

CHRISTMAS GREETINGS & ADMISSIONS

COURT 1 LEVEL 4 CAIRNS

FRIDAY, 11 DECEMBER 2015 AT 9.15 AM

HENRY J: Greetings legal profession, guests, family and friends.

On the occasion of this ceremonial sitting of the court for the traditional exchange of Christmas Greetings between the court and the profession I welcome to the Bench my judicial colleagues: His Honour Judge Harrison and His Honour Judge Morzone QC.

I also welcome my predecessor in office the Honourable Stanley Jones AO QC, Her Honour Judge Willis of the Federal Circuit Court; their Honours Magistrate Spencer, Magistrate Black, Magistrate Pearson, Magistrate Brassington and Magistrate Magee of the State Magistrates Court; Commissioner David Glasgow AM of the Families Responsibilities Commission; Councillors Cathy Zeiger, Max O'Halloran and Richie Bates representing Cairns Regional Council; Assistant Commissioner Paul Taylor of the Queensland Police Service; Ms Mandy Shircore James Cook University and Ms Wendy Baden, our former Registrar.

The court is grateful that members of the public have joined with members of the legal profession and their families here present to witness this special ceremony. The presence of guests drawn from our local community beyond the legal profession emphasises the importance to the community of the court's role in delivering the most fundamental element of the free and civilised society in which we live, the maintenance of the rule of law.

Over and above serving as the traditional exchange of Christmas Greetings today's ceremony also involves significant milestones in the life journeys of five lawyers here present, as four enter the profession and one ascends to the rank of Queen's Counsel, taking silk as it is known.

[MOVING OF ADMISSIONS, TAKING OF OATHS AND SIGNING OF ROLL ENSUES]

HENRY J: An admissions ceremony is of special importance in the work of the court. It is important as an exercise of the court's legal power in its role as the ultimate gatekeeper of who shall be allowed to practise and serve as a lawyer. It is important in marking the gravity of the promise just made by you, Ms Mason, Mr Wearne, Mr McDiarmid and Mr Scanlan to truly and honestly conduct yourselves, in the practise of a lawyer of this court, according to law and to the best of your knowledge and ability.

With that promise you have today become officers of this court, bound by your duty to it. You today join the legal profession in its noble pursuit with the court of the delivery of justice according to law. It is the independent legal profession to which citizens turn in seeking access to the rule of law. It is your profession which provides citizens with expert legal advice and representation, regardless of their gender, race or religion, regardless of their adoration or vilification in the fickle theatre of public opinion and regardless of the

popularity, power or privilege of the cause to which they are opposed. It is an honourable calling.

At a personal level, today is an achievement well earned. It is the culmination of many years' study, likely with some tribulations along the way. It is a very significant achievement for you to have met the rigorous demands of your degree course.

It is unlikely that you have reached today's milestone on your own without the support along the way of family and friends. The support of your loved ones, family and friends has likely been a vital ingredient in your successful achievement. Today is rightly a proud day for them, as well as you; a day to celebrate.

Mr McDiarmid, your admission has a special significance to the court in that you have this year served as Associate to His Honour Judge Harrison. Through me, His Honour expresses his sincere thanks to you for your support and his pleasure at your achievement today.

Ms Mason, Mr Wearne, Mr McDiarmid and Mr Scanlan the court extends its sincere congratulations to you, your family and supporters, and wishes you a successful and satisfying career in the law. Welcome to the profession.

I invite you now re-take your seats as we move to a different milestone in the professional life of another lawyer here present.

Mr Jonsson?

[MR JONSSON ANNOUNCES HIS APPOINTMENT AS QUEEN'S COUNSEL]

HENRY J: Madam Registrar, please read Mr Jonsson's appointment.

[REGISTRAR READS MR JONSSON'S APPOINTMENT]

HENRY J: I am well aware that most of you understood every word of that but let me explain for those who did not follow. The awarding of the rank of silk is an extremely significant professional achievement.

The designation of Queen's Counsel provides a public identification of barristers whose standing and achievements justify an expectation on the part of those who may need their services, as well as on the part of the Court and the public, that they can provide outstanding legal services as advocates and advisers to the good of the administration of justice.

Only a small proportion of practising barristers achieve the rank of silk. The rigorous process of selection involves close scrutiny of the views of the legal profession and the bench. The overriding touchstone of the process is merit, pure and simple.

The process of taking silk or being called to the Inner Bar signifies that counsel has taken on a leadership role within the profession. It is a position not only of honour but also of

obligation; an obligation which carries the weighty reality that it is from the ranks of silk that the most senior judicial appointees are drawn.

Mr Jonsson's appointment is well earned. Hailing from the Atherton Tablelands he ventured to Brisbane for his degree course at the University of Queensland but returned to the Far North entering the profession in the first instance as a solicitor. He practised in that capacity for many years with MacDonnells Law where his fascination with and knowledge of the obscure nooks and crannies of the law and of the development of legal principles saw him become the guru to go to for MacDonnells Law staff stuck over a thorny point of legal principle. His aptitude for legal scholarship saw him complete his PhD becoming Dr Jonsson in 2003. Completion of a doctorate whilst still immersed in full time practice is an achievement few practising lawyers aspire to let alone achieve.

