



Swearing-in Ceremony for the Hon Justice Philippides as a Judge of Appeal and Mr Martin Burns QC as a Judge of the Supreme Court

Banco Court

Wednesday, 4 February 2015, 9.15am

The Hon Tim Carmody Chief Justice

I warmly welcome you to the Banco Court to mark the swearing in of Justice Philippides to the Court of Appeal and Justice Burns to the trial division of the Supreme Court. I particularly mention the family and friends of their Honours. Some of you have travelled long distances to join us today. Welcome especially to Ian Callinan AC and Rob O'Regan QC who both had a great influence on the career of Justice Burns as they did with many others.

I am delighted to note the presence here this morning of the Honourable the Attorney-General, the Shadow Minister for Justice and Attorney-General, the Honourable Yvette D'Ath MP; Senior Policy Advisor, Ms Donna O'Donoghue; the Presidents of the Bar Association and Queensland Law Society; his Honour the Chief Judge, Judges of the District Court, Federal Court and Family Court, retired Judges of the Supreme and District Court, the Chief Magistrate and Magistrates, the Vice-President and Deputy President of the Industrial Court, the President of the Land Court and members of the Land Court.

I would also like to welcome our regional Supreme Court Judges who, while not being able to physically attend here today, are joining us via live streaming from Townsville and Cairns and Rockhampton.

I also acknowledge the presence, with pleasure, of the Director-General Mr John Sosso, Deputy Director-General Mr David Mackie and the dedicated court services staff.

The Honourable Justice Keane is unable to be attend. He is also sitting in Canberra today. Likewise, Justice May of the Family Court who is currently working in Sydney. I am, however, pleased to note the attendance here today of retired District Court Judge, Mr Charles Brabazon (QC). I would like to make a final apology on behalf of the Senator the



Swearing-in Ceremony for the Hon Justice Philippides as a Judge of Appeal and Mr Martin Burns QC as a Judge of the Supreme Court
Banco Court
Wednesday 4 February 2015, 9.15am

Honourable George Brandis QC, Attorney-General for the Commonwealth. He has unavoidable ministerial business.

Before moving on to recognise Justice Philippides and Justice Burns, I would first like to publicly acknowledge a recent and outstanding achievement of one of our Supreme Court Judges. On Australia Day Justice Atkinson was appointed an Officer of the Order of Australia in the General Division (AO) for distinguished service to the judiciary and to law reform in Queensland, through contributions to the legal profession and to promoting awareness of issues of injustice and inequality in Australia and internationally. I am sure all of you will join me in congratulating Justice Atkinson on being awarded this high and much deserved honour.

I would also like to take a brief moment to honour the memory of William Joseph Carter who was first appointed as a Queensland District Court Judge in 1980. He was later appointed as a Supreme Court Judge in 1983 serving for seven years. His Honour died at age 84 at home. He is being buried this morning at St. Columba's Catholic Church at Wilston.

Former Chief Justice of the High Court the Honourable AM Gleeson AC once said that judges should be independent, impartial, fair and competent.¹ This is self-evident. Justice Peter McClellan AM of the Supreme Court of NSW emphasises the importance of a judge understanding and reflecting general community standards and values and to stay true to the traditions and philosophies of our profession.² We are all servants of the law and we provide a public service.³ The two judges who we honour today have demonstrated through their lives, their work and their service that they are that and more.

Justice Philippides was an outstanding student at Somerville House in Brisbane. She received the Ruth George Award for French and was on the Student Council. One of her

¹ Chief Justice AM Gleeson AC, 'The Role of the Judge and Becoming a Judge' (Speech delivered at the National Judicial Orientation Programme, Sydney, 16 August 1998).

² Justice Peter McClellan AM (Speech delivered at the 2012 NSW Legal Studies Association Conference Rosehill, Sydney, 29 March 2012).

³ (2014) 34(9) *Proctor* 19.



Swearing-in Ceremony for the Hon Justice Philippides as a Judge of Appeal and Mr Martin Burns QC as a Judge of the Supreme Court
Banco Court
Wednesday 4 February 2015, 9.15am

past teachers, Dr Pamela Davenport, who wanted to be here today but, unfortunately, is unable to, says that as a student Her Honour was clever, courteous, enthusiastic and kind and her English teacher Mrs Gillian Bridgwood remembers her as a gifted writer.

She graduated from the University of Queensland with Bachelors of Arts and Laws (Honours) and was awarded the esteemed University Medal in Law.

Her Honour, in 1984, was given the prestigious British Council Commonwealth Scholarship. That year Justice Philippides was admitted as a barrister in Queensland. In 1985, Her Honour was awarded a Masters of Law from Cambridge University. At this point I would like to mention the apologies and good wishes of Justice Kiefel AC who could not be here today owing to commitments in the High Court. Their Honours studied together while at Cambridge.

