

150 Not Out

Ian Barker QC

YOUR HONOUR, THE CHIEF JUSTICE of Australia, Justice Gleeson, Your Honour the Chief Justice of NSW, Justice Spigelman, Your Honours, Guests of Honour, colleagues.

Tonight we happily celebrate 150 years of forensic, bare-knuckle fighting. Frank McAlary QC and Chester Porter QC, admitted in 1948, Tom Hughes QC in 1949.

We're going to have three speakers speaking respectively for them, so I won't take up your time, but I do feel compelled to say this – that in the 50s and early 60's when I was one of the state's longest serving and most impoverished articled clerks, I knew each of them, at least I knew of each of them - I kept a very respectful distance.

Chester Porter was a rising super-nova, Frank McAlary, indirectly responsible for what the Government now seems to see as a Greenslip crisis, as long ago as the 50s extracting by process of extortion, huge verdicts from juries and starting to own Australia, plodding along in the footprints of Sir Sydney Kidman.

And then Tom Hughes, of course, he was a soaring super-nova – he may not want to be reminded of this fact, but I remember him wearing a homburg, and I thought to myself – my god, I can't afford a down payment on a homburg! So he went on to greatness and I went to Alice Springs with a branch office at Tennant Creek.

Tony Bellanto QC

When Chester Porter was called to the Bar on Friday the 12 March 1948 Doctor Evatt was in his eleventh day of submissions in the High Court in the *Banking* case.

Monsoon looked like missing the Sydney Cup, the Court of Quarter Sessions was sitting at Balmain, *I Walk Alone* was showing at the Prince Edward Theatre and one could go ice-skating at the Glaciarium. *The*

Gracie Field Show was broadcast direct from London at the 2GB Theatre in Phillip Street - I was five.

There were two barristers admitted that day - Harold Glass was the other.

At 21 Chester was the youngest after Norman Jenkyn to practice at the Bar. Mind you, Frank McAlary was not far behind, they having shared time together at Sydney University.

He practised from Denman chambers at 182 Phillip St., where the Supreme Court now stands, and read with Bruce McFarlane. He came to the Bar well qualified, having graduated with first class honours, achieving seventh place in the year. He was articled at Blake Dawson Waldron to Bunny McIntyre.

Initially, he did landlord and tenant work, however his diverse skills soon emerged when, within three years, he junioried Jack Shand KC in the Royal Commission of Inquiry into the murder trial and conviction of Frederick McDermott, before Commissioner Kinsella. Shand and Porter appeared for McDermott and their joint forensic skills are widely regarded as uncovering evidence that proved pivotal in the release of their client.

It was during his work appearing for the Commissioner of Consumer Affairs in tenancy cases that Chester Porter again encountered Peter Clyne. They previously had been involved in the University debates. The New South Wales team at that time comprised Adrian Roden, Neville Wran and Clyne. Porter was the adjudicator. Clyne is recorded as saying of Porter's role: 'He had a tongue like a razor blade and the gentleness and delicacy of a rattlesnake on heat, but he was always very fair.'

Some years later Clyne found himself under cross-examination by Porter in tenancy proceedings where, appearing for himself, he was attempting to evict protected tenants. We have an insight into what it is like to feel the brunt of Porter's cross-examination when

described by a recipient.

Clyne said graphically:

Being cross-examined by him is like having your throat cut quietly, courteously and swiftly - one moment you are cheerfully chatting away in the witness box, the next moment your head's rolling down the court room aisle.

I have no reason to doubt this hyperbole because it was in an article I read by John Slee. On the assumption that it's true however it prompts one to ask why is Chester Porter called the smiling funnel web when a more entomologically accurate reference would be to describe him as the praying mantis.

Moving on from landlord and tenant, he acquired a reputation as an expert in administrative law. In fact, David Hunt has described him as knowing more about prerogative writs than anyone. Of course, I assume that means anyone apart from David Hunt.

Rodney Parker remembers, with a tinge of embarrassment, an occasion when Chester Porter was in his room on the 12th floor of Selborne chambers looking for a case in the NSW Reports. Rodney said: 'You'll find every tin pot stated case in those reports'. Chester replied disdainfully: 'Yes and I was in every one of them'.

Chester was a foundation member of the 12th floor Selborne and he's still there today. His room is Dickensian, replete with walls of books.

This stability as an occupant of chambers is also reflected in his private life which he strives to keep private. Chester has lived in the same house since 1953, he's been married to the same gracious lady since 1953, and of course has occupied the same chambers since 1963.

Chester and Jean have three very gifted daughters. Josie and Mary are university medallists, and Dorothy is one of Australia's leading poets - *The Monkey's Mask* being her latest work. Melbourne based, she has apparently inherited some of her father's acerbic wit, describing our beloved harbour city when she comes to visit Sydney, as 'that glittering tart'.

Chester's grandfather was a dairyman and his affinity for the land and animals has been passed on, as Chester's house resembles a hobby farm. In fact, one of his hobbies is 'zoos of the world'. He has ducks, geese, dogs, pheasants, fruit trees and Australian natives abound. His interests extend to bush walking and, in particular, bird watching with Jean. Lee Stone recalls a case in the southern highlands when Chester took his

binoculars and on a break in proceedings set off on an ornithological pursuit.

His other interests are reading Henry Lawson and *The Pickwick Papers* and the famous *Dean* case - which apart from its technical aspects serves as an instructive warning of the dangers of 'popular' justice and the disasters which result from allowing legal issues to pass into the political or sentimental sphere.

He has what could be described as old fashioned principles, one of which is that like Sir Garfield Barwick he made a rule never to invite solicitors to his home. He relaxed this rule once with far reaching and profound consequences. During the Chamberlain inquiry in which he was assisting Justice Morling he invited his instructing solicitor home for dinner. During the evening the solicitor was introduced to his daughter Mary. He is now Chester's son-in-law.

Chester is really two people - the private and reclusive family man - in fact the name Chester is from the Latin meaning 'fortified camp' which is apposite to describe his non professional life, and the other is the self-effacing master tactician whose luminous intelligence has put him at the forefront of advocates of Australia.

When asked about his CV, he has said modestly: 'I was admitted in '48. I took Silk in '74 and I haven't been disbarred'.

In tonight's company, one is constrained in recounting his many and varied forensic triumphs. It should be stated however that in the early part of his career he was briefed regularly by the state and appeared in many prosecutions and other proceedings of significance. Then towards the middle of his career

he was favoured by the Commonwealth Government and appeared in many prosecutions for the Commonwealth and its instrumentalities. He is the consummate advocate, at ease arguing cases at local trial and appellate level - and a few months ago he successfully argued the criminal appeal of *Fleming* in the High Court - concerning a self warning in judge alone trials.

In 1981 he appeared on behalf of the NSW Bar Association in the well publicised proceedings to oppose the admission of Wendy Bacon to the Bar. It is said that due largely to his incisive cross-examination the Bar Association was successful.

