

Valedictory ceremony upon the retirement of the Honourable Justice
Margaret McMurdo, President of the Court of Appeal,
Banco Court, Friday 24 March 2017, 9:15 am

**The Hon Catherine Holmes
Chief Justice**

We join today to farewell our friend and colleague the President of the Court of Appeal, Justice Margaret McMurdo and to acknowledge her magnificent contribution to the judiciary in this state.

We are joined in doing so by the Honourable the Attorney-General, Ms D'Ath, Chief Justice Kiefel and Justices Keane and Edelman of the High Court of Australia, the Chief Judge and Judges of the District Court, Judges of the Federal Court, Family Court and the Federal Circuit Court, the Chief Magistrate and Magistrates, the Deputy President of the Industrial Court, the President and members of the Land Court, retired Judges and Tribunal members. Justice Thomas of this Court is unable to be present; he has asked me to communicate his apology and his desire to be associated with all that is said today.

The ceremony is being streamed to a number of centres: Bundaberg, where Justice McMeekin is sitting, Townsville, where Justice North is among those watching, Mackay where Justice Henry is present, Gladstone, where her Honour's former associate Ms Ho is sitting as a Magistrate, Cairns, Rockhampton and Southport.

We welcome the shadow Attorney-General, Mr Walker, and the presidents of the Bar Association Law Society and Law Council, Mr Hughes, Ms Smyth and Ms McLeod. Recognising Justice McMurdo's



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national importance as doyen of the presidents of the Courts of Appeal, Mr Hughes will speak for both the Queensland Bar Association and the Australian Bar Association, and Ms McLeod will similarly speak from a national perspective.

We welcome the retired judges; Justice McMurdo, I think it speaks volumes for your stewardship of the Court that only three your Court of Appeal colleagues are missing; former Justices White and Chesterman send their apologies, as does former Justice Jim Thomas, who joined the Court of Appeal when you were made President. I will quote him. He has expressed his particular distress at not being able to be here; he says you have his absolute respect and admiration, and this ceremony is the last one he would have wanted to miss.

We welcome the many members of the profession, representatives of the Department of Justice, members of community organisations, members of the academy and members of the public who have joined us; the Banco Court is filled to capacity and there are two overflow courts.

President McMurdo, I note with particular pleasure the presence of your four children, Helen, James, Alex, Lachlan and Lachlan's wife, Alexandra, your brother David and his wife Sharon and your sisters Rosalind and Diana. It is a little known fact that you and I are both the youngest of six children, which may go some way to explaining our shared empathy for the underdog.



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There are other family members including a number of your nephews and nieces present, and many of your old friends, including former Governor Leneen Forde, former Public Defender Barbara Newton and former President of the Land Court, Carmel McDonald.

It may surprise people to learn that your illustrious career owes something to the Bjelke-Petersen Government. In 1973, it set up an inquiry into the status of women, headed by our former colleague on this bench the Honourable Alan Demack, whom we are all delighted to see here today with Mrs Dorothy Demack. One of his recommendations was that the state should encourage the employment of women as barristers in order to create a pool from whom judges might ultimately be drawn. You were one of the beneficiaries of the adoption of that recommendation. After spending a year in 1975 as associate to Justice Demack first in the District Court, then in the Family Court, you were admitted to the Bar and employed in the Public Defender's Office.

In 1977 you were appointed assistant Public Defender and stayed in that position until late 1989 when you left to begin private practice at the bar. You were not long there before you became the first woman to be made a Judge in Queensland. In 1991, you were appointed to the District Court, in the fruition of the seed planted by the Demack inquiry and you remained there for 7 years. Women in this state could not have hoped for a better first representative of our gender in the ranks of judges.



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I admit to being one of the people who expressed surprise when in 1998 you were appointed to replace Justice Fitzgerald as President of the Court of Appeal. You were young, still in your early 40's. The other members of the court were much older men who had not only formidable intellects, but, with all deference to the Honourable Geoff Davies who is present today, formidable personalities. They were not easy people to win over, but through hard work and application and strength of character you did just that. You won their respect and even their affection. Your 18 year tenure as the President of the Court of Appeal has been marked by two outstanding features, the atmosphere of civility in the Court and its remarkable efficiency.

As a barrister I observed your courtesy integrity and wisdom as a judge, as I did when I joined this court as a trial division Judge and sat from time to time on the Court of Appeal. But it was not until I joined the Court of Appeal in 2006 that I really came to understand and appreciate the part you played as head of jurisdiction. For almost a decade I saw your hard work, your unfailing good humour and your considerateness and kindness to your colleagues and court staff.

In more recent years I have come to understand the depth of your courage and integrity, as I think have all of us on this bench. At a time when the court was in need of leadership, you provided it. You did so at times facing unfounded and hurtful criticism. You always conducted yourself with dignity, resisting the temptation, despite some popular myth



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to the contrary, of ever descending into the public arena to respond or to criticise others.

Others today may well speak of your many roles where you worked for the public good: for example as a volunteer with the Aboriginal and Torres Strait Islander Legal Service, as founding member and later President of the Women Lawyers Association; as patron of the Women's Legal Service and convenor of the White Ribbon Breakfast committee which has raised hundreds of thousands of dollars for the Service. I will just mention that it has been common for you to use your annual leave to visit indigenous communities in remote parts of the State because of your deep and long-standing concern for the delivery of justice in those communities.

We on this Bench will all miss you very much indeed. Our sadness would be relieved by the knowledge that after 26 years as a judge you deserve and need some leisure, except that we all know you too well. We know that in no time at all you'll be as busy as ever, doing good works. You can't help yourself.

Ordinarily, judges retire and time washes away their imprint. After a while, their decisions stop being cited and unless their eccentricities are very marked, they are no longer the subject of anecdote. But I think you will be an exception. When history's assessment is made you will be remembered as one of the giants of this Court.



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Recognising Justice McMurdo's national importance as doyenne of the presidents of the Courts of Appeal, Mr Hughes will speak for both the Queensland Bar Association and the Australian Bar Association and Ms McLeod will similarly speak from a national perspective.

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Your almost 19-year tenure as President of the Court of Appeal has been marked by two outstanding features: the atmosphere of civility in the Court and its remarkable efficiency. As a barrister, I observed your courtesy, integrity and wisdom as a Judge, as I continued to do when I joined this Court as a trial division Judge, and sat from time to time on the Court of Appeal. But it was not until I joined the Court of Appeal, in 2006, that I really came to understand and appreciate the part you played as head of jurisdiction. For almost a decade I saw your hard



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