



**ADDRESS OF THE PRESIDENT DAMIEN O'BRIEN KC ON THE
OCCASION OF A WELCOME CEREMONY FOR JUDGE HEATON KC,
JUDGE TREVIÑO KC AND JUDGE POWER KC ON THURSDAY, 21
SEPTEMBER 2023**

1. May it please the Court.
2. It gives me great pleasure to speak on behalf of the barristers of Queensland at this welcome ceremony for your Honours Judge Heaton KC, Judge Treviño KC and Judge Power KC.
3. Each of you have had outstanding careers and bring to this Court decades of experience and expertise in the criminal law, which forms so much of the important work that this Court does. These are excellent appointments, extremely well received, and I want to publicly acknowledge and thank the Attorney General for making them.
4. I extend a particular welcome to the members of your Honours' immediate and extended family and close friends who join us here today. They have every right to be proud of your achievements and your appointment to this Court. We all know that life at the Bar is difficult and we could not do the job we do without the love and support of those dear to us. It is fitting that you are here today to celebrate this occasion and that your contribution be recognised.
5. **JUDGE HEATON**, your career as a barrister has been one centred around public service.
6. Having Graduated with a Bachelor of Laws from QIT in 1988, your Honour commenced with the DPP in 1989. You were called to the Bar in 1990 and were appointed as a Legal Officer in the same year.

7. You were then appointed a Crown Prosecutor in 1992. You remained a Crown Prosecutor until being appointed a Deputy Public Defender in 2007.
8. Unsurprisingly, your Honour's took silk in 2010.
9. You remained a Deputy Public Defender until 2016 when you returned to the ODPP as Deputy Director in 2016. You then became Director of the ODPP in 2020.
10. Those roles, as Deputy Director and Director of the ODPP, are very substantial roles requiring a range of skills as you supervise a large workforce as well as advise on, and appear in, the most complex and important criminal cases in Queensland.
11. Throughout your Honour's career your Honour built up a reputation as a fine trial lawyer whose ability to engage a jury was second to none.
12. As you became more senior, you developed an extraordinary appellate practice becoming admired for your clear and concise submissions. The extent of that experience and expertise is reflected in the extraordinary statistics that your Honour appeared in 272 published decisions of the Court of Appeal while with the ODPP and 35 decisions of the High Court.
13. In being appointed to this Court you join the past three Directors of the ODPP, Judges Clare, Moynihan SC, and Byrne as well as former colleagues Judges Deveraux, Loury, Cash and Wooldridge and now Power. You will be well and truly amongst friends on this Court.
14. Your Honour has given also back to the profession. You were a member of the Bar Council with me between 2018 and 2022 where I was lucky enough to build up a friendship with you and take your wise counsel. You have also been a regular presenter at Bar seminars and conferences and have been an instructor and board member of Advocacy Institute of Australia for many years.
15. This stellar career of public service continues with your Honour accepting this very deserved appointment.

16. **JUDGE TREVIÑO KC**, the cheers of approval from the good people of North Queensland at your appointment could be heard all the way down here in Brisbane.
17. Your Honour graduated with a Bachelor of Laws with Honours from Griffith University. You were Associate to Justice Mullins in 2003 (as her Honour then was) and Justice Jerrard in 2004. It is wonderful that President Mullins is here today to see one of her former associates become part of this Court.
18. Your Honour was called to the Bar in 2005 and commenced practice in Cairns. As is often the case in our regional bars, your Honour developed a broad practice. While your Honour focussed on criminal law, you also worked in family law (for parties and as an Independent Children's Lawyer), succession, personal injuries, regulatory matters and general commercial law. Your Honour quickly built up a busy practice with a well-deserved reputation for hard work and as a persuasive advocate.
19. That culminated in your Honour taking silk in 2020.
20. Your Honour has always been a contributor outside of Court. You are a past member of the Management Committee of the Cairns Community Legal Centre, a long time lecturer and advocacy coach with the James Cook University, as well as a past member of the Professional Conduct Committee and chair of the Regional Issues Committee of the BAQ.
21. More recently you have served as a member of the Bar Council with me where again I was able to build up a friendship and see your strong advocacy for regional members of the Bar in action.
22. The people of North Queensland deserved to have one of their own appointed to serve their community and I know, from the feedback that I have received, that that community is very grateful that you have accepted this appointment.
23. **JUDGE POWER KC**, your Honour and I go a long way back.

24. We met at the University of Queensland in the late 80's while studying law. We teamed up to become moot partners in the UQ Moot competition where we had some success. That much some in this room may know.
25. What is not so well known is that at your Honour and I actually also studied drama together at UQ. Now I can tell you studying drama in the late 80's at UQ was interesting. That is an understatement. It was an eclectic bunch of students that joined us in performances of Oscar Wilde's *Salome*, Chekhov's *The Cherry Orchard* and Ibsen's *A Doll's House* and *Hedda Gabler*. We were by far and away the most restrained of all of the students. I think we were the only two who wore shoes.
26. But from those times at University I was able to get to know your Honour as a man of quiet strength, character and unfailing charm and courtesy. Characteristics that have been ever present throughout your Honour's interesting and busy career.
27. Your Honour was associate to Justice Dowsett in 1995. It is great to see the Honourable John Dowsett here today.
28. You then worked as a solicitor for Freehill Hollingdale and Page Solicitors between 1996 and 1998, before pivoting towards the criminal law when you joined Roberston O'Gorman in 1999 for three years.
29. You left Australia and worked for the Legal Aid Society of New York working to improve access to treatment and the conditions of incarceration for severely mentally ill prisoners before returning to Queensland and working for Legal Aid from 2002-2004.
30. You were called to the Bar in 2004 and appointed Crown Prosecutor with the ODPP in 2005.
31. While at the ODPP you undertook further study at the University of Oxford, graduating with a Masters of Science in Criminology and Criminal Law in 2008.

32. You came to the Private Bar in 2015 and built up a busy practice in criminal, regulatory matters and commissions of inquiry. You acted for a community group in the Grantham Flood Inquiry and was Counsel Assisting the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. You were also appointed a Sessional Commissioner with the Queensland Crime and Corruption Commission in 2018.
33. During this time at the private Bar you were also a member of both the Criminal Law Committee and the University Relations Committee of the BAQ.
34. In 2021, your hard work, expertise and skill was appropriately recognised with your appointment as Silk.
35. Judge Heaton, Judge Treviño and Judge Power KC to become a judge of this Honourable Court is to answer a call to public service. Your Honours' extensive contributions to the profession and the community are such that it was no surprise that your Honours answered that call when the opportunity arose. For that sacrifice and commitment, the legal profession and the broader Queensland community are extremely grateful.
36. The Bar has every confidence that your Honours' intellectual ability and integrity, sense of compassion and justice, patience and calm demeanours will put your Honours in good stead for a long and very successful life on the bench.
37. The Bar congratulates you and extends to you, and your family, their best wishes on this well-deserved appointment.
38. May it please the court.