



**ADDRESS OF MR ANDREW SKOIEN ON THE OCCASION OF A WELCOME
CEREMONY FOR HIS HONOUR JAMES RAYMOND MCNAMARA AS A
MEMBER OF THE LAND COURT OF QUEENSLAND
ON FRIDAY, 13 MARCH 2020**

May it please the court.

On behalf of the Bar Association of Queensland, it gives me great pleasure to welcome and congratulate your Honour, Member McNamara, on your appointment to the Land Court of Queensland.

Member McNamara, your Honour joins the Land Court following a distinguished career abounding in significant contributions to many complex and evolving areas of the law.

Your Honour has a Bachelor of Laws from the Queensland University of Technology and your Honour was admitted to practise as a barrister by the Supreme Court of Queensland in 1988. Your Honour is also the holder of a Masters degree in Public Administration from Harvard University.

Your Honour's early legal career, as we have heard, was spent with Crown Law, the Director of Public Prosecutions and the Criminal Justice Commission. Since the early 1990s your Honour has accumulated over 25 years of professional experience and expertise in many

aspects of the law - most notably native title, State land rights, cultural heritage, land administration and land management.

Since the landmark Mabo No.2 decision in 1992, your Honour has consistently worked to provide advice, direction and leadership in relation to native title law and policy, with a view to implementing pragmatic and workable practices for land and water dealings, which recognise and respect native title in Queensland. Your important work in this crucial early period was instrumental in the resolution of over 70 native title claims.

In 1999 your Honour was a legal consultant on Aboriginal Law at the Ministry of Justice in British Columbia, Canada, where your Honour worked on Treaty Table negotiations, including trans-boundary claims with the Yukon Territory.

During your 12 years as Executive Director of Aboriginal Torres Strait Islander Land Services with the Queensland Department of Natural Resources and Mines, your Honour's achievements included creating and implementing solutions for many varied and complex issues concerning:

- (a) land ownership, administration, management and use;
- (b) native title and Indigenous cultural heritage;
- (c) Indigenous land rights;
- (d) land tenure reform;
- (e) the environment, including vegetation management and nature conservation; and
- (f) natural resources, including mineral resources, petroleum and gas.

Examples of your work during this period include your Honour's 2004 appearance before the Palm Island Select Committee, which considered, amongst other things, proposed land reforms in the context of Native title rights, leading ultimately to the execution of an Indigenous Land Use Agreement to facilitate those reforms for Palm Island.

From 2010 to 2012 your Honour managed the legislative review and reform of a remarkable number of State Acts, many of which confer jurisdiction on this Court, and in 2011 and 2012 your Honour led negotiations that resulted in the settlement of a template ‘pastoral Indigenous Land Use Agreement’, dealing with issues concerning public indemnity insurance, lease terms, and the resolution of native title claims.

Your Honour also appeared before the Parliamentary Inquiry into the relevance of government land tenure across Queensland.

One anecdote is probably sufficient to demonstrate the general acknowledgement of your Honour’s expertise in Indigenous legal issues. I am reliably informed that, during your time as Executive Director, the standard response of a State Minister or Director General to being presented with some new idea or proposal in relation to native title or Indigenous cultural heritage was –

“What does Jim say about this?”.

That expertise has also been acknowledged at the Federal level. In 2014, on your Honour’s appointment as a Member of the National Native Title Tribunal, then Attorney-General, Senator the Honourable George Brandis QC, applauded your appointment as a testament to the high calibre of professionals who work within the native title system.

The impressive list of your Honour’s contributions as a Member of the National Native Title Tribunal over the past five years includes:

- (a) conducting inquiries and delivering over 90 arbitral determinations;
- (b) conducting over 200 mediation conferences;

- (c) providing facilitation assistance to parties attempting to negotiate Indigenous Land Use Agreements on over 50 occasions (including a number of projects involving the settlement of traditional boundaries on a number of islands in the Torres Strait); and
- (d) convening over 50 stakeholder meetings.

Your Honour is well known for your Honour's calm demeanour and considered approach to often complex and difficult matters. You are also known for your commitment to education, as a vehicle for both individual and social improvement. As part of that commitment you have keenly acted as mentor to others, particularly to indigenous colleagues and staff.

I am informed that, outside of work, your Honour frequently enjoys the coastal air and lifestyle of the Sunshine Coast. I understand that your Honour enjoys running, on occasions, but is mostly a keen swimmer - swimming most days, having even participated as the swim leg in team triathlons.

I am told that your Honour is currently deliberating upon a recommendation for your Honour to take up Pilates as part of your Honour's ongoing programme for physical wellbeing. As a longstanding Pilates enthusiast, may I take this opportunity to endorse that recommendation and to wish your Honour much success in the Pilates studio in achieving flexibility of body to accompany your Honour's demonstrated flexibility of mind.

Your Honour's breadth of experience in developing, reforming and applying the law makes your Honour a welcome addition to this Court, which has such a wide ranging specialist jurisdiction.

The Bar Association and its members extend to you and to your family its best wishes on this well-deserved appointment.

We wish your Honour a long and successful career on the bench.

May it please the court.