

Morella Calder

Eulogy delivered by Mr Justice Carruthers on 23 November 1994 in the Supreme Court of New South Wales

This is the first occasion on which the Admiralty Court has assembled since the sad announcement of the death yesterday of Morella Calder.

I should like to express the deep sympathy of the Court to Morella's husband, Tim Hancock (of the New South Wales Bar) and their son, Justin Calder Hancock.

Morella Calder was a pioneer in the practice of Maritime Law in this country. She was one of the only two women lawyers who practised maritime law in this country in the 1960s.

Having earlier graduated in Arts and Law from the University of Adelaide, Ms Calder went to London and worked there in the shipping field. She made an immediate impact in London and attended at sessions of the Third United Nations Conferences on the Law of the Sea, held at Caracas, Geneva and New York.

Upon her return to Australia she again practised law in South Australia with Finlaysons and later, when she moved to Sydney (inter alia), with Michell Sillar.

She was very involved in the work of the Maritime Law Association of Australia and New Zealand, being one of the foundation members of the Association and, until this year, was the only woman to have held office in the Association.

In the early 80s Ms Calder's talents were astutely recognised by the Federal Government, and she was appointed by Mr Peter Morris MHR, the then Federal Minister for Shipping, to the Board of the Australian National Line and also as a Councillor of the Australian Maritime College. In these capacities Ms Calder performed great public service.

Despite her busy personal and professional life she also found time to conduct lectures in maritime law for the Australian Chamber of Shipping. There were many other facets of her career, and I shall not attempt to dwell upon them all. It should not go unnoticed, however, that not only was she a successful professional lawyer and administrator, but she was a warm and sparkling personality who gained the affection and respect of all who knew her, both in this country and overseas.

The Court notes, this morning, the significant and pioneering role which Morella Calder played in the development of Maritime Law in this country, and expresses the deepest regret at her premature passing.

Morella Calder

*Eulogy delivered by Professor Ivan Shearer
at Morella Calder's funeral on
28 November 1994*

We give thanks today for a remarkable person and a remarkable life.

We, her friends, gather here also in solidarity with Lorna, Tim, Justin, and Alistair, and with the other members of Morella's family, to whom our hearts go out in their loss.

Morella Jane Calder was born in Melbourne on 24 July 1948, the daughter of Lorna and Angus. When Morella was still young the family moved to Adelaide. Morella attended the Wilderness School, a school renowned beyond Adelaide for its all-round excellence and the individual care shown to its pupils. Morella matriculated to University with the distinction of a Commonwealth Scholarship and graduated Bachelor of Arts, with majors in French, History, and Politics, and Bachelor of Laws.

At the Law School of the University of Adelaide Morella was taught by several leading scholars, but none influenced her later career more than the late Professor Daniel O'Connell, subsequently Chichele Professor of International Law at Oxford. It was from Professor O'Connell that Morella acquired her enduring interest in international law and the law of the sea, although it should be remembered that her interest in maritime affairs generally was due to her father Angus.

Morella qualified for admission as a solicitor of the Supreme Court of South Australia after service in articles with the firm Alder-

man, Clark, Rice and Lee. She also widened her knowledge of the general community by serving for a year at Government House as Secretary to Lady Harrison, wife of the Governor of South Australia.

In 1973 Morella left for London to pursue her interest in maritime law. She served for several years in the Legal Department of the International Chamber of Shipping. In that role she became not only immersed in the world of shipping law and practice but also in the public aspects of maritime law. That same year saw the opening of the Third United Nations Conference on the Law of the Sea. Morella participated, on behalf of the Chamber, in a number of the sessions of this lengthy process which resulted in the conclusion, nine years later, of the United Nations Convention on the Law of the Sea. I remember in particular the negotiating session of the Conference in Caracas, Venezuela, in 1974. On one particular morning Morella made a speech on behalf of the Chamber, the late Perry Nolan on behalf of Australia, I on behalf of Lesotho, and Dan O'Connell on behalf of the Bahamas. All of us former pupils of O'Connell, and the Master himself to witness our performances. How happy Morella was to see that Convention ratified by her own country this year and to enter into force just one week before she died.

In 1976 Morella moved to New York to take up a position with Cadwalader, Wickersham and Taft, attorneys specialising in maritime work. She was admitted to the Bars of New York State and of the Federal District Courts of the Eastern and Southern Districts of New York. She continued to represent the International Chamber of Shipping, and the Liberian Services Corporation, at the Law of the Sea Conference. A leading lawyer representing the huge Liberian shipping register, and an outstanding scholar of admiralty law, Dr Frank Wiswall, was one of the people she came to know well at this time. It was a double blessing that Frank Wiswall was this year's Ebsworth and Ebsworth lecturer in Sydney and that Morella and Tim were able to entertain him and his wife while they were here. Another happy coincidence was the recent visit of Dr Thomas Mensah, formerly of the International Maritime Organisation, whom Morella knew so well from London days. I over-

heard them only a few weeks ago reminiscing about Mrs Mensah's famous peanut chicken dish.

