

# TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

JUDGE IRWIN, Chief Magistrate

VALEDICTORY CEREMONY FOR GREGORY  
MCINTYRE

TOOWOOMBA

..DATE 13/07/2007

THE COURT RESUMED

1

PAULA KATRINA TREZISE APPOINTED AS RECORDER

HIS HONOUR: Good morning and welcome to this historical  
valedictory ceremony to recognise the career and the  
contribution to the Queensland justice system of Magistrate  
Greg McIntyre who retired on the 2nd of July 2007. I say it  
is historical because as far as I know this is the first  
occasion on which a valedictory ceremony has been held for a  
Magistrate in Toowoomba.

10

20

I would like to acknowledge the traditional owners of the land  
on which we gather this morning and I am pleased to welcome  
the Attorney-General and Minister for Justice, the Honourable  
Kerry Shine who, of course, is well known in this area as the  
local member for Toowoomba North as well as being Attorney-  
General.

30

40

I also recognise and acknowledge Ms Briese from the Downs and  
South-west District Law Association of which she is President  
representing the President of the Queensland Society and also,  
Sergeant Greg Lewis who I understand will be making some  
remarks this morning on behalf of the Police Prosecution  
Corps.

50

This morning it is a privilege to preside with Magistrate  
McIntyre's Toowoomba colleague, Magistrate Bruce Schemioneck.

I would also like to acknowledge Greg's family and in  
particular, his wife, Leanne and I am also pleased to have  
with us this morning, Justice Lyons of the Supreme Court of  
Queensland and Judge Britton of the District Court. I also  
acknowledge Acting Magistrate Roger Stark and retired  
Magistrate Gordon Dean and Mr Mark Tranter of the University  
of Southern Queensland and who is currently the acting head of  
the law school as they embark on their very significant new  
venture.

I also have apologies extended from Acting Magistrate Skuse  
who is conducting Court elsewhere in Queensland today. And  
indeed, I welcome all of you, our distinguished guests.

I must say it is wonderful to see this courtroom being  
standing room only this morning. It is obviously an  
indication of the regard in which Magistrate McIntyre is held,  
given the number of you who have taken the trouble to attend  
this morning and also the broad cross-section of backgrounds  
from which everybody obviously comes.

Greg, your retirement has brought, as you know, to a close,  
nearly 40 years of service to the justice system including 14  
years as a Magistrate and before that, over six years as an

Acting Magistrate. Your first job was as a clerk of the Court or a clerk rather at the Court at Redcliffe, although I understand that for some of that time, you were also engaged in national service.

1

But since that time, following the peripatetic existence associated with our Court, the majority of your services being in regional Queensland, what is now legislatively known as "prescribed regional experience." As a clerk and as clerk of the Court, amongst other places, you have served at Oakey, Ingham, Cunnamulla and Townsville as well as Mount Isa and Innisfail where in each case, you returned as a Magistrate following your initial appointment as a Magistrate to the Emerald Magistrates Court.

10

20

30

In each of these places, you undertook a major circuit workload by travelling the long distances associated with those circuits to places such as Longreach and Winton and to the Cape communities and also the Gulf communities. I understand that your time in Mount Isa would also have given you the interesting opportunity to preside as a Magistrate during the historic or famous Birdsville races.

40

50

Since October of 2003, you have been the coordinating Magistrate in Toowoomba and I would like to take this opportunity to thank you for your contribution in that

60

capacity and throughout your career to the Queensland  
community. It is particularly important that Magistrates are  
prepared to serve in regional Queensland having regard to the  
size of this State and the extent of the decentralisation and  
the number of centres, which are over 100, where Magistrates  
are required to sit.

I know that the work that you have undertaken also involve  
sacrifices by your family and particularly in this case, by  
your partner, Leanne who in following her own professional  
career, has had to resign positions that she has held on the  
occasion of your transfers. I, therefore, take the  
opportunity to thank her as well for the support that she has  
obviously provided to you and therefore, to the Court, during  
your career.

In concluding, I would like to thank you for your collegiality  
in giving the Attorney-General and I sufficient notice of your  
retirement, approximately 10 weeks, in fact, to ensure that  
within a very short time, a new Magistrate will be appointed  
to Toowoomba. So, the profession here will notice little, if  
any, hiatus after today.

