief Magistrate.

What a life Her Honour's has been! Di commenced as a stenographer/typist in the University Administration in 1964, while doing part-time BA studies. By 1980 she was on the staff of Bill Hayden, then a Whitlam Government Minister, who encouraged her to study law. I am pleased that Mr Hayden is with us today. 1980 was the year in which Di graduated in Arts and commenced her law degree studies.

Di had already identified legal aid or the community legal sector as where she wished to work. Her social activism took expression in the establishment of the Women's Law Student Association and involvement in the Student's Legal Service.

After admission as a solicitor in early 1984 Di continued her chosen direction by becoming Legal Co-ordinator at Caxton Street Legal Service in the following year. Later she was involved in establishing the Women's Legal Service. Those 5 years at Caxton were productive years for this energetic and progressive lawyer.

A period in the public service followed, including as Executive Officer of the Women's Consultative Council. Later she was a Senior Policy Officer in the Office of Consumer Affairs.

Next, but as it turned out, for only a short time, Di took the position of Solicitor-in-Charge of the Legal Aid Office at Ipswich. Then, in late 1995, she was appointed a magistrate.

At the time of her appointment Di was only the sixth woman to be appointed a magistrate.

Today there are 33 women magistrates, 38% of the court membership.

After a stint in Dalby, Di was appointed Senior Stipendiary Magistrate in 1998 and Chief Magistrate in 1999. Matt Foley, the Attorney-General who made those appointments is with us today. In both instances Di was the first woman to be so appointed.

It might be expected that Di Fingleton's achievements as Chief Magistrate would have been negated by the exceptional and acrimonious circumstances in which she left that position. That however was not the case. It is true that a number of impressive administrative initiatives lapsed with her going. But much of substance that was initiated by Di still continues and those initiatives represent some of the most significant achievements of the Court.

Di left behind a Drug Court, a Murri Court and an Office of State Coroner. She championed and achieved improved conditions and judicial training for magistrates. The Queensland magistracy continues to benefit from those positive initiatives implemented by Di as Chief Magistrate.

What followed was any lawyer's worst nightmare. Di was tried, convicted, imprisoned and forced to resign her appointment as a magistrate. It is hard for one who hasn't experienced it to comprehend the depth of despair that Di and her devoted husband John must have endured. Yet Di, with John's support, found the inner strength to deal with it. She no doubt reached back to what she had learnt from the highs and lows of her childhood as depicted in the movie "Swimming Upstream". As Di has said of herself, she is a survivor.

As you know, the High Court ultimately cleared Di and she had to decide whether to return to the Court. That could not have been an easy decision. The scars of what had occurred could not easily heal. They affected not only Di but other members of the court. It was a courageous decision to return. I think Di made the right choice and the Caloundra community is the better for it.

Di was reappointed in a ceremony in this Courthouse in September 2005. In the intervening period of almost 5 years Di has nurtured a Murri Court, a Domestic Violence Ouster Order scheme and an Alcohol Diversion program here at Caloundra. As you would expect Di has been an engaged, effective local magistrate who has responded to the increasing workload of what was a new court centre when she was appointed.

I have known Di, mainly through my wife Diane, since the 1970's. It was unexpected that our paths would cross as fellow members of the Magistrates Court. Di, I would like to thank you for the diplomatic way you have conducted yourself in the difficult circumstances of your return to the magistracy. You have always been supportive of me and my predecessor Judge Irwin. That was a generous approach given the circumstances in which you found yourself.

Di, you can be rightly proud of those achievements of yours as Chief Magistrate which have stood the test of time and enhanced the Court. I thank you for your commitment to the Court as Chief Magistrate and for a job well done in Caloundra.

I wish you and John a long, fulfilling and enjoyable retirement.