The law reports are replete with his many appearances.

However, it is only since the mid 80s that he has gained notoriety as a criminal defence Silk and been elevated to the status the media like to call 'high

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profile'.

In late 1983, aged 57, he sustained severe injuries in a motor vehicle accident. Two things that weren't broken were his spirit and courage. He was hospitalised for some 10 weeks and remained away from practice for about eight months. He was heard to remark later that he would never drive a Volvo again, because it took too long to cut him out. True to his word, he now drives a Ford Laser.

On returning to the Bar, his professional life changed and in one of his few interviews he said, and I quote:

The key to successful jury advocacy, apart from numerous other things, is understanding your fellow man, and, strangely enough, it does help you understand your fellow man if you have suffered yourself.

He seems to have adopted Lord Byron's words in *Don Juan*: 'Adversity is the first path to truth'.

In June 1985, he appeared for Roger Rogerson against Jack Hyatt Q.C. It was shortly after his acquittal that Rogerson made that now famous remark to Ray Martin on Channel Nine's *Mike Willisee* programme, and I quote: 'In 27 years on the police force I have never known a corrupt police officer.'



Chester Porter QC

Incidentally, it was 18 years earlier in 1967 that Chester was junior to Jack Hyatt in the second Voyager Royal Commission into the sinking in 1964 of the destroyer *Voyager*. They represented Lieutenant Commander Cabban whose evidence was crucial in clearing the name of Captain Robinson, Commander of the aircraft carrier *Melbourne*.

In September 1985 he appeared for Judge John Foord QC. His Honour was acquitted. It was after these victories that a group of admirers is said to have organised T-shirts bearing the message 'Chester Porter walks on water'.

In May 1988, he appeared for Andrew Kalajzich who was charged with the murder of his wife, Megan. This was not one of Chester's many successes and some time later when asked by a young barrister about this particular case, Chester was heard to respond: 'You'd think this fellow would be clever enough to ask me about one of my victories.'

A passion to become totally absorbed in his cases has been his trademark, as is the passion to win.

Rodney Parker was leaving chambers one bright sunny day carrying an umbrella when Chester asked the obvious question. Rodney replied 'Because I'm a pessimist.' - whereupon Chester said, 'So am I, I only think about the cases I lose'.

In 1990 he was counsel assisting Justice Jack Lee in the inquiry into the circumstances of the prosecution of Inspector 'Harry the Hat' Blackburn for a number of rapes. Again, after a lengthy and colourful investigation at Chester's direction, numerous deficiencies were revealed.

Then in 1991 he was counsel assisting an inquiry into the conviction of Alexander McLeod Lindsay who had been convicted of attempting to murder his wife in 1965. During the subsequent inquiry Chester arranged for an investigator to lie on the floor and cough with blood in his mouth in the direction of a white jacketed chemist. In the end Justice Loveday reported that the conviction should be set aside. McLeod Lindsay was ultimately released and paid substantial compensation.

In 1992 he appeared for the Minister of Environment, Mr Moore in the Greiner inquiry conducted at ICAC into the circumstances of the appointment of Dr Metherill to a position in the public service.

During the last decade he seems to have acquired a reputation for appearing in what he describes as 'wandering hand cases' appearing for medical practitioners before the Medical Tribunal.

In 1986 he was Rostrum Speaker of the Year, he has been past President of the Academy of Forensic Sciences and past President of the [Australian] Council of Professions. He has given much to the Bar and is a point of authority within the profession. To survive and

maintain such an extremely successful practice in the glare of close public scrutiny is a remarkable achievement.

A fitting tribute was recently made by 50 of his friends and colleagues at a dinner in March last year. He was presented with a portrait of himself by Graeme Imson. Inscribed on the back with these words from John Bunyan:

Who so beset him round
with dismal stories do but themselves confound.
His strength the more is.
No foe shall stay his might
though he with giants fight.

Chester Porter QC

Fellow members of the legal profession - you may appreciate that such an occasion is one that is rather devastating for the person who gives the address. I feel very nervous. I comfort myself with the reflection that I won't have to do this for another nine years. I've always mucked up formal occasions. 51 years ago I was admitted to the Supreme Court, and into the Bar. I felt

pretty proud of myself. I wasn't even 22 at the time and my brother was there and I sort of came out of court and I said: 'Pretty good sort of thing', and he said to me 'Don't you bother to take the price tag off your gown when you go into court?', and that was the beginning of many years of humiliation.

In those days they used to constantly give farewells to judges in which they said how wonderfully kind the judges were to young counsel appearing before them. Let me tell you with the wisdom of 51 years of experience - that ain't true!

I started off at the Bar with the name C.A. Porter. My father said to me 'Look, your name's Chester - it's an unusual name, you ought to use it.' And I thought that's not a bad idea because I wasn't getting much in the way of briefs, I can tell you! And so I changed my signature to Chester Porter, which it still is. So, as far as

offended anyone by this sort of thing, may I apologise.

The other disadvantage of course of having an unusual name and people always calling you by your Christian name was - I remember in my very early years at the Bar, I'd only been at the Bar a couple of years I think, if that, I was in some case involving something or other at Central, but one of witnesses was a prostitute - quite an attractive girl actually - and everyone was calling me Chester - which was fair enough.

And anyhow, I'm walking down King Street some time later with a couple of barristers and this girl walks by - her profession was obvious - and with a great smile she said 'Hello Chester'. So it's not a good idea having an unusual name.

I look back on the law over 51 years and I wonder what are the great impressions I have of it. Well, early in my career I discovered, as not many people do quite so early, that the law wasn't all that good at all, that innocent men could quite easily be convicted.

I was only 25 when I appeared in the McDermott Royal Commission about a murder that had taken place when I was a 10 year old. I had a lot of time on my hands then, and to cut a long story short, the Crown case depended upon the suspect car's wheel tracks being 56 inches. So I said to my solicitors, if they weren't we've got something to go on. They looked back and said 'yes they were, they were 56 inches', and, because I had a lot of time in those days, the suspect car was a 1926 Essex Tourer and in those days in the Domain at the road to the Art Gallery there were lots of 1926/27/28 Essex's parked. This was 1951. So I got onto Moffatt, an old ex-Shanghai Police Inspector investigating officer of the Public Solicitor's Office and I said 'Look, let's measure them'. And sure enough they weren't - they were 54 7/8 inches in fact. Before that Royal Commission was

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I know, I'm the only Chester Porter of the Bar, and probably the only one in the legal profession.

I was named after a parson, which wasn't a good idea, and my mother had some ideas that I might be a parson but the prac work beat me. But anyhow, having adopted the name of Chester Porter, so everyone called me Chester, that was a good idea. The only trouble about this system is when you have an unusual name everyone knows your name and you don't know their name. Now, I myself have always had a shocking memory for names. I've got a very good memory for events - I know cases as to what they decide. I never know the names of the cases.