So, on behalf of the Queensland Magistracy, they have much  
pleasure in wishing you and Leanne a long, happy and a  
fulfilling retirement and our best wishes for the future in

13072007 D.1 T1-2/LG(MARO) M/T TOOW-05-50 (Irwin, Judge)  
whatever you decide to do throughout the rest of your life.  
I'd now call upon the Attorney-General of Queensland, the  
Honourable Kerry Shine to address the Court.

1

MR SHINE: Thank you, your Honour. Might I, first of all,  
acknowledge also the traditional owners of the land on which  
we gather today, yourself, the Chief Magistrate of Queensland,  
Judge Marshall Irwin, Magistrates, of course, Greg McIntyre  
and Bruce Schemioneck, her Honour Justice Lyons and Judge  
Britton, former Magistrates Gordon Dean and Acting Magistrate  
Roger Stark and with me at the table today, Kim Briese  
representing - as President of the Downs and South-west Law  
Association and Greg Lewis of the Police Prosecution branch in  
Toowoomba.

10

20

30

I am, of course, very pleased to be able to be here today on a  
very significant event in the life of this Court and the  
Magistrates Court throughout Queensland and more particularly,  
of course, in the life of Greg McIntyre and his wife. I was  
just thinking before when this huge crowd that's in this very  
large courtroom which is the first time I have been in, it is  
a splendid way to end a career and to be acknowledged for the  
things that you do.

40

50

I suspect it is going to be in stark contrast to the way in  
which I end my career on election night and with no

acknowledgement like this at all. So, I think public servants  
and Magistrates and Judges, in particular, can look forward to  
a pleasing exit from a job well done and a worth while one at  
that. I am, of course, pleased to be here both in my role as  
Attorney-General/Minister for Justice but also as the local or  
one of the local members for Toowoomba.

1

10

To acknowledge your Honour's most significant contribution  
over 40 years but throughout truly the length and breadth of  
Queensland but also, of course, as a local member, to  
acknowledge what you have done and your enormous contribution  
for the people of Toowoomba which is my area as well. I have  
had on occasions at the Magistrates Court of recent times to  
quote some words of Sir Gerard Brennan who referred to local  
Magistrates as "the familiar face of justice." He himself, of  
course, had a fair bit to do with Toowoomba in the sense that  
his father, Frank Brennan, was the member for Toowoomba from  
1918 to 1925.

20

30

40

Magistrate McIntyre, your service in our community as the  
Toowoomba Magistrate is indeed highly regarded and you have  
been in Sir Gerard's words, "a familiar face of justice in our  
community." But over all four decades, you have been a face  
of justice across that wide State of ours, Queensland. I will  
not recount in detail the geographical places that his Honour  
referred to before but it is extensive commencing at Redcliffe

50

and ending today at Toowoomba and those places that he mentioned, of course, did not include countless centres that you visited as a circuit Magistrate as well.

Any work transfer can be unsettling for careers but also, of course, more importantly, families. And so, I too would like to acknowledge the commitment and the sacrifice of your wife, Leanne and your family that they have made to support you as well as his Honour mentioned the Court system over that period of time. I have been told and I accept unreservedly that the McIntyre family have always made the effort to become locals in the centres to which you have been transferred and their efforts have been rewarded with many lasting friendships as is indicated by the extent of the support that you are receiving here today.

Magistrate McIntyre, shortly after you joined the service of our Courts, Robert Kennedy, one of the world's greatest attorneys-general in my time, was tragically shot and killed. He famously said on one occasion, "Let no one be discouraged by the belief that there is nothing one man can do about the enormous array of the world's ills against misery and ignorance and justice and violence. Few will have the greatness to bend history itself but each of you can change a small portion of events and in the total of all those acts, will be written in the history of this generation."



So, Magistrate McIntyre, over almost four decades, you have  
changed more than a small portion of events for many  
Queenslanders and your role and your contribution will, as  
Kennedy said, be written in the history of this generation.  
Thank you for your contribution.

1  
  
  
  
  
  
  
  
  
  
10

HIS HONOUR: Thank you, Mr Attorney. I now invite Ms Brieese  
to address the Court.

