



Swearing In Ceremony

The Hon. Judges McDonnell and Holliday QC

Monday, 18 October 2021 at 9:15am

Banco Court

QEII Court Building, Brisbane

- May it please the Court.
- I am honoured to be here today, on behalf of the solicitors branch of the profession, to welcome Your Honours to the bench of the District Court of Queensland.
- Your Honours are joining a perennially busy Court that sits in 32 locations right across our large, decentralised State.
- Its jurisdiction is wide encompassing civil disputes of all kinds, including some of the most intractable, and the majority of serious criminal cases dealt with by our Courts.

- In addition, it has specialist jurisdictions such as the Planning and Environment Court and the Children's Court.
- It is known to be a collegiate bench of hard-working judges, committed to the service of the people of Queensland. By necessity the Judges of this Court must possess high levels of expertise, and be flexible to deliver justice where ever it is needed.
- Like this multi-faceted Court, Your Honours bring with you very different, yet highly relevant experience gained from successful careers in legal practice.
- The people of Queensland are fortunate when respected and talented practitioners, such as Your Honours, are willing to serve the public by accepting commissions as Judges.
- While it is true that Judges are at the apex of our system of justice, and wield significant power, it is not a position for those who seek power or glory.

- Of course, it is day of celebration, that your achievements have been recognised by appointment to the bench, but it is also a solemn occasion because of the oaths of service you have taken.
- To discharge those oaths fully will require all the qualities you have each demonstrated: agility of intellect; propensity for hard work; and wise discernment.
- Your Honours will preside over complex civil disputes, and deliver sanction, on behalf of the community, in many serious, complex and often tragic criminal law cases.
- The solicitors of Queensland are confident that you do so with humility, compassion and distinction.

- **Judge McDonnell**, as a highly experienced solicitor your appointment to this Court is matter of significant celebration for the members of the Queensland Law Society.
- Your Honour has been a leader in our branch of the profession, contributing generously over many years to the Queensland Law Society through our Planning and Environment Law Policy Committee.
- Happily, your special focus in that work was consultations about the practice and procedures of the Planning and Environment Court.
- Your contribution is deeply appreciated by the Queensland Law Society and its members.
- Your breadth and depth of experience, both in planning and environment law and more recently in decision-making for the Queensland Civil and Administrative Tribunal, makes you ideally suited for the many challenges to be found in the proceedings before this Court.

- Your Honour took up a career in law following the example of your father, **Don Hurwood**, who was a noted solicitor in Bundaberg. You have worked with many several leading solicitors. After attending boarding school in Brisbane, you remained here, completing five year articles of clerkship with the respected solicitor, **Tom Nulty**.
- At Minter Ellison where you spent much of your private practice career, you worked with the renowned **Russell Bowie**. The two of you were known as the greatest of teams and premier in planning litigation. Many would see you and Russell briskly walking to court before an important matter, ready to take on the next planning or valuation hearing.
- The Planning and Environment Court is recognised as an exemplary environment court by the United Nations Environment Program. It is also a Court which has consistently embraced the use of technology to advance the interests of the court, litigants and their representatives.

- In this regard the P&E jurisdiction has been described by many as Court that facilitates legal practitioners to give of their best.
- I am confident that has been Your Honour's experience, and will be an important feature of the Planning and Environment jurisdiction for some time to come.
- When we sought background from colleagues for this speech, our inquiries were only met with positive endorsements and high levels of respect for your abilities and your steadfast approach.
- We sought outrageous stories from your trusted colleagues and friends, but we soon learned that they either they were trusted for a reason, or there are no outrageous stories to be had. I suspect both are true.

- You were remarked to be ever the perfect professional, even when making a hasty handover of current litigation matters with your great collaborator Russell Bowie at the hospital when your first daughter, Emma decided it was time to arrive earlier than expected.
- It was remarked that Your Honour is the most organised of people and the most loyal of friends. You are known for your generosity of spirit, and quiet acts of charity.
- Beyond Your Honour's private practice experience, you have discharged a very successful period as a Sessional Member of the Queensland Civil and Administrative Tribunal across the occupational regulation, child protection, building, retail shop leasing and administrative review jurisdictions.

- During this time, you have presided over some testing and unique cases – including deciding whether a folk singing protester who broke into the Pine Gap facility and defiantly played musical instruments should be issued a blue card to work with children.¹.
- In this and your many other decisions, Your Honour has displayed a deep appreciation of the matters before you, and demonstrated that justice is best delivered firmly but with compassion for the human condition.
- **Judge Holliday**, when we sought background from colleagues, our inquiries were met with a profound respect for your abilities as a formidable advocate.
- Solicitors spoke also of the generosity you have displayed towards them - giving of your advice on brief or otherwise, as a colleague.

¹ <https://inql.com.au/news/2020/09/21/how-military-base-protestor-won-back-his-right-to-work-with-qld-children/>

- That spirit of cooperation and sharing of your deep expertise with our branch of the profession is much appreciated.
- I will not restate Your Honour's extensive qualifications and experience, other than to note that your background as a senior prosecutor and highly successful private counsel in criminal, administrative and regulatory matters has equipped you ideally for appointment to this Court.
- Your work in regulatory and disciplinary matters, and your experience in the Queensland Coal Mining Board of Inquiry and various Inquests will be of particular benefit for the task ahead.
- Your Honour's reputation is as the consummate counsel, well prepared, formidable in argument and able to hold ground when needed.
- Very relevantly for solicitors, you have a reputation for satisfying even the most demanding and experienced of briefing solicitors.

- You have been a generous contributor to the profession, including, as we have heard to the ethics committee of the bar.
- However, Your Honour's generosity with your time and expertise also extended to professional development for the solicitor's branch of the profession.
- Some still talk about the QLS Symposium presentation you did with Dan Rogers on coronial inquests and our members are grateful for the wisdom, expertise and guidance you have so willingly shared.
- Queensland's solicitors congratulate both Your Honours on your appointments, we assure you of our support, and wish you both every success.
- May it please the Court.