



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

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MEDIA STATEMENT

Chief Justice pays tribute to the Hon Robert Smellie CNZM KC



The Hon Robert Philip Smellie CNZM KC (1930 – 2025)
(Photo credit: NZME)

The Chief Justice, the Rt Hon Dame Helen Winkelmann, today paid tribute on behalf of New Zealand’s judiciary to the Hon Robert Philip Smellie CNZM KC, who passed away on December 23, 2025.

“His was a life of service to the legal profession, to the judiciary, to his church and to the community. On behalf of the New Zealand judiciary, I acknowledge and pay tribute to the importance of that service. I extend my deepest sympathy to his family.”

Born in Dunedin in 1930, Robert was educated at Otago Boys’ High School. He graduated from the University of Auckland with an LLB and began his career as a barrister and solicitor in 1957. He was a partner in Grierson, Jackson and Partners, the firm that later became Simpson Grierson. He went to the independent bar in 1976 and was appointed Queen’s Counsel in 1979. In the same year, he published ‘Building Contracts and Practice in New Zealand’, the leading text of its time in relation to the law of construction.

He served as a Council member of the Auckland District Law Society and chaired both the Auckland and New Zealand Law Society’s legislation committees. He also contributed to the New Zealand Law Society’s Disciplinary Committee. In 1973, Robert Smellie won the Bruce Elliott Prize for service to the public and the law.

His commitment to public service went beyond the law, including service to the Anglican Church and to the Pacific. He drafted the first Constitution of the Province of the Anglican Church of Melanesia, when that was established as an independent province within the Anglican Church. He then served for many years as Chancellor of the Province giving assistance to the archbishop of the province on matters of canon law.

Robert chaired the Equal Opportunities Tribunal (the predecessor body to the Human Rights Review Tribunal) from 1982 to 1985.

Robert was appointed to the High Court in 1985, to sit in Auckland. While on the bench, he held the position of Executive Judge, specialising in Commercial List cases. He also actively participated in promoting gender equity within the judiciary, serving as a member of the Judicial Working Group on Gender Equity.

Justice Smellie was assigned to preside over litigation arising out of the sale by the New Zealand government of its shareholding in New Zealand Steel. This was – and still is – the longest trial in New Zealand’s legal history, due to the extraordinary complexity of the factual and legal issues involved. The trial started on 21 November 1994 and, after 204 sitting days, finished on 21 December 1995. It then continued with eight “call back” days over the next six months in which the Judge sought further submissions on specific points.

On 12 July 1996 he delivered judgment in the High Court at Auckland in *Equiticorp Industries Group Limited (In Statutory Management) v The Crown* awarding substantial damages against the Crown.

Following his retirement from full time service as a judge in 1998, Justice Smellie held a commission as an acting judge of the High Court until 2002.

On 9 August 1998, Justice Smellie was appointed a Companion of the New Zealand Order of Merit (CNZM) for services as a Judge of the High Court. In 2000, he was appointed to head a Complaints Review office to investigate serious grievances against the Auckland City Council.

Following his retirement from the New Zealand judiciary, the Hon Robert Smellie continued his judicial service in the Pacific. He was a judge of the Fiji Court of Appeal from around 2001 until September 2007.

The Hon Robert Smellie CNZM KC is survived by his three sons and four grandchildren.