20

MS BRIESE: Thank you, your Honours. His Honour, the Chief  
Magistrate Judge Marshall Irwin, Magistrate Greg McIntyre,  
your wife and members of your family, the Honourable Attorney-  
General and Minister for Justice, Mr Kerry Shine, members of  
the judiciary, friends and colleagues, distinguished guests,  
ladies and gentlemen. It is with much pleasure that I have  
been asked to speak today as President of the Downs and South-  
west Law Association but on this occasion, I represent not  
only the local members of the profession but of the profession  
State wide and specifically, the Queensland Law Society.

30  
  
  
  
  
  
  
  
  
  
40

The incoming President, Mrs Megan Mahon, apologises that she  
cannot be here this morning to farewell, your Honour, however  
she sends her warmest regards and best wishes for the future  
to you Magistrate McIntyre and your family.

50

As we have heard, his Honour has had a long and distinguished career. There is scarcely a regional or rural centre that he has not either held Court in or worked in, in some other capacity. I am certain that his career and particularly his appointment to the Bench has not been without some difficulties and challenges. He is fortunate, however, that he is part of the McIntyre clan, the clan motto being per arguia, through difficulties and true to his clan, he has persevered with stoic commitment to achieve much in his career.

1

10

20

His Honour is one of the last Magistrates of our vanishing breed who have come through the ranks of the system, having begun as a Department of Justice clerk in 1968 and slowly and steadily, rising through the ranks to become a clerk of the Court during the 1980's, as we have heard in many centres. It was during this period that his Honour studied law externally through the Queensland University of Technology and was admitted as a solicitor in Townsville in 1991.

30

40

There were numerous stints as an Acting Magistrate over what could be considered a 25 year apprenticeship before he was appointed to the Bench in September 1993. The old school Magistrates who came through the system as his Honour did brought to the Bench an in-depth understanding of Queensland and of Queenslanders, an administration of justice and an

50

acute appreciation of the law. Magistrate McIntyre is a distinguished and well respected example of that tradition.

1

For the past four years, we have been fortunate to have him here in Toowoomba in what I understand to have been his home town. I personally am not sure what my morning read of the Toowoomba Chronicle will be from now on without looking for the pearls of wisdom and the insightful observations that his Honour has often shared with defendants during sentencing. I understand, however, that what will be a loss for the local Bench will be a significant gain for the Toowoomba Valleys Rugby League Club, so we are delighted that his Honour and his wife will be staying on in Toowoomba.

10

20

30

I also heard a whisper though that his Honour and his wife are planning to visit Scotland during their retirement and courtesy of the world of Google, I am able to advise that in 2008, beginning one year and three days from this special occasion, there will be a world gathering of the McIntyres, the ancient and royally blooded clan of the gale near their ancestral home of Glencoe in Scotland. Should his Honour require any additional information and a guide for those travels, I would be happy to accommodate you.

40

50

Whatever paths retirement will take for you, your Honour, you and your wife go with the grateful thanks of this and many

other communities and of our profession. I wish you both health, happiness and every prosperity for your future. Thank you.

1

HIS HONOUR: Thank you, Ms Briese and Mr Hardcastle, I know that you received a late brief this morning to represent the Bar Association in these proceedings. So, as a late entry to the field, could I invite you to approach the Bar table.

10

MR HARDCASTLE: Thank you, Chief Judge Irwin - Chief Magistrate Judge Irwin, sorry, Attorney, ladies and gentlemen and particularly, the honoured guest today, Mr McIntyre. Firstly, apologise for being a little late; the traffic is not so good coming through Brisbane these days. I was requested last evening by Mr Fraser to speak on behalf of the Bar Association today and I do that rather proudly.

20

30

Having been in the Magistrates Court service myself as a young boy and particularly in this town, it is rather fitting, I would say, being born and bred in Toowoomba, to wish you well and farewell you on this occasion of your retirement. I am sure that you will make the best of it and for those of us who have ever appeared before you, we wish you well. But we, on behalf of the Bar, have appreciated your leadership from the Bench from time to time and I have heard on many occasions

40

50

only good things about the decisions which you have made. And  
so, therefore, we wish you all the best.

1

I understand other local members of the Bar could not be here  
today due to other commitments and on their behalf, we wish  
you well as well and apologise for their absence. Thank you.

