



**ADDRESS OF THE PRESIDENT'S REPRESENTATIVE,  
MR DAMIEN O'BRIEN QC,  
ON THE OCCASION OF THE VALEDICTORY CEREMONY FOR  
LAND COURT MEMBER PAUL SMITH  
ON FRIDAY 17 MAY 2019**

President Kingham, your Honour, Member Smith, other members of the Land Court and Registrars of the Land Court, Chief Justice Holmes, Justice Mullins, Justice Logan of the Federal Court, Deputy Chief Magistrate Gardiner and O'Shea and other Magistrates of the Magistrates Court, members of other Tribunals, retired judicial officers, Mr Solicitor-General, Mr Potts, President of the Law Society, members of the Bar and the solicitors branch of the profession, ladies and gentlemen.

It is indeed a pleasure to address the Court this afternoon, on behalf of the members of the Bar Association of Queensland, to acknowledge the significant contribution your Honour has made to the State of Queensland through many years as a member of this Court.

Your Honour has had a long and distinguished legal career. Your Honour's achievements and interests are significant and varied. Your Honour is a proud Ipswich boy. Born in that great city, your Honour has, throughout your career, maintained a strong connection with Ipswich, serving that community through an array of community, sporting and religious associations and institutions.

Your Honour's legal career commenced in the Crown Solicitor's office in 1978, while your Honour was studying law at the University of Queensland. Your Honour graduated from that university in 1982 and, subsequently, also studied a Bachelor of Arts, majoring in government. Your Honour's love of the law and government framed the work that your Honour engaged in in the decades to follow. Your Honour worked as both a solicitor and barrister in an array of Courts for Crown Law, up until April 1997. Your Honour's experience during that time was varied, but your Honour particularly focused on, and developed a significant reputation in, the areas of land, mining and Native Title law. A highlight for your Honour was your Honour's involvement in pivotal cases, such as Mabo and Wik.

Unsurprisingly, when your Honour was awarded a Churchill Fellowship in 1997, your Honour identified as your research topic Native Title Resolution Processes in North America.

Your Honour then had a change of career being transferred to the Department of Premier and Cabinet, where your Honour successfully served for a number of years, including acting as Assistant Deputy Director-General of the Department of Premier and Cabinet.

Your Honour's judicial career commenced in 2000 when your Honour was appointed as Deputy President of the Land and Resources Tribunal. Your Honour successfully served on that Tribunal for many years before being appointed to this Court as a part-time member in 2004, and then as a full-time member in 2007. It was not long after your Honour was appointed to this Court that I appeared before your Honour for the first time in a very difficult and lengthy compulsory acquisition case.

The way in which your Honour dealt with that case was reflective of my experience before your Honour throughout the last decade and reflective of the reputation that your Honour has built during that time. That is a reputation of being a hardworking, considered, fair and courteous Judge. Two of those attributes I would like to touch on.

Your Honour's reputation as a hardworking Judge is well-known and well deserved. Your Honour has presided over some of the longest and most complicated trials this Court has ever seen. Your Honour has sat late into the night, and undertaken inspections in the middle of the night, to discharge your judicial duties.

Your Honour's reputation as being a fair and courteous Judge must also be mentioned. The careful and courteous way in which your Honour has dealt with counsel, solicitors and litigants in person in this Court, often in difficult and heated cases, reflects the best of the judiciary.

I know that your Honour has a wide array of interests, from handball to hockey to the Presbyterian Church, lecturing throughout the world and, last but not least, travel. The members of the Bar hope that your Honour's well-deserved retirement from the Bench will provide the opportunity for your Honour to pursue those interests and to spend more time with your wife, Deborah, and your children, Nathaniel, Jason and Blair, and their wives. On behalf of the Bar Association of Queensland and its members, I thank your Honour for your service to this Court and to the people of Queensland over the last four decades, and wish your Honour an enjoyable retirement.

May it please the Court.