I had the good fortune to work with Mr Jonsson in a variety of cases in which he briefed me while I was at the Bar. He was the only solicitor from my recollection whose briefs would arrive in my Chambers already adorned with draft outlines of argument - outlines, I might add, which were invariably replete with footnotes about past cases all of which it then became my pleasure to remind myself of, or in some instances learn of for the first time, in order that I might at least passingly grasp the arguments I was being entrusted to advance.

It was truly only a matter of time before Michael ventured to the Bar so that he might run such arguments himself. Already an outstanding lawyer when he came to the Bar in 2004 his practice as a barrister soon flourished and his appointment as silk grew inevitable.

Mr Jonsson, you join with three other engaging, intelligent, debonair and modest persons present today as the fourth silk appointed whilst in practice at our local Bar. It is an appointment that again reinforces the high quality of legal services which our local legal profession delivers to the people of Far North Queensland.

Mr Jonsson, the court rejoices in your appointment and extends its warmest congratulations to you and yours.

Having acknowledged the profession's gain in Mr Jonsson's ascension to the rank of Queen's Counsel it is apt that I move to acknowledge the profession's loss of an outstanding administrator and legal manager with the departure from office of Registrar Wendy Baden. I have known Ms Baden since the mid-1990s and was long aware of her reputation for efficiency. It was only when I became a Judge that I came to appreciate her broader skills at administering and managing the complexities of the courts' functions as well as her legal knowledge when she consulted me about individual cases. The court was a grateful beneficiary of her capacity to grasp and maintain minutiae in respect of individual cases and administrative issues, while at the same time thinking strategically and planning for the courts' caseload and resourcing needs and advocating behind the scenes on behalf of her staff. Ms Baden, your departure liberates you from years of demanding and high level service to the court and the court wishes you the very best in your future endeavours. We present this gift to you from the three of us trusting you receive it knowing you have the gratitude of the Judges of the Supreme and District Courts for your service to the court.

Over the years the players in the court and on the bench may change but the courts' work grinds on. 2015 has been a busy year for the Supreme and District Courts. The courts cannot function as efficiently as they do without the industry and dedication of those courthouse staff who so loyally support us. I express the Judges' sincere thanks to our Associates, Secretary, Registry staff and Bailiffs for their assistance throughout this busy year. I congratulate our Acting Registrar Ms Phillips for her oversight of the Registry's work, work which is critical to the efficient operation of our superior courts.

Looking beyond the courts to the profession, despite the occasional duel between the Bar table and the Bench as the courts look to list cases and the parties look to protect the interests of their clients, the court is very grateful overall for the profession's co-operation in dealing efficiently and expeditiously with the unrelenting flow of work before the superior courts.

Such is our gratitude that we are moved to provide you with another Cairns Judiciary Compulsory Professional Development series again. In the forthcoming series, conscious as we are that we are not the depositories of all wisdom, a special guest Mr Philp QC will be joining us from the Bar to further educate the profession in the subtle art of mediation.

I particularly wish this morning to acknowledge the commendable work of our local solicitors association, the Far North Qld Law Association.

The FNQLA's President Mr Browne and its Executive deserve the thanks of their profession for the industry and forethought they exhibit in driving the affairs of the Association. Examples of that leadership include co-ordinating the Association's own Compulsory Professional Development series, establishing a mentor scheme as between the profession and James Cook University law students, arranging a moot court case as part of Law Week festivities and taking over responsibility for holding the profession's annual law ball, the *Carbolic Smoke Ball*.

Two local lawyers also deserve special recognition today for an initiative of a quite different kind. Barrister Joseph Jacobs of the Cairns Bar and solicitor Danielle Hodgins of Atherton are not only lawyers, they are also photographers. Reprising a past endeavour of theirs they this year created the Practitioners at Play photographic exhibition which was installed in the corridors of justice outside this courtroom late yesterday so that it might debut this morning. For the exhibition Mr Jacobs and Ms Hodgins photographed local lawyers dressed as they might be for their working day but engaged in the personal activities they engage in on their own time in their private lives away from work. I thank the lawyers who participated as subjects or victims in this project and especially congratulate Mr Jacobs and Ms Hodgins for pooling their time and create talent to create such an excellent display for our profession and community. I take pleasure in declaring the exhibition open. I am also pleased to announce that it will next year be shown in the Cairns Regional Gallery, perhaps attracting a different type of audience than the Cairns Courthouse tends to pull, present company excepted of course.

Ladies and gentlemen thank you for joining this special occasion in our annual law calendar. I take pleasure in wishing all present, your families and loved ones a joyous and safe Christmas and a happy New Year. Goodwill to you all.

Mr Philp?

[MR PHILP ADDRESSES, MR BROWNE ADDRESSES]

HENRY J: I record the Court's thanks to our Secretary, Ms Turner, and our Bailiffs for co-ordinating today's ceremony and now invite all present to morning tea which will be served forthwith on the 3rd Floor in the jury assembly area. Please take in the exhibition in the corridors of justice outside as you leave.

Let these proceedings be transcribed.

Adjourn the court.