In 1979 Morella felt that it was time to return home. Appropriately her last legal task in New York was to work on the liability aspects of the series of crashes of the F117 fighter aircraft recently acquired by the RAAF. She became an associate partner of the Adelaide law firm Finlaysons specialising in maritime work. In 1982 she moved to Sydney to similar work with Mallesons Stephen Jaques, then Blake Dawson Waldron, and until the present with Michell Sillar Brown. She became involved in much other activity as well, but I shall leave this to Bill Bolitho who knows it better than I and will follow me in a moment.

The move to Sydney was, of course, even more significant to Morella personally than professionally. For it was here that she was to meet and marry Tim, and also to find the joy of motherhood. She knew soon afterwards that she was living on borrowed time, but she accepted that gratefully and with thoughts only for the future. Kangaroo Valley was a project which brought her particular delight, where she could be truly at peace, together with Tim and Justin, and visited by her mother Lorna, her parents-in-law Arnold and Patricia, her brother and sister-in-law Alastair and Charlotte and their children Emily, Angus, and Alexander, and by her many friends.

It is as well to end on the personal rather than the professional, extraordinary though that was in such a short life. Morella was, I think, the most determinedly optimistic person I have known. She was always cheerful, never complaining, and at all times forbearing with other people's foibles. Her courage did not allow her to despair of her condition in the slightest degree. Less than three weeks ago I was present at a conference at which Morella presented a paper. She stood at the podium displaying not the least sign of her serious illness and delivered a bright and forceful address. She summoned up every last ounce of her energy to give of her best, as she always had.

Morella Calder

*Eulogy delivered by Captain Bill Bolitho
at Morella Calder's funeral on
28 November 1994*

Morella Calder gained her first experience of the shipping industry as a child at her father's side as he went about the business of the old Orient line in Adelaide and Melbourne visiting the ships with him.

She never lost that connection with and love of ships and the business of shipping which played such a large part in her, both at the International Chamber of Shipping and later here in Australia.

I first met Morella some 15 years ago — a quarter of my own life — perhaps a third of her own — so untimely ended.

Morella was an important figure on the Australian shipping scene throughout those years.

Those years — so large a part of her life and of mine—were years of continual reform and change in our industry, unending change, bringing with it all its concomitant problems, problems in which Morella was deeply and indeed passionately involved. For there was nothing half hearted about Morella — she was passionate in her beliefs, passionate in her convictions, and passionate in her advocacy and defence of Australian flag shipping.

It is given to few of us in life to have the chance to play a part in large affairs. Fewer still have both the ability and the courage to take that chance. Even fewer succeed. Morella Calder was such a person.

She played a continuing important and successful role in the reform of the industry she loved so well.

Eulogy

The changes wrought by the Crawford Report; The Maritime Industry Development Committee; The Shipping Industry Reform Authority; The Waterfront Industry Reform Authority and the efforts of the Australian Maritime College that underpinned and supported that change—Morella played her part in all of this—and played it well.

- Licensed to practice law in both Australia and America;
- Foremost in the Councils of The Australian Maritime College;
- Consultant to the Australian Law Reform Commission on Admiralty Law;
- Deputy Chair of The Australian National Line.

There was hardly a document, an agreement, or a major reform initiative in our industry over those long, troubled, years of change that did not, in some measure, bear the stamp of her fine legal mind and the stamp of her deep knowledge of and love for ships and the business of shipping — love that was reciprocated, for in speaking today, I am speaking on behalf of many hundreds of men and women in the shipping industry, both here and abroad.

Ship brokers and charterers, educators and regulators, seafarers and shipowners alike. Those that did not know her personally, knew of her and her work on their behalf, and all of us mourn her passing.

Morella's untimely end has not only lost Tim a beloved wife and Justin a loving mother, it has lost our industry a champion of its cause.

For nearly a decade Morella and I worked closely together, as fellow Directors of the Australian National Line, on the Council of the Australian Maritime College and on a host of activities connected with the reform and development of Australian shipping, sharing as we did, a belief, and vision, that Australia should have its own strong, viable merchant marine and working together to achieve it.

