

THE HONOURABLE THOMAS WEETMAN SMITH, AC

The Honourable Thomas Weetman Smith, AC, a judge of this Court from 1950 to 1973, died on 16 June 2000, aged 98. His wife, Molly, to whom he was married for 66 years, predeceased him by several weeks. Thus ended a life marked by very high distinction as a barrister and lecturer, judge and Law Reform Commissioner.

His Honour was educated at Abbotsholme School, North Sydney Grammar School and the University of Melbourne where he attended Trinity College. He obtained the Degrees of Master of Arts and Master of Laws. An outstanding scholar, he developed a great facility in both Latin and Greek and maintained his association with the University by lecturing in the law of contracts from 1934 to 1946.

He became a member of the Bar in 1923 and, although the time were far from propitious, soon established an outstanding reputation. The war years found him serving as Secretary to the War Cabinet from 1942 onwards. Returning to practice, he was appointed King's Counsel in 1947.

Although his background lay in civil work, none who knew his capacities was surprised when he soon exhibited a mastery of the criminal law during his service on this Court. His judgments include a number that have remained leading authorities on aspects of that branch of the law. This writer well remembers the deference and respect paid by Sir Owen Dixon and other members of the High Court to a dissenting judgment of his Honour in proceedings which followed the decision of the Victorian Government to execute Robert Peter Tait in 1964.

In 1962 Mr Justice Smith was instrumental in the establishment of the Articled Clerk's course at RMIT which enabled students who lacked a degree to obtain admission to practice. Many notable members of our profession successfully completed this course and it is a great pity that it was discontinued in 1978.

On his retirement from this Court his Honour joined the Law Faculty at Monash University and held an appointment as the first Law Reform Commissioner in this State from 1973 until 1977.

In 1990, he was appointed Companion of the Order of Australia.

Throughout his long life he was sustained by his family and by the pleasure he obtained from his seaside "compound" at Anglesea. He is survived by his son, Justice Thomas Harrison Smith of this Court, and by his daughters, Anne, Sue, Jane and Jill, together with many grandchildren and great-grandchildren.

JHP