

GREENS LIST

BARRISTERS



PAUL SMALLWOOD

BAR ROLL: 2014 | ADMITTED: 2006

Paul's practice is centred around the intersection between criminal and administrative law, with a particular focus on merits and judicial reviews and appellate work in both the Victorian Supreme Court of Appeal and the High Court.

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EXPERTISE

Appellate | Criminal Law | Industrial Relations Law & Employment Law | Inquests, Inquiries, Tribunals & Commissions | Public Law & Administrative Law

PROFILE

Paul J. Smallwood has appeared in many important criminal cases, including:

- *Orman v The Queen* (2019) 59 VR 511; [2019] VSCA 163. Paul was leading counsel for Faruk Orman in the first 'Lawyer X' conviction appeal. His client's murder conviction was set aside and a judgment of acquittal was entered.
- *Roberts v The Queen* (2020) 60 VR 431; [2020] VSCA 58 and [2020] VSCA 277. Paul was junior counsel for Jason Roberts in Victoria's first 'second or subsequent' conviction appeal. His client's two murder convictions were set aside and a re-trial was ordered. (Not guilty verdicts were subsequently returned on both murder charges at the re-trial).
- *HA (a Pseudonym) v The Queen* [2021] VSCA 64. Paul appeared before the Court of Appeal for an intellectually impaired Aboriginal child who had been refused bail by both the Children's Court and the Supreme Court. In granting his client bail the Court addressed the significance of youth and the need to

avoid compounding the incarceration rates of Aboriginal and Torres Strait Islander peoples.

- *Buckley v The Queen* (2022) 300 A Crim R 201; [2022] VSCA 138. Paul appeared before the Court of Appeal for a young offender with a history of mental ill-health who had been sentenced to mandatory imprisonment. His client's application was refused, a result that the Court described as having arisen from mandatory minimum sentences requiring judges to be instruments of injustice.

According to Doyle's Guide, Paul was one of the preeminent counsel practising in criminal law in Victoria in 2019, 2020, 2021, 2022 and 2023 and in Australia in 2020, 2022 and 2023.

Paul is a director of the Board of the Sentencing Advisory Council. He is a member of the Criminal Bar Association (Victoria) Committee, having been the Secretary from 2020 to 2023. He is a member of the Greens List Committee. He was the Secretary of Liberty Victoria from 2014 to 2018.

The first murder trial that Paul appeared in – *R v Creamer* [2011] VSC 196 – was reviewed in K Toole, 'Self Defence and the Reasonable Woman: Equality before the New Victorian Law' (2012) 36 Melbourne University Law Review 250. He appears in trials and appeals in Victoria and other Australian jurisdictions.

Paul holds a Master of Laws from the University of Melbourne.

Memberships & Committees

[Victorian Bar](#)

To get in touch with Paul Smallwood | or for more information please contact the Clerk on:

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