I have been constantly embarrassed by the fact that I meet people at the Bar, I mean people I know extremely well, I know the cases they were in, when they appeared against me, I could give you every detail of the case - the only thing I can't give is their names. Often my wife was with me and she'd say 'who was that', and I'd say 'it was a friend of mine'. But if, by chance, I've

over something like 200 blessed Essex's had been examined but what it showed to me was this that what seems to be the truth is often not the truth, only we never have the time to really look into it. That Royal Commission showed me that if you only had the time to do the investigations properly and thoroughly you'd find out that criminal law is terribly superficial. Innocent people can be convicted.

There's all sorts of arguments going on as to this and that in the criminal law, but fundamentally the difficulty is that sometimes juries make a mistake. Sometimes judges make a mistake - not of the law. I mean you've only got to have one sentence wrong to get a re-trial. But the fact that someone was on the jury who had an absolute prejudice against Catholics or Protestants or Indians, that doesn't matter because it could never be proved. And to me that, I think, is probably one of the greatest problems of the criminal law that has always worried me. It still worries me that if a jury makes a mistake, if a judge makes a mistake, it's so difficult to correct that mistake. I

mean, in my time I have endeavoured and in fact successfully corrected many fact mistakes, but always, by some silly means that look the judge said so and so, etc., but the fundamental thing was he made a mistake in fact, not in law at all. That's one aspect of the thing I should bring to your attention perhaps.

One of the problems of modern times, I think, we used to talk about deterrent and rehabilitation - now we talk about retribution, which if you like is simply revenge, is it not? Revenge - that's the great idea in punishment in criminal law these days - revenge. And we're supposed to be a Christian community that forgives sins - let's face it, I've never committed murder and I don't think I've ever committed rape or anything like that - but there's all sorts of things I have done. I mean, at the age of 73 I'd flatter myself, but it is quite astonishing how in modern times we, no not really in modern times, we've always been doing this, there's been a favourite crime and we have a public campaign against it. At one time it's white collar crime. In my early days at the Bar it was homosexuals, which are now lawful.

I think the current craze is paedophilia, but next week it will be something else. I think along these lines today and I thought I would look back to a book that was written in the year I was admitted to the Bar by Professor Radzinowicz - *The History of the Criminal Law*. Chapter eight is the chapter which of course they make all equity judges read before they can sit on the Court of Criminal Appeal. It's headed *The Doctrine of Maximum Severity* and is founded on a pamphlet written in the 18th century, *Hanging not Punishment Enough*. I don't know, I suppose it's only because Professor Radzinowicz went out of print some years ago, that the two contesting parties in the recent elections didn't get onto this pamphlet.

I mean if you want to stamp out dangerous driving what about crucifying all drunken drivers by the roadside. The result of the pamphlet *Hanging not Punishment Enough* was in fact the institution of the idea of gibbeting people after they were hanged, so that if you took a stage coach journey from London to York 150 years ago, you would see these gibbeted bodies by the roadside but interestingly enough law and order does not appear to have been improved by that interesting spectacle.

Years ago I used to appear for the Public Solicitor of New Guinea in appeals to the High Court from New Guinea and I particularly remember the case of *Wendo*, which is the leading case on some legal point or other, but there were either 34 or 44 appellants which means that added to a dozen or so other cases I have done, I have probably appeared in more High Court murder cases than anyone else. I mean I had a good start, but they were New Guinea gentlemen who had wiped out the village of Maga I think it was. They wanted to skite about having done it, they didn't want to deny it, so the only way the Public Solicitor could ensure that they got a trial was to train them to put their hands over their mouths and stand mute when they came before the court. I have a photo at home of the *Wendo* defendants actually being trained in the art of pleading 'not guilty' by putting their hands over their mouths.

That case is authority for the proposition that although confessions have to be voluntary you only have to prove it on the balance of probabilities and as a result the appeal was dismissed. It always struck me though that even on that test it was a bit far fetched. You see, I think it was forty four residents of Maga had been disposed of. The Police Inspector, who was also the Coroner, well they were budget cutting as we do these days, went out looking for witnesses and he instructed his police officers that if they ran away they're witnesses. They were then brought before him as Coroner in chains and then asked whether they had done it. This was a complicated process because they had to be asked in I think it went through English, Pigin, Kukukuku and the answer was 'yes' at the end. I was never utterly impressed by the justice of that but what intrigued me when I looked into it was that they had, in other cases in New Guinea, tried the idea of showing natives the death penalty in order to deter them, so they brought them down to Port Moresby, a dozen or so from the relevant village, they showed the gentlemen duly scragged and the natives thought that was the greatest thing they had ever seen, far from being a deterrent. They gave the whole idea away at that point.

The other thing that intrigued me about that was that Sir William Slim, the Governor General at the time, when presented with a list of commuted death sentences increased them, and we, being a good servile community, we didn't object.

It is true as Tony Bellanto said that I did have a car accident in 1983, and it's a weird experience to go through to actually endure a 100 mile an hour impact and not lose consciousness. It's a fascinating experience, although I don't recommend it, actually. I remembered I saw the car, it was a drunken driver, and he was on the other side of the road and he just came straight across. I saw him coming towards me. It's astonishing how slowly events move, and I remember all these running down cases I'd done and it was as clear as daylight I mustn't swerve to the right, I must swerve to the left. I did swerve to the left and he clobbered me, but fair dinkum. There was an enormous bang and then a dreadful silence and everything was red. I didn't realise it, it was because I had blood in my eyes. I didn't realise that for months later. But, the result of it all was that when I came back I thought, and perhaps it was true, that I was a better advocate than before. It is true that I believe that if you have been through it a bit you understand more what your fellow humans go through, and that is true - you do. When I addressed a jury and in my first case I was actually on crutches at the time, I felt a power that I've never had before, and it more or less lasted thereafter.

Appearing for people in criminal cases, the funny thing, I mean in the past I'd done everything - I'd done administrative law, I'd done equity. On one occasion, on a Friday, I think I appeared in the motion lists for common law, divorce, land and valuation, and equity.

Roddy Meagher used to reckon that equity was everything, but I can never quite accept it. I mean, when I started at the Bar, divorce and crime were regarded as naughty places, and the proper place to be was

interpreting wills and devising tax avoidance schemes. But I could never quite see it and I still can't see it - it seems to me the most important part of the law really is whether people are to be disgraced and confined for offences, and if we're going to do that, we have to be terribly careful. But I think we have improved a lot since I first came to the Bar. In those days, cases went through very quickly and many more people were convicted on police verbals. I'm glad to say that nowadays it's just about impossible to convict people on police verbals. I appeared in a double murder case a couple of years ago and there was the good old police verbal, you know the one 'are you prepared to submit yourself in front of the ERISP, ooh no no no no, are you prepared for me to type out the interview ooh no no no. Or, would you mind if I just noted it in my notebook as you say it. Oh, it's quite alright!'. And ... - well you laugh!