Morella brought to that task, to that shared vision, qualities of mind and spirit, of courage and dedication, that never flagged and never failed through the many trials and tribulations that beset our industry over the years we worked together. Many trials and many tribulations, many indeed.

The clay — the earthly envelope that held Morella goes to its eternal resting place today in the earth from whence it came. Morella herself goes to a different resting place in the hearts, the minds and the remembrances of we who mourn her passing.

For all the days that are left to me on this earth, be they few or be they many, I will remember Morella Calder.

I will remember the quiet patience and skill with which she took us, her less able, less gifted colleagues, through the legal aspects of our many problems.

I will remember her as a stout hearted colleague who never flagged or failed through the many troubles, vexations, successes — and failures — we shared together.

I will remember the fine mind, high intelligence and legal skills she brought to the Board of ANL and to the Councils of our industry. But I will also remember that the strong wine of her expertise was tempered by her sense of compassion and decency, fair play and common sense. For above all, Morella was a fine and fairminded person with a strong and abiding belief in justice and fair play.

I will remember her ready and penetrating wit and the humour with which she defused many a tense situation and pricked many a bubble of pomposity.

I will remember her as a colleague who never failed to meet her obligations, who never refused a task no matter how onerous, and who never failed to do it well. And we placed many such tasks upon her — too many.

I will remember her as a colleague who, ill as she was, would rise from her sick bed and send her support when it was needed most.

I will remember the fortitude with which she faced her terrible illness and pending death.

I will remember that even as the shadow of death darkened and deepened around her in the last weeks of her life, she rose above her illness, rose above the pain, rose above her exhaustion, rose above the spectre of approaching death to protest at injustice done to her colleagues and friends, to oppose an unfairness unfairly done. For Morella opposed injustice and unfairness all her life.

*Life is mostly froth and bubble
Two things stand like stone
Kindness in another's trouble
Courage in your own*

Better than any words of mine could ever hope to do, those lines capture the essential spirit of Morella Calder.

Capture the overflowing compassion and kindness she showed in the troubles of others — capture the unflinching courage with which she faced her own.

I am proud to have known Morella Calder.

I am proud to have been her colleague.

I am proud beyond all measure that she called me friend.

Morella Calder

Eulogy delivered by Dean Clayton QC at a Memorial Service for Morella Calder in Adelaide, 2 December 1994

I heard of Morella Jane Calder quite some time before I actually met her. During the early 1970s she was the owner of a white Renault motor car. Prior to travelling overseas she had loaned the vehicle to a mutual friend.

I seemed to be the odd one out. Everyone else knew who Morella was and talked about her. However, from what other people said, I had assumed that there was something different and special about Morella.

A few years later I was working at Finlaysons and she applied for a job. By a fortuitous coincidence Len Newton, who was then the only person who knew much about maritime law in South Australia, was about to retire. Morella applied for a job as a maritime lawyer.

At that time the concept of a woman maritime lawyer was rather novel. There was no woman maritime lawyer in Australia! One of the requirements was that you had to go on board a ship to take instructions. Furthermore, if the ship was at the anchorage, there was a need to scamper up a Jacob's Ladder and over the side. It was certainly regarded as a man's job. But back to this later.

In the course of considering Morella's application I saw her curriculum vitae. It was a remarkable document. It contained the usual details about her school and university career and indicated

that she had been admitted as a solicitor in several places including New York. Other claims made by Morella were that she had:

- been the lady secretary to the wife of the Governor (Lady Harrison)
- worked in the Legal Department of the Chamber of Shipping in London
- spent time in barristers' chambers with Robert Alexander, then a junior but later to become a leader of the London Bar and now Lord Alexander
- attended the Law of the Sea Conference in Caracas, Geneva and New York
- spent two years with the leading New York law firm of Cadwalader Wickersham and Taft
- spent 18 months or so with the prestigious New York Admiralty firm Haight Gardner Poor and Havens
- some sort of retainer from the Liberian Government.

It was an impressive document. I had never seen a CV quite like it. But then I had never met Morella Calder.

The inevitable question was asked. Why did a person with such credentials want to work in Adelaide where the usual maritime case involved an oil spillage or a seaman's compensation claim. Morella's answer was simple. Although she had been born in Melbourne she treated Adelaide as the place of her birth and home.

Naturally she got the job and she started work.

She arrived with her personal library, a practising certificate from the New York Bar which is about one metre square with flowers, angels and other adornments around the border, and a pair of white overalls.

I learnt very quickly that obstacles like Jacob's Ladders were there to be overcome by people like Morella.

At that time we were in the process of establishing a branch of the Maritime Law Association in South Australia. Morella was a foundation member and under the chairmanship of her former principal Philip Rice QC (as he then was) Morella became its driving force.