Justice Philippides has had a deep and longstanding interest in maritime law and has given her talents, time and energy to many maritime bodies as well as to three of Queensland's universities, the Bar Association and Law Society committees and the Cypriot and Hellenic cultural communities. She was elected the first female President of the Maritime Law Association of Australia and New Zealand. She has served as Patron, Member, Director, Chair, Vice President, President, Adjunct Assistant Professor and Convenor. At the last count there were at least 24 of these organizations where Her Honour has served the law and the Queensland community.

When Justice Philippides was appointed a Senior Counsel in 1999 she became the first person, of Hellenic origin, to have taken Silk in Queensland. The next year, Her Honour was appointed as a Judge of the Supreme Court of Queensland. That appointment was, probably, also a first. The appointment of Her Honour to the Supreme Court may well be the first appointment of a female of Hellenic heritage, outside Cyprus, to a Superior Court in the Commonwealth. It is almost certainly the first appointment in Australia⁴.

⁴ Manuel (Mal) Varitimos QC, Hellenic Australian Lawyers Association, Banco Court, Supreme Court of Queensland, 30 January 2015.



Swearing-in Ceremony for the Hon Justice Philippides as a Judge of Appeal and Mr Martin Burns QC as a Judge of the Supreme Court
Banco Court
Wednesday 4 February 2015, 9.15am

For over a decade, Her Honour was Honorary Vice-Consul for Cyprus in Queensland, serving the Cypriot Community.

She has recently taken on the role as Queensland Patron to the Hellenic Australian Lawyers Association. It was a privilege to host the launch of the Queensland Chapter of that Association in this very court last Friday when we were joined with Chief Justice French AC of the High Court, Chief Justice Kourakis of South Australia and Justice Kyrou who was appointed to Victoria's Court of Appeal in 2014.

Justice Burns is a welcome addition to the Supreme Court. In the Court where much of the work is crime and judicial review, His Honour's strong background in criminal and administrative law and Commissions of Inquiry where he represented both sides of the political spectrum is highly valued.

Justice Burns has served the profession with distinction through the Bar Association's Professional Conduct Committee and the Law Council of Australia's Criminal Law Committee. He was editor of the Bar's Hearsay publication and Criminal Law Consulting Editor of the Queensland Reports.

Justice Burns has risen to great heights in his field without the benefit of the guidance of his parents who he lost as a young boy. Nonetheless with the love and support of his grandmother, he overcame disadvantage to be where he is today. Thirty years ago a young solicitor, his even younger wife Margaret and their 3 sons shared a back fence in Coorparoo with the teenage Justice Burns and "granny" as she was known in the neighbourhood. That young solicitor is now the Chief Magistrate Judge Rinaudo who is present today. Judge Rinaudo recalls His Honour frequently jumping the back fence to hang out with the Rinaudos. He says His Honour's granny was an exceptional woman who taught him to work hard, be serious and honest and instilled in him the ambition to be



Swearing-in Ceremony for the Hon Justice Philippides as a Judge of Appeal and Mr Martin Burns QC as a Judge of the Supreme Court
Banco Court
Wednesday 4 February 2015, 9.15am

successful. Judge Rinaudo adds that you owe her a great debt of gratitude and I know that you would concur with His Honour's judgment.

I am also pleased to note Justice Burns' longstanding contribution to what many Queenslanders regard as a central pillar of Qld social and cultural life – the greatest game of all, rugby league. I see many luminaries from the code here today.

Since 1998 His Honour has acted as counsel for the NRL and Chariman of the ARL Judiciary for Test and State of Origin fixtures in Queensland. He has appeared as counsel assisting the NRL Anti-Doping Tribunal as well as the NRL Appeals Committee currently presided over by the preeminent Queensland jurist, former High Court Justice the Honourable Ian Callinan AC.

Now let me finish where I started. As Chief Justice Gleeson and Justice McClellan remind us. Judges do not enter some form of monastic seclusion upon their appointment.⁵ Judicial independence, impartiality, fairness and competence are not synonymous with aloofness.

After all, judges live in the same world as the parties who appear before them. Judges are better placed to understand the people and issues that come before them if they participate as active members in that same society.⁶

Again, warm congratulations Justice Philippides and Justice Burns and their rightly proud families.

⁵ Matthew Groves, 'Public Statements by Judges and the Bias Rule' (2014) 40(1) *Monash University Law Review* 115,116.

⁶ As noted by Groves, this is subject to the necessary restraints of the bias rule; *ibid* 146.