That was about the third or fourth time I'd heard that story, and I said to the jury 'This Sergeant really ought to get a new script writer - I mean that one's had it!' - and they agreed. But I don't think it is to the credit of the law really that it required the attention of some equity men in the High Court to wake up to the fact that police verbals have gone too far. Having substantially eliminated police verbals... oh no look we still get them, I mean on the way he said to me 'Look, I did it but I'm not going to tell you under the ERISP', but I'd had one or two of those but those ones are so silly they're not worth worrying about. We have eliminated police verbals, but on the other hand we've given away a lot of other safeguards. I'm not too sure how we stand now, but I am reasonably confident that it's a good deal more difficult for someone to be convicted of a crime if they haven't done it than it used to be.

We're not so fast, we're not so confident, we don't really think the law can never make a mistake, and if we have that in mind we might get somewhere. I must say that I was fascinated by the judgment of Michael Kirby in the High Court recently on appeals from findings of fact. You know how you say in these cases oh well, the trial judge - he could see them, he could see their demeanour.

The best witness I ever saw, whose demeanour was 100% perfect, was Australia's top con man. By and large, that's true, isn't it. I mean, on demeanour, how would you go on a case between Marilyn Monroe and Boris Karlov, who would win? I mean, it's the one bit of nonsense that we have in the law, it's this wonderful worship of demeanour.

51 years in the law and I can't tell whether they're lying or not, I haven't a clue. Not by just simply looking at them, but we have this faith. Never mind, we are battling towards the sunrise and in nine years time I'll tell you whether we've got there.

His Honour Judge John McGuire

When I arrived here tonight I told Barker that I'd been able to distil McAlary's history down to an hour. He turned and smiled at me saying that 'If I'd wanted to bore the witness I'd have got Poulos, or Conti or Maconachie to talk'.

Ladies and Gentlemen I don't propose to give you chapter and verse of McAlary's legal history. It's indeed difficult to talk seriously of a man who was variously known as Frank McAlary QC, the 'Bigger Boss', the 'Big White Fellow', the 'Roan Bull'. What I propose to do is to pass on a few reminiscences of this man who so endeared himself to me over the last 45 years.

First of all, let me tell you how it was that Frank came to the Bar. He flirted briefly with a career in the movies - you'll remember that role in *The Dancing Man*, however when he was not nominated for an Oscar in any category, didn't receive any offers from Fox or Metro Golden Mayer he looked further afield.

His first thought was to enter the church - his researches, however, disclosed that there had been no red headed popes of Irish descent.

The coppers, he thought. Perhaps a career in vice. Alas his hopes were dashed when he realised that Ray Kelly and Bumper Farrell had this niche effectively controlled.

Big, truculent, aggressive, opinionated, he was a



Chester Porter QC

natural for the law.

You may be interested to know how it came to be that Frank took silk. I briefed Eric Miller to lead Frank in the claim for personal injuries for one Richardson. He had sustained serious facial injuries, as a result of which he was substantially blind.

He was accompanied everywhere by his mother, who led him about.

A conference was arranged, Miller had promised that he had read the brief thoroughly and he'd be on time. Typical of all silks, he did neither.

We waited patiently in his chambers for an hour.

That morning Mrs Richardson had had a number of skin cancers removed from her face and she was in a terrible mess.

Eventually Eric arrived, sailed across the room, knocked Richardson aside, stood in front of Mrs

Richardson and told her that she had indeed been grievously injured and he'd get her a huge verdict. After he'd picked Richardson up from the floor and arranged the introductions Eric beamed, and he said 'Your most astute solicitor has not only briefed me, the leader of the common law Bar, but he has briefed the most brilliant junior counsel in Phillip Street. And to demonstrate his talents I'm going to allow Frank to conduct this conference as if he was the leader.'

McAlary had been dozing away on the corner, sat bolt upright and conducted the conference. As we left the room McAlary turned to me and said 'If that's what being a Silk is all about I'll be in it.' He applied the very next day.

Frank has always been a most courageous and effective advocate, both in and out of court.

There was an occasion in the Court of Appeal, presided over by Mr Justice Moffitt, when Frank had a blazing row with Mr Justice Hutley. Even Frank thought he might have gone a little far, and this was confirmed when he received a note from Mr Justice Moffitt commanding him to attend his chambers at the conclusion of the hearing.

With some trepidation Frank was led into Moffitt's chambers to be greeted by Moffitt proffering a glass of whisky. He said 'Here Frank, take this and settle down, I haven't seen such a good show in years.'

He was most effective in his dealings with judges outside of court.

There was an occasion where he was briefed to appear in a District Court circuit at Newcastle. The judge heard that Frank was driving and requested a lift - Frank complied. The judge, who shall remain nameless - I must protect his reputation and that of the judges of the District Court - entered Frank's big brown Ford, he had one of those wide big seats, he was in the passenger seat, Frank's ever-loving Patti, without whom he rarely moved, was in the middle, and Frank was driving.

By the time we reached the Hawkesbury Bridge it had become too much for Frank - he jammed his foot on the brakes and he said 'George, I mean Judge' he said 'If you squeeze Patti's knee once more', he said 'George, I mean Judge, I'm gonna punch you in the nose and put you out on the side of the road. Get in the back!'. The trip

proceeded uneventfully and Frank obtained magnificent results in that circuit.

Perhaps his finest hour was when he didn't open his mouth in Court. Because of Frank's great courtesy and consideration, understanding and kindness, which he'd extended to the Aboriginals on his vast holdings, he was literally revered in the Kimberley. He had a friend, one Wallace - an Aboriginal fellow, who formed a member of the Wombat Patrol - a group of good chaps who wandered around the streets of Derby at night to rescue drunks and put them in safe places before the Police could arrest them.

Wallace picked up such a chap and took him to his own home. When Wallace completed his patrol he found this chap in bed with this wife. Wallace dragged him outside and in the front of plenty of witnesses, administered the father of a hiding to him.

Wallace was charged. Frank drove into Derby, some 200km from one of his vast holdings, with his Manager - also part Aboriginal - Gordon Smith. Frank sat in the back of the Court to observe proceedings, the only white face amongst a sea of black chaps.

A succession of witnesses told the Magistrate that they didn't live in Derby and had never been there, and they certainly couldn't identify Wallace, didn't know him, there'd been no fight.

The Magistrate had no alternative but to discharge Wallace.

Frank turned to his Manager, Gordon Smith, and he said 'Gordon, that's remarkable. I understood there was a very strong prosecution case.'

Gordon said 'Bigger boss, that's not so remarkable. I told all those witnesses that if they gave evidence against the Big White Fellow's friends the Big White Fellow was here to deal with them.'

