



**Swearing in of the Hon Justice Catherine Holmes
as a Judge of Appeal
Banco Court
Friday 26 May 2006, 2:15pm**

**The Hon P de Jersey AC,
Chief Justice**

I am very pleased to congratulate Justice Holmes upon her appointment yesterday as a Judge of Appeal. I welcome her to that important role.

I speak for all the members of the court, including those who cannot be present at this ceremony, of which unfortunately very little public notice could be given. My preference for a ceremony on Monday was rendered impracticable because the President and members of the Court of Appeal will be sitting then in Townsville.

Hence a number of regrettable absences from the bench this afternoon: Justice Moynihan is interstate, Justice Byrne is sitting in Maryborough, Justice White is travelling interstate, and the Central, Northern and Far Northern Judges are sitting in their respective jurisdictions. Justice Douglas is travelling to Cairns where he is to speak at a conference.

But as I say, all Judges would wish to be associated with the observations I will be making this afternoon.

I note with pleasure the presence of the Attorney-General, who has left a busy session of the House, and the Director-General, and Judges from other courts, including the District Court, the Federal Court and the Family Court, and members of Tribunals. I also welcome retired Judges. (The Chief Judge is overseas, and the acting Chief Judge is interstate.)

I must say it was a matter of very pleasant coincidence for me to be presiding yesterday, as Deputy-Governor, at the meeting of Executive Council which actually made this appointment.



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Justice Holmes becomes the ninth Judge appointed to the Court of Appeal Division in its 15 year history, and the fourth appointed directly from the Trial Division. Her Honour was appointed to the Trial Division on 16 March 2000, and has since served with dedication and distinction. In addition to her other general duties, she oversaw the criminal list from July 2001 to November 2004, and has constituted the Mental Health Court since 28 February 2005.

There has been recent public mention of the Mental Health Court, though not with reference to Her Honour. I have to say that, like her immediate predecessor Justice Wilson – and others, Justice Holmes has exercised that very important jurisdiction with meticulous attention and dedication.

May I for a moment speak more broadly? It is a publicly beneficial jurisdiction. This is because it diverts offenders of unsound mind from the criminal justice stream to ensure they receive necessary psychiatric treatment. That potentially benefits the community, whereas the simple incarceration of these offenders without more would not. A major goal is protection of the community. That is in many cases achieved by forestalling – through treatment – further offending.

I caution that any public comment on the role of the Mental Health Court should be informed and measured. I can speak only for the Court, but I say, with conviction that its contribution to the overall well-being of the Queensland community in a very difficult area is manifest.

This, needless to say, is a sensitive jurisdiction to be exercised with great care. Consequently upon her current appointment, Justice Holmes relinquishes her role as Judge constituting the Mental Health Court. I am pleased to record that Justice Philippides has accepted appointment to that demanding position, an appointment also made yesterday by Executive Council.



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Justice Holmes came to the Supreme Court from a distinguished career at the Bar. Admitted to the Bar in 1984, she was after 15 years appointed Senior Counsel in December 1999. In 1998, she was admitted by the University of Queensland to the degree of Master of Laws. Her Honour had a wide practice at the bar, with emphasis on criminal law and administrative law. From 1994 until her appointment to the court in the year 2000, she was a part-time member of the Anti-Discrimination Tribunal, and served for a period in 1997 as Deputy President of the Queensland Community Corrections Board. During 1998 and 1999 she was Counsel Assisting the Forde Commission of Enquiry into child abuse. In 1999, she served for three months as an Acting Judge of the District Court.

Her Honour is clearly, through learning experience and wisdom, well-equipped to join the Court of Appeal, and it is an appointment which I warmly welcome. It is of the greatest importance that appointments to either division of this, the State's highest court, be of indisputably high quality.

Before inviting the Attorney-General to speak, I use the occasion to draw attention to a new publication, the Supreme Court History Programme Yearbook. Dr Michael White QC and Mr Aladin Rahemtula have edited the publication. They state their objectives as being "to provide a convenient reference point for legal practitioners, historians and researchers seeking historical information about the profession in a given year (and) to provide a forum for further original research and writing in the field of legal history, with a specific emphasis on that of Queensland". The book is a successor publication to the Queensland Legal Directory which was discontinued in 1982. Whereas that publication was spare and bland, this deluxe supplanter, or maybe our might more moderately say successor, has the capacity to interest and inspire, as well as record and instruct. The Supreme Court Library Committee intends it be published annually. I thank the editors and the Committee, and commend the publication to the profession and interested members of the public. My only slight concern, and it is entirely personal, is that reading this diverting work in my chambers has over recent days distracted me from the preparation of judgments. But then, any narrow judicial focus is to be actively discouraged.



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Attorney-General...

Mr Lyons QC, President of the Bar Association of Queensland...

Ms Mahon, Vice-President of the Queensland Law Society...

Justice Holmes...

I thank all speakers. Let these proceedings be recorded. I invite you, ladies and gentlemen, to join the Judges for afternoon tea in the Rare Books Precinct.