



**ADDRESS OF THE PRESIDENT, MR G A THOMPSON QC,
ON THE OCCASION OF THE VALEDICTORY CEREMONY FOR
THE HONOURABLE JUSTICE JOHN DOWSETT AM
OF THE FEDERAL COURT OF AUSTRALIA
ON THURSDAY 26 APRIL 2018**

May it please the Court

Your Honour, Chief Justice Allsop, Your Honour, Justice Dowsett AM, Your Excellency, the Governor of Queensland and Mrs de Jersey, Your Honour the Chief Justice of Australia, Justices of the High Court of Australia, The Hon Ian Callinan AC QC, Justices of the Federal Court, Deputy Chief Justice of the Family Court; President of the Queensland Court of Appeal, Justices of the Supreme Court of Queensland; Justices of the Family Court; Current members of the judiciary, Retired members of the judiciary, Distinguished guests, Mr Evans; Mr Solicitor-General; Mr Hughes QC, Mr Taylor, President of the Queensland Law Society; Members of the profession, ladies and gentlemen.

Justice Dowsett, I have the honour to represent the Barristers of Queensland on this occasion at which we acknowledge and thank your Honour for your extraordinary service to the administration of justice, to legal education, to judicial education and to the community at large.

Being the third speaker is always difficult because much of what I have to say has already been said about your Honour by the previous speakers. I will try not to be repetitive.

You started your career as an advocate as Captain of Debating at Brisbane Grammar School. You were called to the Bar in 1972 and appointed Queens Counsel in 1982, after only 10 years as a junior counsel. An acknowledgement in itself of your Honour's skill and reputation as an advocate. Three years later, in 1985, at the age of 37, you were appointed a Justice of the Supreme Court of Queensland.

At the time of taking silk, your Honour had an extremely busy and commanding commercial practice, as well as practicing in many other areas of the law. You shared Chambers on the 18th Level of what was then called the MLC Building with 3 other busy commercial juniors, all of whom are here today to join in recognising and honouring your contribution. John Byrne AO RFD (a debating competitor from your school days, later to be appointed to the Supreme Court of Queensland, and who retired recently after serving as the Senior Judge Administrator of that Court) – you outlasted him. Edward Lennon QC and Philip Morrison (now a Justice of the Queensland Court of Appeal).

When Byrne, Dowsett and Lennon all took silk, their Chambers on Level 18 of the MLC Building was a formidable centre of commercial advocacy. Your Honour appeared as Counsel in a number of important cases. In the High Court of Australia, in the well-known contract rectification case, *Pukallus v Cameron* 180 CLR 447, your Honour's submissions were described in the reasons of one Justice as "a clear and forthright presentation". As barristers

we recognise that such a judicial accolade is very rarely conferred - even more rarely from the High Court of Australia. It comes to only the most exceptional advocates.

I, like many present today, was fortunate enough to be briefed as a junior to your Honour. An opportunity to observe a skilled advocate at close quarters. Your Honour's style of advocacy eschewed flamboyancy and imprecision. But more than that, your Honour and the members of those Level 18 MLC Chambers, were famous for their collegiality, particularly toward younger members of the Bar. They stood then (and remain in the memory of those who enjoyed that collegiality), as exemplars for the very finest attributes of the Bar.

It was a significant loss to the Bar, but a momentous gain for the Supreme Court of Queensland, when your Honour and, a short time later, Justice Bryne, were appointed to the Bench after such a very brief period as leaders of the Bar. Your Honour served on the bench of the Supreme Court of Queensland for a period of thirteen years. As we have heard, your Honour was appointed as a Justice of the Federal Court of Australia in 1998, and has served on this bench for a period of twenty years. Your Honour has also been an additional Justice of the Supreme Court of the Australian Capital Territory since 2004.

Over your extraordinarily long period on the bench, your Honour has presided over a vast array of important and often challenging cases, both at first instance and as an appeal judge in the Full Court of the Federal Court. You have undertaken and fulfilled that challenge efficiently, fairly and with high intellect.

[In response to Hughes QC's statement on behalf of the ABA that "...after remarking that your Honour would be sadly missed, Mr Hutley S.C. with the safety of distance was bold enough to say that from time to time your Honour had "exploded" in court; but was also honest enough to say that it was almost always a deserved expression of exasperation"]

Although regularly deploying a sharp wit, I can't say I have witnessed "explosions" referred by Mr Hutley S.C., but perhaps, like your Honour, from time to time, I have also found some of our southern colleagues "exasperating". For my part it has always been a pleasure to appear before your Honour, but knowing also that your Honour expected Counsel who appeared before you to be properly prepared and to present cases with a high degree of competence.

Your Honour was made a Member of the General Division of the Order of Australia in 2012 for "service to the law and to the judiciary, to professional associations, and to legal education in the area of litigation and dispute resolution". Throughout your career at both the Bar and on the Bench your Honour has taken a keen and active interest in teaching advocacy.

Over the years, your Honour has given a number of papers and lectures to the Bar Practice Course and to the Bar: Notable among them was a paper entitled "Pitfalls for Young Barristers" given in 1988, which has often been referred to since and which contains a miscellany of pointers for young and old advocates.

The Bar Association of Queensland appointed your Honour a Life Member in 2010 in recognition of your extraordinary contribution to legal education, and in particular for the Bar in the development of the advocacy skills of its members. Your Honour was Chair of the Bar Association's Continuing Professional Development Committee from 2004 to 2011, and has continued to be involved since, having most recently delivered an enlightening, but perhaps misnamed, keynote address at the Bar Association's Annual Conference in March this year.

Your Honour has been a Community Ordinary Member of The College of Law since 2011, and was made an Honorary LL.M and Fellow in 2016. Your Honour has been the Chair of The University of Queensland Law School Advisory Board since 2014, and was appointed as an Adjunct Professor in The University of Queensland, TC Beirne School of Law, in 2017.

Your role in education has not been confined to the Bar. Your Honour has also played a pivotal role in judicial education. Your Honour's role in this capacity has already been extensively addressed by the Chief Justice, and I will not repeat it, apart from observing that it has been extensive.

Your Honour is about to embark upon a new challenge: as President of the Native Title Tribunal. Possibly in breach of copyright, to adopt some lyrics from the late 1960s American country and rock band, "Alabama": "You can't keep a good man down."

On behalf of the Bar Association and its members, I extend to your Honour our gratitude for your Honour's service to the law, the administration of justice, particularly in Queensland, to legal education and to the profession.

We extend to your Honour our best wishes for your new role and for the future.

May it please the Court