

Valedictory Ceremony to mark the retirement of
the Honourable Mr Justice D K Derrington

Wednesday 5 April 2000

9.15am Banco Court

The Hon Paul de Jersey

Chief Justice

Today we farewell from the Court a Judge of great distinction: dedicated and conscientious, multi-talented, a close observer of the human condition; and beyond even those superlative qualities, with his wife Patricia, close and enduring friends of us all. Before going further, on behalf of all present, may I wish the Judge a very happy 70th birthday!

I am pleased to acknowledge the presence of the Honourable the Attorney-General, the Chief Judge and Judges of the District Court, the Chief Magistrate and other Magistrates, Judges of the Federal Court, and retired Judges of this Court. Not all Judges are able to be present today: all would, however, wish to be associated with what I am about to say. I will add that Mr Justice McPherson, who is on long service leave, particularly wished me to mention his regret at not being able to be present today, as did Mr Justice Muir who is on circuit in Townsville.

Mr Justice Derrington served the Court and the people of Queensland in his judicial capacity for 18 years. He was appointed to the Court on 3 December 1982 following a busy and successful 28 years at the Bar, 8 of them as Queen's Counsel. He practised for his first 12 years at the Bar in Rockhampton, where he rapidly became, in terms used by the then Mr K W Mackenzie representing the Solicitor-General at the Judge's later swearing-in, "an eminent member of the profession". The then Mr C W Pincus QC, President of the Bar Association of Queensland, said at that ceremony that His Honour "displayed a mastery unusual at the Bar", and also significantly, that he "assisted junior and inexperienced members of the profession without thought of personal advantage". That has indeed always been a particular feature of Mr Justice Derrington's approach: helpfulness, including, I may say, to me, and that has always been greatly appreciated.

On the Court, the Judge has played his part very actively. In addition to his normal workload, he was President of the Land Appeal Court from 1985 to 1987, the Judge constituting the Court of Disputed Returns from 1988 to 1989 and the

Mental Health Tribunal from 1992 to 1994, and Chairman of the Supreme Court Library Committee from 1995 to 1998.

His achievements as Chairman of the Library Committee were substantial: he oversaw the establishment of the largest network of legal CD-Roms in Australia, available to Judges in regional centres by remote dial-in access; the Rare Books Room project was resumed, with the selection and appointment of an architect; the Library's research and reference services were subjected to a strategic review which led to considerable further development; regional courthouse libraries were established at Ipswich and Beenleigh; and His Honour tirelessly urged the Executive Government to provide adequate, secure funding for this pivotally important agency of the courts.

I described the Judge as "multi-talented". In the courtroom, he applied himself with devotion and competence to the full gamut of the cases which come before us. He was not shy about revealing his attitude to aspects of modern society where he felt that might be socially productive. Hence the headlines, "Drugs worry Judge", "Judge lashes out at filthy trade", "Judge slams courier of death". Beyond the courtroom he fearlessly defended judicial independence, publicly criticising when necessary the depredations of newspapers and what he saw as apparent indifference in some areas on the part of Executive Government.

The Judge has himself published widely. Through numerous journal articles, he has displayed his intellectual interest in the law, and his scholarship was comprehensively evidenced in the work he co-authored with Mr Ron Ashton, "The Law of Liability Insurance". That work has been critically acclaimed.

Mr Justice Derrington's judicial approach was, I suggest, distinctive in three ways: first, His Honour brought to bear a mind which had been enriched by diverse human experience. The community does not want Judges whose focus is unduly narrow, and is fortunate not to have them. Second, the Judge's mind was invariably uncluttered by any baggage of preconception. Judges naturally have views about what is best for society. The challenge is not to let such preconceptions control the process of judicial reasoning. In that His Honour was very successful. Third, there was his helpfulness to many people, fed by an utterly sincere wish to advance the interest of those he counselled, whether it be lawyer, judge or chief judge. He was in no degree driven by personal ambition. As a Judge, he was totally committed to advancing, above all, the position of the Court as the ultimately objective custodian of the rights of the people.

His Honour has served the legal community out of court through many appointments: holding office in the Medico Legal Society of Queensland, of which he is a life member; guest lecturer at Bond University and the Queensland University of Technology, and a member of the Law Faculty Board at the University of Queensland; visiting Fellow at Wolfson College, University of Cambridge, and

Cornell University. He has edited the Insurance Law Journal and been patron of the Australian Corporate Lawyers Association and the Queensland Branch of the Australian Society of Legal Philosophy.

The Judge was in 1994 awarded the medal of the Association Internationale de Droits des Assurances, in recognition of his considerable legal scholarship in the insurance field.

The fact that Mr Justice Derrington has habitually drawn sketches through most of our monthly Judges meetings - that is, within living memory, does not mean that he has not contributed significantly to the administration of the Court. In any event, they have been very good sketches! The interesting display on the Judge's career set up by the Librarian and his staff in the Rare Books precinct outside this courtroom well illustrates the diversity of our departing colleague.

I respectfully venture the view that Mr Justice Derrington's own contribution has always been greatly enhanced by the presence at his side of Mrs Patricia Derrington, herself a person of considerable accomplishment, most recently exemplified by her authoring a work on Aboriginal art, shortly to be published. I intend to present copies of that work to the Aboriginal communities at Bamaga and Kowanyama when, on 28 April, I attend the opening of their new Community Justice Centres by the Attorney-General.

We will greatly miss the company of both Judge and spouse. They have been an integral, valuable part of this establishment for almost two decades. In fondly farewelling them both, I express the thanks of the people of Queensland for their most beneficial contribution to the good government of the State.