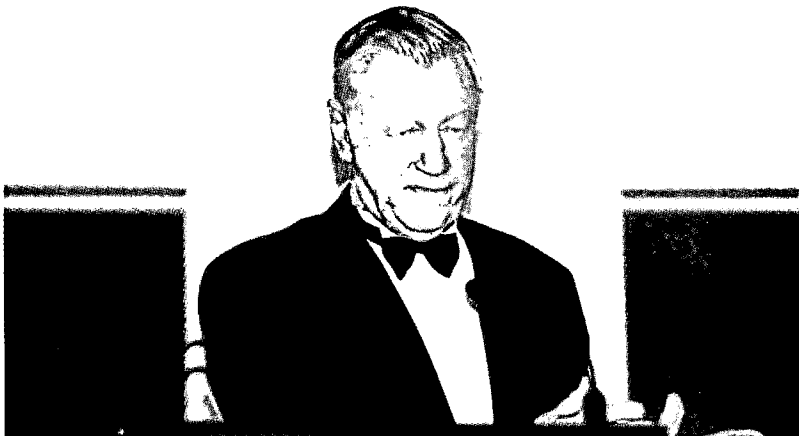
Frank has achieved prominence in appearing for a wide variety of sporting identities - Bart Cummings, horse trainer, Bill Mordey, fight promoter, the much misunderstood Robbie Waterhouse, and of more recent times, Ian Roberts.

Now, Frank has always fancied himself as being a ladies man - I've never seen any evidence to justify this view, and Bill Clinton he ain't.

Ian Roberts, 6'6", 16 stone, a veritable Adonis, a man with a fabulous physique who was want to display it naked together with his accoutrements in the centrefold pages of men's magazines.

He was being sued by one Gary Jack, another footballer. Jack claimed that Roberts had altered the shape of his face by punching him out. There were some 13,000 witnesses at this event, and Jack seemed to have a prima facie case, him being some six inches shorter and 5 stone lighter than Roberts.

Now I'm confident that Hughes and Porter would've mounted some excellent defence on behalf of Roberts, but I don't believe that



Frank McAlary QC

they would have demonstrated the ingenuity and the cunning displayed by McAlary.

He and Ian Roberts were conferring and fashioning their defence which involved the proposition that it was Jack who had assaulted Roberts by his repeatedly smashing his face against Roberts' fists. Indeed, it was Roberts who was the aggrieved party - he had severely bruised and braised knuckles to show.

Now the young ladies on Frank's floor regarded Roberts as being a 'hunk'. And one by one they entered Frank's chambers on the flimsiest of pretexts to gaze at Roberts.

Roberts realised what was happening - he stood to his feet, at that stage there were four girls there - stating 'Girls, you have nothing to worry about from me.'

McAlary, not to be outdone, leapt to his feet, pulled in his stomach and said to the girls 'Well that's not so in my case. You've got a lot to worry about from me.'

The girls fell about and the case was settled.

Ladies and Gentlemen, it's not Frank's pre-eminence in the law, his gigantic status from the cattle industry, his vast land holdings, his successes in business that have endeared him to me.

It's rather his simple humility and goodness, the fact that he is a contributor.

By way of example, McAlary was at my place for a dinner party - Jim Staunton was there. Staunton floated the idea of Associate Judges for the District Court - not the scheme that obtains now. He wished to conduct an experiment by appointing Acting Judges from amongst prominent members of the Bar.

McAlary immediately volunteered and came forward. A man of his eminence disrupted his practice and, at a substantial cost to himself, served for a considerable period as a District Court judge.

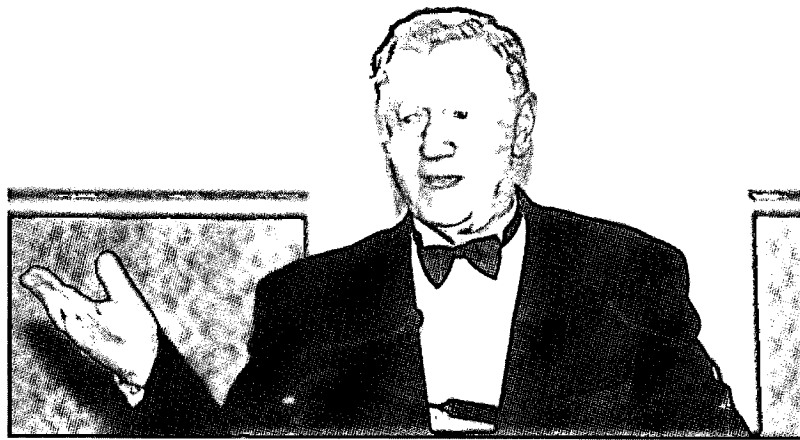
Indeed, he was generally recognised as being the best Friday motions judge that we've seen. He established records for setting aside interlocutory judgments that they may never be surpassed.

I don't want to breach a confidence, but I have it on good authority that had he played his cards right, had he got a bit closer to Staunton, a District Court appointment could have been his.

Fearless in court, fearless on a horse, fearless in the boardroom, when it comes to his God this man demonstrates true humility. He is on his knees every day of his life, attending Mass and communion.

Now you may or may not be religious, but you will appreciate that a man held in such high esteem, a man so successful in everything he does, has a true appreciation of his real work in his relationship with his God.

As a further demonstration of his humility and faith, he attends a shrine at Madjagouria in Yugoslavia, where the faithful believe that the Virgin Mary revealed herself to a number of school children and continues so to do. To demonstrate that humility and faith, Frank joins with



Frank McAlary QC

these believers in climbing a steep course of broken rocky steps up the side of a hill on his knees. This is the same man who appears so confidently, some say arrogantly, before the High Court.

On a Sunday when you and I are readying our yachts or powerboats for a trip around the harbour, loading the Mercedes to go down to the weekender at Moss Vale or Palm Beach, this man is at the Matthew Talbot Hostel, attending to those who are forsaken, who are forgotten, people who most of us wouldn't recognise or even know about.

Frank McAlary QC

Let no one say this is easy. Some men are born great, and Tom Hughes is the obvious choice for that. Some men achieve greatness, and Chester Porter has certainly done that. But the problem I face is that tonight greatness has been thrust upon me. And it's an ill-fitting suit, I don't know how I can wear it tonight, but I certainly can't wear it in the future. All I can say is thank you, thank you John, and I would thank all members of the Bar because the Bar and the law have been very good to me.

It may interest you to know that I came to the law as a complete outsider. My family, father and grandfather were cattle men, sheep men in far west of NSW. We had no legal background at all. When I was 10 my father died due to drought, and his death forced the family into Sydney. My mother decided that I should be a barrister, I had no choice in the matter. She decided it and it had to occur.

So in 1948, not knowing quite what to expect, I came to the Bar. What did I find? You might be interested to know. Well, it was a small community of 300 or 400. The hallmark of the society was individualism. All members knew everyone else, but there was a firm determination that there should be no conformity, eccentricity was the hallmark.