It was not long before she had the respect of the whole maritime community — not just lawyers and insurance underwriters, but

people in the stevedoring industry and the various government departments. She was highly sought after as a speaker by groups such as the Company of Master Mariners.

Professionally, she received instructions from all interests. From ship owners, from the owners of goods, from insurers and anybody else with a maritime problem.

She became the pre-eminent maritime lawyer in South Australia.

She worked incredibly long hours and gained the utmost respect from her peers, clients and opponents.

But her life was not all work. She liked people. She liked wine. She liked music. She had a sense of humour.

She had an infectious laugh and was an eager participant in every party.

The other day a friend reminded me of the way she used to tilt her head to one side and, with a twinkle in her eye, break into what my friend described as a 'wicked' smile.

Another friend reminded me of an occasion when there was a bomb scare in the SGIC building in Victoria Square. Morella and others who had been hard at work were forced to evacuate the building. Most workers from the building stood in Victoria Square like sheep. Morella took the much more sensible step of herding her friends to her home from where they were able to drink champagne and at the same time still keep the building under observation.

She was able to make the best of any situation.

As I have mentioned, during the late seventies and early 1980s it was difficult for women to be accepted as equals by their male counterparts in the legal profession.

Speaking to the graduates of the Australian Maritime College on 17 June this year, Morella said:

The women among us also have come a long way since the days when we women had to worm our way aboard Australian vessels — a long way to this day when I, a female maritime lawyer, have been accorded the privilege of making this speech...

She also said:

Gone are the days when I for one was greeted with astonishment (although unfailing courtesy) for pursuing a maritime career.

By reason of her ability, hard work and her charming personality Morella established herself as a leader in her area. Her area was not a simple one either. It was an area which embraced the whole range of difficult civil litigation.

While in Adelaide as Secretary of the Maritime Law Association Morella organised the National Convention in Adelaide in 1981. It was one of the most successful conventions ever.

It was at about that time that she met Tim. They were both associates at Finlaysons. For a time their friendship was a closely guarded secret — but it blossomed and we all know that they subsequently moved to Sydney and married.

Adelaide would never have provided the opportunities to satisfy Morella.

In Sydney she quickly replicated her Adelaide career. She became a leading light in the New South Wales Branch of the Maritime Law Association. She developed a vast clientele. She ultimately became a partner in the firm which is now known as Michell Sillar. At the same time she accumulated other appointments:

1983 Director of the Australian Maritime College 1985
Director of the Australian National Line 1989 Deputy
Chairman of the Australian National Line Consultant to
the Australian Law Reform Commission, Admiralty
Reference.

There are many others. She published many learned papers and lectured on maritime law.

I can safely say that by 1994 there was no more eminent maritime lawyer in Australia.

Her friends all know what a brave fight she fought against cancer over the last three years. She was always open about her illness.

In August, she came to Adelaide to talk to the South Australian Branch of the Maritime Law Association and she attended a lunch with

some of her old friends. She was in apparent good health and in high spirits on both days but made no secret about what lay ahead of her.

Those of us who were lucky enough to see her at that time will remember her as the Morella of old. She was full of laughter and good spirits notwithstanding what must have been a clear understanding of her prognosis.

When speaking at the Maritime College graduation ceremony Morella said:

So don't be afraid to strive and throw in a good dollop of passion to whatever you do. It helps.

She also said:

Pursue your goals with passion. Be kind to others, and yourself, never be afraid to stand up and be counted and always speak your mind.

In those few words Morella described herself perfectly. She was a woman of frankness, action and passion. She set goals and achieved them. She loved life.

After she moved to Sydney I didn't see Morella as often as I had previously.

In 1987 a group of people from different States who were all travelling to a convention in Hobart met in an airport lounge. Morella had Justin with her. Justin was using the floor as his playground. He had just learned to crawl and was wreaking havoc in the sedate airport lounge.

I was quickly to learn that the coolly efficient lawyer and business woman had also become a caring and devoted wife and mother. Of course, that was no surprise.

Tim and Justin meant more to Morella than all her other achievements put together.

Sadly Morella's career came to a tragic and premature end whilst in the prime of her life. She will always be remembered as an accomplished maritime lawyer. But more than that, her friends will remember her as a fun-loving companion with an enormous zest for life.

Morella was looking forward so much to settling in to their new house at Kangaroo Valley. Sadly that will not happen.

We all extend our deepest sympathy to Tim, Lorna, Justin, William, Lucy and Alistair and his family.

We are all the richer for having known Morella Calder.

We won't forget Morella.