10

HIS HONOUR: Yes. Thank you, Mr Hardcastle. And I would also  
like to give you an opportunity Sergeant Lewis to address the  
Court on behalf of the Police Prosecution Corps of the  
Queensland Police Service.

20

SGT LEWIS: Thank you, your Honour. It is a pleasure to say a  
few words on Greg's behalf. The Honorary Attorney-General,  
Justices of the Superior Courts, the District and Supreme  
Courts and the sitting Magistrates from this Court, Acting  
Magistrates of this Court, I welcome you here. And all my  
friends of the - solicitors, I notice a lot of them here and  
present and I know they think highly of you, Greg.

30

40

I only met Greg when he first come to Toowoomba, so it has  
only been a short association but it has been somewhat warm  
and always found that he was a very approachable person and  
extremely knowledgeable person. Even though in this business  
as Mr Hardcastle, I know some decisions always do not go our  
way and always do not go the way of the legal fraternity

50

neither but always found Greg's decisions to be very well grounded and he explained them fully, even on instances where we had unrepresented defendants. And I do not remember any of them going out all that aggrieved after he had made his decision because he delivers it in such a well grounded manner.

On a personal level, as Ms Briese said that Greg's - I guess they term, "the old school Magistrates" that have come up through the system but I have always found him to be extremely fair and even on some instances, more than extremely fair.

When we have had some elderly people in the Court and it is a shame that they are actually here because they only come to notice when they have made some minor traffic offence and they have been issued with something and they come along and they have spent their day in Court. They have been harangued by the Prosecutor and we have successfully prosecuted our case, only to see them go back to the Bench and get convicted and not further punished. And the Magistrate's had always indicated that getting harangued by the Prosecutor in a witness box is punishment enough for them and I fully agree with that course, your Honour.

As I said, it has been a pleasure over the years that I have served with Greg and I would like to thank him. I have always believed he is - there were some words of a colleague of yours

from Western Australia some years ago and it was quoted in the newspapers. He said, "I have to sit here and listen to it but I don't have to believe it." And I have always believed that Greg has had that approach to his career and his job and he has administered justice in a very fair manner throughout his time when I have been in front of him and I thank him for that.

The only disagreement we have ever had is in relation to his support of the Eels and I think that will continue. Thanks very much, your Honour.

HIS HONOUR: Well, Magistrate McIntyre, firstly, thank you, Sergeant Lewis for those kind words and again a demonstration by the plaudits that have come from every section of the profession, Prosecutors, defence counsel, just an indication of how fair and balanced Greg has obviously been as a Magistrate over the time that he has been in Toowoomba and throughout his career but Magistrate McIntyre this is your opportunity to deliver your last decision from which there will be no reply and no appeal.

MAGISTRATE McINTYRE: Okay. Thank you. First of all, I would like to thank the Chief Magistrate, Judge Irwin, the Attorney-General, Mr Kerry Shine, my fellow Magistrate, Mr Bruce

Schemioneck, fellow retired Magistrate Gordon Dean and all the other speakers for their kind words and good wishes.

1

The past 40 years seem to have flown by. It only seems like yesterday that I started my service as an officer of the Magistrates Court service as a postage clerk at the Redcliffe Courthouse. Except for 18 months in the Army, including a small south-east Asian working holiday, I have made the Magistrates Court my career.

10

20

It has been an honour to live and serve all over Queensland from the far south-west in Cunnamulla to the far north-west border at Camooweal, the far north at Thursday Island, the central west at Longreach, Fraser Coast at Maryborough, the central west at Emerald, north Queensland at Innisfail and Townsville, south-east Queensland metropolitan Brisbane, Southport and finally, home to God's country, Toowoomba and many other centres both big and small in between.

30

40

I have never lived and worked in a town that I regretted moving to. I was always reluctant to leave, as every town has something unique to offer for those who are willing to experience different ways of enjoying life.

50

Leanne and I have enjoyed becoming a part of the communities we moved to by joining clubs, socialising with everyone,



meeting new friends and generally having a great time. In the immortal words of Tommy Radonikis, "My only regret is that I'm not young enough to go and do it all again."

