

WELCOME CEREMONY

MAGISTRATES

Wednesday 20 June, 2018

Brisbane Magistrates Court, Court 34, Level 7, 363 George Street, Brisbane

Chief Magistrate Rinaudo AM

9:00am Magistrates to line up outside Court 34 in order of seniority

9:15am: Housekeeping

Before I commence today's proceeding I would like to let all present know that these proceedings would usually be held in Court 17 (our ceremonial court). That court is currently under renovation. Live-streaming to Court 33 (next door) has been arranged to accommodate the overflow from this Court to ensure that no-one misses out on the occasion.

9:16am: Chief Magistrate commences welcome

It is my great pleasure to introduce and join with you in welcoming newly-appointed Magistrates:

- Philippa Beckinsale; and
- Viviana Keegan

as members of the Magistrates Court of Queensland.

I'd especially like to acknowledge and welcome:

- The Honourable Yvette D'Ath Attorney-General and Minister for Justice and Leader of the House
- The Honourable Chief Justice Catherine Holmes
- Justice Ann Lyons, Senior Judge Administrator of the Supreme Court
- Justice Graeme Crow of the Supreme Court
- Judge Paul Smith, Senior Judge Administrator of the District Court
- Judge Anne Demack of the Federal Circuit Court
- Member Peta Stilgoe of the Land Court
- Members of the Queensland Civil and Administrative Tribunal.

My comments, of course, are made on behalf of all Queensland Magistrates, including those present on the Bench with me today and those who are joined by video link today – as well as those who are unable to attend.

I also acknowledge the presence of:

- Mr Thomas Bradley QC, on behalf of the Bar Association of Queensland
- Mr Ken Taylor, President of the Queensland Law Society
- Mr David Mackie, Director-General, Department of Justice and Attorney-General
- Ms Jennifer Lang, Deputy Director-General, Department of Justice and Attorney-General
- Mr Michael Byrne QC, Director of Public Prosecutions
- Deputy Commissioner of Police, Tracy Lindford
- Ms Julie Steel, Executive Director, Supreme District Land Courts and other Senior Departmental Officers.

I acknowledge and welcome Ms Brigita Cunnington, Executive Director Magistrates Courts Services; Senior Registry Officers and Registry staff. As Executive Director and officers of the Court Ms Cunnington and the Registry staff throughout the State perform important administrative roles integral to the successful operation of the Court.

I also acknowledge those present who have, over the years, been professional work colleagues of our new magistrates.

I would, *in particular*, like to welcome the *relatives and friends* of our two (2) new Magistrates:

Her Honour Magistrate Philippa Beckinsale

- Her husband Jeff Clarke
- Her son Thomas Clarke and his partner Elizabeth Hamilton
- Her daughters Phoebe Clarke and Elizabeth Clarke
- Other family members.

Her Honour Viviana Keegan

- Her husband Noel Croker
- Her children Chloe and Zach
- Family members: Jose and Imelda Keegan; Leslie Keegan, Ray Crocker and Madonna Hayes.

Apologies have been received from a number of people including:

- His Honour Judge Horneman-Wren QC of the District Court; and
- Retired Judge Marshall Irwin of the District Court.

The Magistrates Court has a close and valued relationship throughout Queensland with the Aboriginal and Torres Strait Communities and their Elders. It is therefore fitting that I pause to acknowledge traditional owners of the land, where this courthouse stands and recognise the Elders past, present and emerging.

Today I thank the Honourable Attorney-General and the Judicial Appointments Advisory Panel as we welcome the latest two (2) appointments. These appointments are much needed and much appreciated.

It has been said¹ that the following qualities are required of a Judge:

- They must strive for the highest standards of integrity in both their professional and personal lives.
- They should be knowledgeable about the law.
- They should be willing to take in-depth legal research.
- Be able to write decisions that are clear and cogent.
- Their judgement should be sound. They should be able to make informed decisions that will stand up to close scrutiny.
- They should be fair and open-minded and should *appear* to be fair and open-minded.
- They should be good listeners but should be able, when required, to ask questions that get to the heart of the issue before the court.
- They should be courteous in the courtroom but firm when it is necessary to rein in a rambling lawyer, a disrespectful litigant or an unruly spectator.

To this list of qualities I add a few observations of my own in the context of the Magistrates Court:

- They should be aware that the extent of the jurisdiction of the Court is vast. It includes the jurisdiction of the Queensland Civil and Administrative Tribunal - all magistrates are ordinary members of QCAT. It includes industrial matters – all magistrates are Industrial Magistrates

¹ By the Supreme Court of Canada.

under the *Industrial Relations Act 2106*. A magistrate's work can include coronial work - all coroners are magistrates.

