

Valedictory Ceremony  
for the late the Hon Jack Lawrence Kelly CBE RFD  
9.15am Banco Court  
Friday 7 May 1999

The Hon Paul de Jersey, Chief Justice

We gather today to pay tribute, as a Court and as a profession, to the Honourable Jack Lawrence Kelly CBE RFD, who died on 20 April. We are honoured by the presence of Mrs Kelly and other members of the Kelly family: I express to them all the sympathy of the Judges. I thank all present for their attendance, and especially note the presence of Lt Col Drew Braban, Chief Legal Officer, Gallipoli Barracks.

I record that Justices Thomas, Demack, Cullinane and Jones have asked specifically to be associated with what I am about to say. Sir Harry Gibbs wishes me to record his apology for his inability to attend today, as does Justice Callinan of the High Court of Australia, and the Judges of the Family Court. I note with pleasure the presence of the Honourable P D Connolly and the Honourable K W Ryan, former Judges of this Court, and very recently retired former Justice Lee.

Mr Justice Kelly was appointed a member of this Court, first as an acting judge in November 1972, and then as Central Judge in September 1973. He served the community from the Bench with great distinction for as many as 18 years, having been elevated to the position of Senior Puisne Judge in 1985, and retiring aged 70 on 24 September 1990.

His judicial appointment followed a successful and varied career at the Bar, which had commenced in 1949. He took silk in 1963. During his years as Queen's Counsel, he served in various other roles: as Chairman of the Licensing Commission, as a member of the University of Queensland's Law Faculty Board, as a member of the Incorporated Council of Law Reporting for the State of Queensland, and as a member of the Committee of the Bar Association of Queensland, serving as Vice President between 1968 and 1970.

While discharging his judicial duties with great distinction, His Honour was concurrently, between 1976 and 1982, Judge Advocate-General. That appointment marked the culmination of a long and eminent military career which began in 1941 with service in the AIF. In 1948, as Captain Kelly, he was the foundation Commanding Officer of the Queensland University Regiment, with which several members of this Court and the District Court have had proud associations.

His effectiveness in that position led to his appointment as Commanding Officer of the 9th Infantry Battalion (Moreton Regiment) between 1957 and 1960. With his

appointment as Judge Advocate-General, he was promoted to the rank of Major-General, assuming responsibility as chief adviser to the Federal Government on matters of military law. His immense contribution to the military, and the law, was acknowledged further in 1982, by his being accorded the honour of Commander of the Order of the British Empire.

Our esteemed former colleague is remembered for the tireless and efficient way in which he performed his judicial duties, perhaps in part a reflection of his military training, and in other part a reflection of his undoubted ethics. He was a model of dignity, and most courteous to those appearing in his Court. Progressively anticipating a modern imperative, he made clear from the time of his swearing-in that he was anxious to remain "in touch with the ordinary man". He then remarked, "I feel like a schoolboy who has just received a term report card which reads:

"Performance so far satisfactory, but must keep trying ". The humility implicit in that remark characterized his exemplary career. It is unsurprising to learn that as private secretary to Sir Arthur Fadden, Deputy Prime Minister and Treasurer, between 1950 and 1952, he quickly became very well regarded in the halls of Parliament House.

In his autobiography, "They called me Artie" (Jacaranda Press, 1969), Sir Arthur Fadden makes this whimsical reference to the then Mr Jack Kelly in an account of a trip to Europe in 1952 (p132):

"My visit to Paris having failed to provide the break from official pressures which I needed, we travelled to Belfast for a few days sightseeing and a family reunion, as my father was born in Galway and my mother at Cookstown in Northern Ireland.

My aunt, Mrs Peacock of Belfast, was my father's surviving sister, then aged eighty-four. When I introduced my secretary, Jack Kelly, she looked him over and said, Arthur, a man with a name like Kelly is very brave to come here. Do you remember what those terrible men in the South did to your poor uncle from behind a hedge? I replied that he was not a descendant of the Australian Kelly gang and in fact his forbears had come from the Isle of Man."

Apart from his other extraordinary achievements, the Judge was an excellent lawyer, known for his professionalism and dignity, his orderliness and fairness. He was greatly supported by his loving wife, Belle, and his four children. He will be deeply missed by all who knew and worked with him, as a colleague, and as a friend.

I repeat the eloquent expression of my predecessor, on the late judge's retirement from this Court nine years ago:

"In life, some people's virtues, or strong points, seem almost aggressively obvious and in their expression positively demand attention. Others with egos not as restless and more at ease work in a quieter fashion. Mr Justice Kelly has clearly felt no need for headlines, but yet he has given very great service to this Court."

I will conclude, if I may, by indicating our own confirmation of a number of personal characteristics of our former colleague mentioned at his private funeral last week by his daughter, Mrs Margot Price: his humility in spite of formidable achievement, his simplicity and lack of pretence, that he kept his own counsel, his dry sense of humour, and fittingly as my ultimate point today - that, and I quote, "he disliked fuss, and especially disliked long speeches".

Vale Jack Lawrence Kelly, fine person, fine Queenslander, fine Australian