1

It has been as much an adventure as a career, doors opening on planes whilst flying over the Gulf Carpentaria; being locked down in the police precincts during a riot at Aboriginal community; to dodging lecterns at Normanton; avoiding very hungry crocodiles at Edward River, to gaoling Santa Claus at Emerald on Christmas Eve for a little pre-holiday break and entering.

10

20

The transferring was never easy; you would think that after packing all our goods and chattels and dogs over 10 times, it would get easier but as all of us who are subject to regular transfers will know, that no matter how well organised our wives are - and we really know that they do most of the work - it can and usually does go to hell in a hand cart in the blinking of an eye.

30

40

Our most memorable shift was from Townsville to Emerald on my first appointment as a Magistrate. In those days, we drove a red Falcon station wagon. It was very old and had seen better days. You could only start it by pouring metho down the carburettor. This method of getting the car started sometimes caused flames to shoot out, which unfortunately started a

50



13072007 D.1 T1-2/LG(MARO) M/T TOOW-05-50 (Irwin, Judge)  
system when I joined encouraged officers like me who had no  
affiliation and from a Housing Commission background, the  
opportunity to advance through the Department from postage  
clerk to Magistrate. I would especially like to thank all  
those I have worked with as clerks, Registrars and  
Magistrates.

1  
10

I will now admit that I do have terrible handwriting. It was  
my fault when you could not decipher it. Special thanks to  
all my long suffering deps clerks from Emerald, Innisfail,  
Mount Isa and finally, Toowoomba who had to wade through all  
the charge sheets to try and indicate what I'd written. Your  
patience and good humour is very much appreciated.

20  
30

It appears to be that these types of ceremonies are perfect  
platforms for a change - bit of controversy but that is not  
me. The main change that I would like to see is for the  
police prosecution to have its own appeal section. No  
disrespect is meant to the DPP but the police have the  
Magistrates Court experience and they would be best placed to  
run their appeals as they do have the qualified staff to let  
the DPP concentrate on higher Courts.

40  
50

I feel this is important because as the police hardly ever  
appeal, the appeal system to the District Court is out of  
kilter. Some of the best case law that we have today,

13072007 D.1 T1-2/LG(MARO) M/T TOOW-05-50 (Irwin, Judge)  
originated from the police prosecution appeals. Also, the  
majority of residing Magistrates now come from private  
practice, they may not possess the neutrality that  
automatically comes from being a Registrar when you are first  
appointed.

1  
  
  
  
  
  
  
  
  
  
10

I would also like to thank all the solicitors and barristers  
that have appeared before me, the corrective services  
officers, children services and child protection officers,  
Queensland Police Service and especially, their Prosecutors,  
Court Reporting for deciphering my mumbles and anyone I have  
forgotten.

20

Most importantly, I would like to thank my wife, Leanne who  
has made the journey so much more enjoyable and worthwhile. I  
really do not know what I would have done without her. Leanne  
has been with me in the good times and not so good times, the  
disappointing times from the oven hot summers to hot and humid  
cyclone prone Innisfail and finally, to wintry Toowoomba.

30  
  
  
  
  
  
  
  
  
  
40

After nearly 40 years of service as an officer of the  
Magistrates Court service, either as an officer of the  
Magistrates Court service or an Acting Magistrate and  
Magistrate, this was not an easy decision to make. However,  
at this stage, I feel that at this time I am young enough to

50

pursue other interests and it is time to start the next  
chapter of my life with Leanne. Thank you very much everyone.

1

HIS HONOUR: Well, while these are sad occasions, I hope that  
they are also times of celebration, particularly when  
Magistrates like Greg have made the decision it is time for  
them after 40 years of service to look to other parts of their  
life with their families. I would like to thank Brett Moody  
of the Toowoomba Magistrates Court who has organised this  
morning's proceedings. I would also like to invite anybody  
who has the time, to join us this morning to gather for  
morning tea in the jury room which is immediately behind us,  
although I think given the number of people that are here, we  
might be spilling out into the courtroom.

10

20

30

I would certainly again like to thank Justice Lyons and Judge  
Britton for their cooperation and support for these  
proceedings and having said that, these proceedings are  
adjourned. I look forward to seeing you more informally in a  
moment. Good morning. Thank you.

40

THE COURT ADJOURNED

50