If one went to court with Eric Miller, in the morning we proceeded as follows. Eric would walk first. His junior was allowed to walk beside him and converse with him. Three paces behind was Eric's Clerk carrying Eric's brief. Two paces behind that was the solicitor, and then somewhere at the back was the client. Now, that procession had to be arranged every morning in Eric's chambers. It didn't have to occur at lunchtime.

But if you went with Clive Evatt it was totally different. You shuffled. Why did you shuffle? Because Clive never thought that there should be any laces in his shoes. He took the view that he could proceed to court and retain his footwear by personal attraction. The result was a shuffle.

But there were more interesting characters at the Bar. Does anyone remember Bill Hutton? Probably not. The Bill was a real person. He practised in divorce. The Chief Judge in divorce was Bonnie. Now Bonnie was well qualified to sit in divorce - he being the leading counsel in all copyright and trademark cases for 20 years. But the point about Bill was every year at the Christmas sales he would go and buy 12 collarless white shirts. Then he proceeded to wear them - one a month. When he put his shirt on, he never took it off. The wags used to bet whether Bill would last a month - wasn't much of a bet, he always did. Indeed, you always knew if Bill was around.

But there were others, more interesting characters at the Bar. Now, Tom should remember Harry May. Harry - little short fella, a great advocate, a great cross-examiner - if he was sober. The difficulty with Harry was that he was seldom sober. I remember fighting a case against Harry in the Supreme Court at Newcastle. And Harry was there, he was instructed as usual by Rupert Chance. When the occasion came to address the jury Harry stood there for a long while like this, sort of thing, then he said 'I'm for the defendant' - and sat down. I asked him afterwards 'Why?', and he said 'Rupert wasn't there to assist'. Now, Rupert was also well known as being the worse for wear. How the GIO managed to survive this combination, I don't know. Clive Evatt suggested to me that all I needed to do was to put another zero in the terms of settlement and no one would ever know. Of course, Clive had his own eccentricities. If the case was going against him, he would say to you 'Knock the water bottle over!' I'd look up and I'd see Bill Owens sitting up or Les Herron and I would say, 'no', and Clive would knock it over.

I remember Bill Owens say 'What? Another water bottle?'. But the great thing about Clive was that he had an ingrained habit of doing a runner. On the first or second day of the trial while you were sitting there thinking that the refreshers would add up to some particular figure, Clive would rise, bow and go. Now that meant that from then on you had to be able to examine in chief, cross-examine, address, and argue every point of law.

Clive was leading me in a case against Phil Woodward. Now, to frighten Phil was not the easiest. We weren't doing too well. So, on the second day of the trial Clive up, bows and vanishes. I go on for another three days, then Clive comes back as I'm addressing and I said to him 'Anything you want to tell me Clive?', he said 'Tell 'em about pain and suffering'.

So, now, I know Tom's going to say something afterwards, and it may be that in the big end of town we didn't have the same turbulent, chaotic affairs that went on down in the streets where I was practising. But down there, it was total chaos. There was no such things as statements to be exchanged weeks before the trial. The idea was that you kept your witnesses closely to your chest, and when the moment came you'd scream them on your opposition. The effect of that was to send the

articled clerks and solicitors racing to take out subpoenas, chasing for new witnesses because the trial had developed in a different way. Chaos prevailed - I used to go to seminars where the academics would explain very loosely that we were engaged in trial by ambush. But it was very exciting. You never knew where you were, or what you were doing.

There is one thing that I'd like to say. One little trial that I'd like to tell you about. It took place in the number four jury court under the equity stairs. There was Jack O'Brien, not a very loveable character, presiding over a jury action. Now I was appearing for the plaintiff, as usual - I don't think I'd appeared for a defendant for 10-20 years, but I was appearing for this fella - he was a big man, about 6 foot 2 or 3, weighed 20 stone, and he had a bad back. The difficulty was that he also was a receiver, a thief, and underneath his house were great stores of tyres. Now, when I tell you that my opponent was Tom Hughes, you will realise what Tom was doing in the cross-examination of my client.

I was saved because of my solicitor, John McGuire. As we were going steadily down the tube, McGuire rushed into me and said, (handing me a piece of paper) 'Call her'. I looked and I could see this seemed to be a few notes from his wife. I said 'She can't give any evidence', he said, 'call her'. And then he added, under the dread words: 'If you lose this, you've lost us'.

It was too much for me - I called her. Now, wait a moment, wait a moment we haven't finished. In she came - about 5 foot 4, a pocket Venus, as sexy as Marilyn Monroe, the sour look on the jury's face vanished. There they were, they were fascinated - so was I! But Tom wasn't. He made an immediate decision that I would not get one word out of her. He'd object to every question I asked. Jack O'Brien made an identical decision. For 20 minutes I asked questions, Tom objected, Tom argued that I was misbehaving myself, that I was fooling with his Honour's rulings, Jack O'Brien was upholding him, the jury were watching, but ultimately she left the box, the jury watched her go. As she went she wiggled her bottom. Now, I was going to tell you about the way the addresses proceeded, but the time doesn't allow one. Let me tell you this, that in due course back came the jury with a verdict for the plaintiff.

Now you may think that this has been a tale for my personal glorification, but it hasn't. It's a geared Moppa song story, there's more to it than that. I went back to chambers, I was pretty tired after having battled with Tom for a couple of days, and Jack at the same time. After all, when you have a senior counsel being led by another on the bench it is difficult. So I thought I'd have a quiet beer. So I got up and I think it was for The Tudor, I think it might have been The Assembly, it doesn't matter which and there were a couple of the jurors. A bit the worse for wear, and when they saw me they beckoned me over. So over I went. The foreman said to me 'You really didn't deserve to win, but we couldn't let her down'.

Well, I've enjoyed life at the Bar, I have no great forensic successes to tell you about, I've just battled away - uphill and down dale. May I say that I promised McHugh that I'd say something about McHugh, but as I've got a couple of special leave applications in the High Court, discretion

is the better part of valour.

Let me say I've enjoyed the Bar, it's been very kind and good to me. I can't imagine a career that I could have pursued which I would have enjoyed better. To those of you who follow the same path as I've followed, I'd like to say 'Godspeed' to you, and may you enjoy the success and solicitude that I've received while I was practising at the NSW Bar.

Ian Harrison S.C.

We are privileged tonight to be able to demonstrate our collective astonishment at the attainment by our guests of honour of a remarkable 50 years at the Bar and it's my privilege to introduce the shyest member of the group, Tom Hughes.