- The work of a magistrate is complex, and continues to increase in complexity. Today, I think it is fair to say that many more factors have to be taken into account in making a decision about a particular matter. On one hand (in the criminal jurisdiction for example) the move is to streamlining court processes. On the other hand (the Domestic and Family Violence jurisdiction for example) it seems that further principles and considerations are constantly being added, increasing the amount of time needed to deal with a matter.
- There is a trend towards increasing specialisation. There are specialist Childrens Court magistrates; specialist Domestic and Family Violence Court magistrates; a specialist Drug Court magistrate; and a specialist CourtLink magistrate. There are dedicated Murri Court magistrates who are arguably specialist in nature.
- Judging can be a lonely exercise – not because the magistrate is the sole decision-maker but because of the geographical circumstances the magistrate finds him or herself in.
- The work is relentless. Often there is little time to emotionally dispose of the contents of one case before embarking on another. The work of specialist magistrates has its own kind of relentlessness.
- In regional locations, a lot of travel can be involved as the magistrate drives or flies from one location to another....and on this point....it is important to note that *all* magistrates are expected to undertake country service.

In light of all this, and given recent events in the lives of our Victorian counterparts where in a 6-month period 2 magistrates took their own lives (at least in part due to their work load) - it would be no surprise to many of you if I said that *good health and resilience* of *all* magistrates is of utmost importance to me.

As a result of events in that State, the Chief Magistrate of Victoria has proposed a range of progressive measures to address the demands of office experienced by his magistrates - many of which are experienced by Queensland magistrates. Indeed Queensland magistrates hear and determine per capita more criminal matters than any other state.

In the coming months, I intend to enter into discussions with the Honourable Attorney-General to undertake similar initiatives in this State.

Turning to our new magistrates.

The new magistrates

Magistrate Beckinsale comes to the magistracy from QCAT, having been appointed a sessional member from 2009 and reappointed until December 2022. That appointment has come to an end as she takes up office as a magistrate.

His Honour Judge Alexander Horneman-Wren QC observed to me that Her Honour “...is a valued colleague from QCAT days where she was an exceptional regional sessional member.”

In her QCAT role she presided over hearings as a single member and on occasion constituted the Tribunal as a panel member with other members. She has demonstrated experience in sound decision-making and in the delivery of *ex tempore* and written reasons for decision. This is across a broad range of matters relevant to the jurisdiction of this court, including:

- Civil disputes such as dividing fences, tenancies and leases
- Reviews of decisions of various kinds, such as:
 - o child placement decisions
 - o decisions of local authorities under particular Acts
 - o decisions of the Department of Transport and Main Roads
 - o The Commissioner of Liquor and Gaming – to name a few.

She has experience in determining whether an adult has capacity to make decisions about personal, health care and financial matters.

She has extensive experience in dispute resolution having been a mediator in the Department’s Dispute Resolution Branch for more than 5 years. She is an accredited Family Dispute Resolution Practitioner.

This extensive decision-making and dispute resolution experience is welcomed by the Court.

Magistrate Beckinsale’s first appointment is to Rockhampton for 1 year. Her second appointment is also to Rockhampton - for a period of 2 years.

Having spent a significant part of her career at that location already, I'm sure she is looking forward to serving the community of Rockhampton in her new role.

Magistrate Keegan comes to the Court from the private bar. She brings with her extensive experience in both Civil and Criminal law.

As many of you know, Her Honour started her career as a Legal Officer at the Commonwealth Director of Public Prosecutions at Townsville. She practised in this role for a number of years before taking up employment with the State Office of the Director of Public Prosecutions.

There she worked her way up from Legal Officer to Principal Crown Prosecutor before leaving to go to the private bar in 2008.

At the private bar she was briefed in a range of complex civil and criminal matters. She was also briefed in Family Law matters. Like Magistrate Beckinsale she has experience in mediating complex disputes.

Her commitment to ongoing professional development is welcomed by the Court. I look forward to her participation in the forward planning of magistrate professional development events.

Magistrate Keegan's first appointment is to Toowoomba for 1 year. Her second appointment is to Townsville for 2 years.

Having spent much of *her* professional career at Townsville, I'm sure she *too* will, in due course, look forward to returning to the community to which she has already contributed so much.

I know I speak on behalf of all magistrates when I say that these new appointments are most welcomed. Both magistrates bring current Family Law experience to the Court. This experience is especially appreciated given the increased pressure on State and Territory Magistrates Courts to assume an expanded Family Law jurisdiction - should the legislation be passed.

We are indeed fortunate to have these new appointments to the Court. Their appointment brings the total number of magistrates to 100 including myself – although this figure takes into account two (2) current vacancies.

I welcome each of the new appointees and wish them well as they take up judicial office. I hope they find their new roles as interesting, challenging and rewarding as I have over the years.

9:30am: I'd now like to invite the Honourable Attorney-General to address the Court.

9:35am: Thank you. Mr Bradley QC representing the Bar Association of Queensland.

9:40am: Thank you. Mr Taylor, President Queensland Law Society.

9:45am: Thank you. Magistrate Beckinsale.

9:50am: Thank you. Magistrate Keegan.

9:55am: Thank you all for attending. I now invite you all to join the new magistrates, the Deputy Chief Magistrates, other magistrates and myself for morning tea on Level 9. The lifts will take you there. I direct the proceedings be recorded and transcribed.