

Ave Atque Vale

Speech given by R. Meagher QC at a dinner held on Friday, 22nd March, 1985 in honour of Kenny QC, Officer QC and Sullivan QC.

When one contemplates our three elderly colleagues, recently retired* from our ranks, one is immediately struck by how much nicer they are than those who remain.

Compare them to Gleeson, for example. People call him "The Smiler".

This, no doubt, is on the *lucus a non lucendi* principle. It was on this principle that the ancient Greeks called the awful Avenging Furies "you kindly ones".

When one visits Gleeson — at any of his homes — one passes fish ponds wherein contented piranhas glide between the bones of inefficient solicitors and discarded juniors and arrives eventually at a grey house and ultimately The Baleful Presence itself.

In a recent newspaper article it was said that Shand has less charm than Gleeson. Poor Shand! He must be an unnaturally deprived person.

By contrast our guests are warm, charming, caring.

One could not imagine Janet Coombs, for example, laying her weary head on Gleeson's caring breast. Yet I have seen her do it to old Kenny. And in the lift.

Come to think of it, I have also seen him playing bumps with the tea-lady in the 8th floor kitchen. I am not suggesting he is a menace to public morals; his actions are more ludicrous than actually obscene.

Besides this humanity, each has several characteristics in common.

Each has been at the Bar nearly 50 years. Each of them had an enormous practice.

Each of them lives in a suburb I have never heard of, which probably means that they all come from disadvantaged backgrounds. This is very fashionable.

None of them cries. None of them accepted judicial office.

I regret to say each of them indulged in physical exertion; in Sullivan's case, Rugby League; in Kenny's case, horseback riding and after-dinner swimming — or perhaps I should say sinking; in Officer's case, somewhat improbably, it was square dancing.

Each of them had major clients. In Sullivan's case, it was the trade unions, particularly in the Wollongong area.

With unvarying success he appeared for applicant after applicant in the Workers' Compensation Commission — where he worked before he came to the Bar — and plaintiff after plaintiff in the common law courts.

He was largely responsible for keeping the profits of BHP and the colliery companies pared to a minimum.

Indeed it was said that the only rare occasions when his sunny temperament became at all clouded was when a threat of a verdict for the defendant emerged. But generally he was relaxed — never more so than when he migrated to the 6th floor Wentworth and was forced to mingle with Denton and Ted Perrignon, who taught him to tipple strong waters.

Actually, each of our guests has a similar tendency. Every evening at 5 o'clock you can see old Kenny stomping around the corridors of the 8th floor, howling for whisky.

And when Officer went to Gove Peninsula before that famous Privy Council case, towards the end of a picnic lunch in his honour he was observed physically sinking into the

sand and had to be pulled out by Lockhart and Gleeson. (Imagine how one would feel if one were saved by Lockhart and Gleeson!)

He attended dinner sitting in a chair in total silence, but was up fishing at 5.00 am the following day — with his tinnies.

In Officer's case his major clients were the Commissioner of Stamp Duties and the Valuer-General, two colourful characters. They would brief no-one else.

In case after case he went to the Privy Council on behalf of those monsters and forced the people of New South Wales to pay the maximum amount of tax possible on property values which were artificially high.

In Kenny's case, the major client was that more amiable, even buffoonish, character, the Commissioner of Railways.

Whenever, on some remote railway station, a gaping rustic (half-witted, epileptic and cleft-palated), fell beneath an oncoming engine, Kenny would be trundled up there to prosecute his mangled remains before the local justices for (of all things) trespassing on enclosed lands.

But there were differences. Sullivan, for example, was a member of the Labor Party; Officer was not; Kenny, being Irish, one was never sure whether he was or not.

Mr Justice Myers liked Officer, detested Kenny and had never heard of Sullivan. They practised in different jurisdictions.

Sullivan was a common lawyer; Officer was an equity chap: he once said to me, "Never go to common law — I made that mistake — twice"; Kenny would practise anywhere.

Again, Sullivan became Solicitor-General; Officer did not; Kenny, being Irish, is still hoping.

Officer was a keen Presbyterian, devoted to Knox College and St Andrews and a Procurator of the Presbyterian Church; that cannot be said of Sullivan or Kenny.

Each of them had a sense of humour, although I must say in the cases of Kenny and Sullivan I keep forgetting.

Before going to the Parks and Gardens Court before that mad Marxist Mr Justice Cripps, Officer's junior asked him which authorities to bring, and Officer replied: "Rafferty on Rules".

In the cases of Officer and Sullivan, they seemed to be well regarded by the Bench. But a Court of Appeal Judge said to me of Kenny, "He's impossible. He will argue anything."

The truth of the first observation is obvious. The second may need demonstration.

I remember once hearing him in the old Supreme Court arguing before Mr Justice Clancy the question whether he, Kenny, was losing his temper; he argued this question at length and with passion.

When argument on that topic eventually terminated, unassisted he proceeded to argue a second question, namely whether his Honour was losing his Honour's temper.

I heard all this quite clearly because I was sitting in a pub on the opposite side of the road.

We salute all three of them for their success at the Bar and for the lessons they have taught us in craft, intelligence, hard work, good manners and integrity; and we wish them every happiness in their leafy autumn.

(*Orator's licence: Kenny QC has not actually retired.)



Meagher QC