Before doing so, I should note that, such is the Bar, it never misses an opportunity to make known its true feelings. Despite my best efforts, it has not been possible to prevent this evening becoming widely known as 'The Fossils Do'. This troubled me. I sought help. Justice Gummow suggested I look up the meaning of fossil. He lent me a copy of his *Macquarie Dictionary* so that I could. That told me that a fossil was something belonging to a past epoch or discarded system. I thought that's a bit tough - these guys are old but they're still vertical. In fact, Tom is writing a book at the moment, tentatively entitled *Filipinos Behaving Badly*.

Anyway, I thought I'd check with Tom to see if he was keeping abreast of state-of-the-art contemporary forensic concepts. I asked Tom 'What do you understand by the term case management?'. He looked at me with a very straight back (Tom has a very straight back) and said 'My boy, that's what the porter at the Dorchester does with your luggage when you arrive'. I thought I'd take a chance. I said 'Well, what about differential case management?'. He said 'That's just an instruction to the porter not to get my bags mixed up with those of my wife.'

Thomas Eyre Forrest Hughes was born, unlike McAlary who was quarried, and Porter who simply turned up one day wearing sensible shoes. He was called to the Bar on 11 February 1949 and he took Silk in 1962. He was President of the NSW Bar Association between 1973 and 1975. He was made an Officer of the Order of Australia in 1988. He has had the presence of mind to avoid judicial appointment before he turned 70. He continues to practice in full flight to this day, despite several lucrative and tempting offers to become a mediator or a District Court arbitrator. He has the sort of practice which the rest of us, with the possible exception of Barker, can only dream about. As far as I know, Tom has never had to cross-examine a dingo, but it took Tom Hughes to establish that Andrew Ettingshausen actually had a penis - and a very valuable one at that! But Tom only needs one house, it doesn't have a spa, and Tom has lost interest in

communal bathing anyway.

Tom Hughes is famous, and the cases he appears in make headlines. Even his in-laws get moderate publicity. Despite all this, Tom is a modest and humble man and a true friend. Tom has, as most of you all know, to my mind the most remarkable ability never to forget a name. Despite infrequent contact over the last 20 years since I first appeared as a junior with Tom, he has always remembered my name. Curiously though, I think Lindsay Foster told me that he personally had never noticed this about Tom! I didn't ask Littlemore!

I spoke to Tom's delightful wife, Chris, who told me that Tom was a calm and placid man who never lost his temper. I mentioned this to Tom's beloved secretary, Anne. She thought I must have been speaking to someone else's wife! In a noisy restaurant I asked Belinda Lyus, Tom's Clerk, if Tom was placid. It must have been noisy because she said she wasn't able to comment on his personal life.



Tom Hughes QC

Tom loves words. His use of English is unsurpassed. He uses language in court which most of us have never heard. In fact Tom often uses words which no one has ever heard. For example, recently in *NRMA v Yates*, Tom launched an attack on an opponent's affidavit as a 'A gallimaufry of tittle-tattle, an ill-assorted ragout of gossip and scandal'. Now of course, those words were, for once, not Tom's own work. They will have a familiar ring to members of the common law Bar. That phrase was originally coined by Crittle, who has used it to great effect for years with beguiling skill to charm and seduce juries at places like Moree, Campbelltown and Cobar.

Tom Hughes entered Federal Parliament in 1963 where he remained until 1972. He was the Commonwealth Attorney-General between 1969 and 1971. He was not uncontroversial. Most of us will remember his confrontation with a group of protesters outside his home. It was big news. It was on all the television screens throughout the country. It was the only occasion in living memory when Tom's eloquence required back-up. He took to the protesters with that cricket bat. The bat is now as famous as Tom. It sold at auction at Sothebys most recently in 1994 for an undisclosed six figure sum to an Indian cricket fanatic. It now occupies pride of place above the Tandoori oven in the 'Curry-Bazaar' restaurant

attached to the Calcutta Cricket Club. The bat remains versatile. It is still occasionally used by the chef to kill cobras and crush garlic. It no longer smells of linseed oil. As a surprise gesture tonight, that bat has been purchased by the NSW Bar Association for return to its rightful owner.

Tom is a keen sportsman. He regularly jogs in Centennial Park with Justice Meagher. He owns thoroughbred racehorses. He's a familiar sight outside Court 19A between special leave applications with his yellow form guide and his transistor pressed to his ear.

Tom Hughes is an impressive man with a commanding presence. This is never more evident than when he is in full flight in a first instance court. If you don't believe me, ask Rose Porteous. Tom is perhaps best known for the disarming way in which he cross-examines witnesses standing side-on with one hand on the lectern, while simultaneously staring towards the back of the court. This technique is notoriously effective but it has unintended consequences. Members of the public gallery often break down and answer his questions.

After 50 glorious years at the Bar Tom Hughes' enthusiasm and powers of persuasion show no signs of attenuation.

Tom Hughes QC

Friends and colleagues, all. Thank you Ian. You picked my few strong points and all the weak ones. A very penetrating analysis of a funny old character. I want to say something about my friend McAlary, whose speech I loved because it bought back to me memories of times past, those marvellous days when there was such a thing as trial by ambush, which was very good for all of us - and sharpened our wits! There's everything to be said having regard to the complexities in modern litigation drafting in chambers statements pages long which are then read, or not read, in public, read by the judge and so the case proceeds. But there was a great element of fun in those old days when Frank McAlary was being led by Eric Miller.

He said that I belonged to the big end of town. You know, I didn't start that way - I started as a practitioner in the Workers Compensation Commission and then in the District Court, doing personal injury cases for many years, and many enjoyable years, appearing before judges such as Judge X who when on one occasion, I rose to cross-examine a witness and asked my first question, said 'Absent any objection by my opponent - you can't ask that question', and I said 'Your Honour why?', and he said 'Because that has already been dealt with in chief'. Now X was a Chairman of District Court Judges many long years ago, and that was the sort of environment in which one had to do one's battles - it was great fun. The environment is perhaps more civilised today - I think very largely it's more civilised today, but Frank and I have had, what could fairly be described as a sort of love-hate relationship in our respective careers at the Bar.

We've done a lot of cases against each other, a lot of hard fights, and he mentioned, or somebody mentioned, Bart Cummings tonight. Now Bart Cummings is one of the great men of the turf, and I had occasion in a case against Frank when I was appearing for a firm of

accountants to cross-examine Bart Cummings, and I had to do so for a day or two. Bart is a great character, but he has a short span of concentration. He manifested a determined refusal to attend to the question. So out of this actually came a firm friendship of the turf. Somebody said I was interested in racing - I am, not very successfully. But I said 'Look Mr Cummings, we've got to get this case moving and can I suggest to you, (and Frank was very co-operative), that when you start to stray from the answer that you should be giving to the question, I'll put my hand up and say 'Mr Cummings golden rule.' The golden rule, I explained to him, was that he must attend to the question and answer it. Well, it served a purpose, and the case went on more quickly, and the result doesn't matter. It was a hard fought case and out of it I meet Bart Cummings at the races when I go, and we always have a friendly chat, and he said to me once, he said 'You know, you ought to let me buy a good racehorse for you', which I thought was the nicest offer that somebody who had to put up with the irritation of the cross-examination by me could make. I haven't accepted the offer because I don't have quite enough money for his sort of racehorses.

Let me say something about the Bar. The Bar to me has been a profession of absolute fascination. If you don't enjoy what you're doing at the Bar, don't be there. I've enjoyed every minute of it and in the result, I've had the occasion to spend money on other activities, not altogether wisely, such as grazing. I love the country, I love looking after my cattle and my sheep when I go up there and my wife looks after our horses - and that's great fun, but it's not enriching at the moment. But one always has to be an optimist. Racehorses, well, they're great fun, but my most recent experiences is that having had a horse out for eight weeks with a lung infection - is cured of the lung infection and it's now out for three months with a swollen fetlock. So, you can't win, except occasionally. Let me come back to the Bar. How it has changed since Frank and I started 50 odd years ago. Of course I'm the junior tonight, both Chester and Frank are my seniors, and I should observe the appropriate decorum and speak briefly - I'll try to. The Bar in which we grew up was one in which the numbers were few - 3 - 400, I thought more like three in 1949. You knew everyone by name, people like Alan Taylor, who was one of the giants, was able to take, except in extraordinary circumstances, half a day a week off to play golf, others were able to do the same thing with tennis. It was a more relaxed environment - people weren't working at the pace, with the demands that we have to cope with today.

Selborne Chambers was a funny old place. That's where I lived for the first seven or eight years of my life at the Bar. It was a cavernous sort of building with wide corridors on the ground and first floors, and upstairs is a sort of mysterious world in which there was a taxidermist; it had been a house of assignation. Those days were past because there were two old ladies of impeccable respectability who used to totter up and down from the ground floor to the second floor. Every day you saw them. We had a clerk, dear old Jack Sheahan, who had had a stroke and was deaf, I am talking about 1949/1950. He was the clerk to people like Jack Shand, Martin Hardy, Jack Cassidy, John Evans. He didn't have a telephone exchange, he had a number of

telephones on his desk, all individual, which used to ring at times in unison, and they were seldom if ever answered.

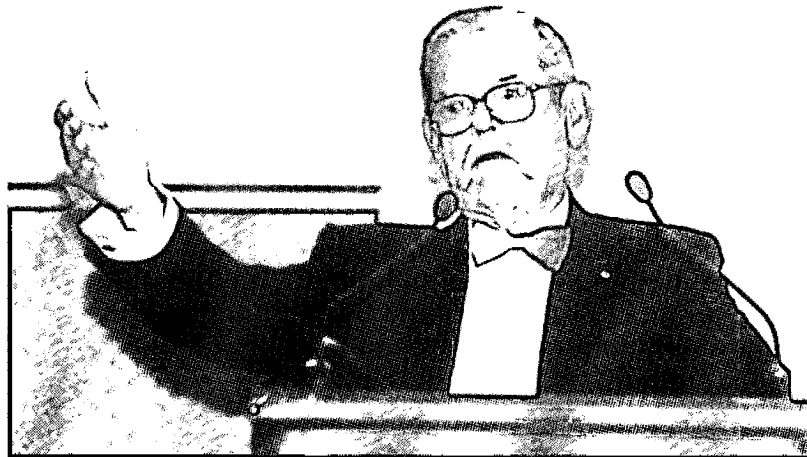
It was, compared with the today's world, a strange, old fashioned world. I remember cutting my teeth, if not having them broken, by doing cases in the District Court, against the likes of Sir Maurice Byers, who was always charming; he didn't break your teeth, he just spirited the case away from me with easy charm. Ray Reynolds: that was a tooth breaking exercise! With Ray, who became and remained a friend, no quarter was asked, and no quarter given. Very salutary experience for a young scrubber like myself.

Well, I could go on, I'm deeply grateful to all of you for coming here tonight to honour Chester, Frank and myself. It's particularly pleasing to me to sit next to two Chief Justices, with each of whom I've done cases, and to see at the table over there Michael Kirby, with whom I once or twice did a case. The one I remember was a probate case in of all unlikely venues, Grafton in the beginning of 1973. I remember travelling up on some ancient aircraft with Michael to Grafton to do this possibly quite interesting case which was settled on the morning of the hearing. And we trundled back to Sydney. I'm very grateful to all of you for having come here tonight.

I'm grateful for the many many juniors who've had to put up with my idiosyncrasies and times of short patience, or lack of patience. You've been a very forebearing lot. Even Sir Laurence down there, we did a case together just after I took Silk. So there are three people down there, with all of whom I've had the privilege to do cases as a very young Silk.

I just want to say one thing before I stop - this is a rather disconnected speech. It's disconnected in the sense because I feel fairly emotional about tonight. I'd trotted out on a list the number of members of the NSW Bar who made that step into the unknown of politics in the last 50 years, and they are, and I hope I haven't missed any out; Percy Spender - I remember Percy Spender when I was an Associate in jury actions before my judge, [the late Sir William] Bill Owen after [Percy had] travelled down in the train from Canberra from the House of Reps back in 1948. Harold Beale - now he went into Parliament in 1946. He wasn't a great advocate, but he found his niche in another very important walk of life. He became a very successful ambassador to the United States after having served in Menzies ministries. Gough Whitlam who went into the Parliament in 1952. He and I were opposed to each other when I was Attorney-General, of course he used to ask me questions and we carried on an agreeable game of banter across the chamber. Barwick went in 1958 and became Chief Justice, of course, six years later. I entered the House of Representatives in 1963, Nigel Bowen in 1964. Then there was Kep Enderby, who I'm delighted to see here tonight. When I left the Parliament in 1972 I was able to leave with the thought that I had no

fewer friends on the Opposition side of the House of Representatives than on my own side, and that's perhaps a reflection of what I thought about the state of the Liberal Party of the time. Then there was Bob Ellicott who went in 1974. John Spender who entered the House in 1980,



Tom Hughes QC

now Ambassador in Paris. And my friend and floor colleague Maurie Neill, who was in the Parliament for one term. When I went into the House, Maurie, they used to call me a 'Oncer', and I always replied by saying 'Better to be oncer than a twicer', and it was a pity that you were a one term member, but you were there. And then of course I must mention one of the most famous of all, in many respects, Lionel Murphy, who paid me the compliment of having me as his counsel in some of his cases. And then Ian Sinclair, although he hardly ever practised. He did not practise full time at the Bar.

So, you take a line through 1946 to the 1980s, and you find that only 12 members of the Bar of NSW made that fateful step full of uncertainties into politics. And it is a pity because once upon a time the Bar was regarded as the nursery of politicians. I do hope that in the future some of the young will see it that way because the qualities that you learn in the rough and tumble of politics are qualities, which on any side of the Parliament, are useful and should be deployed by more barristers than has been the case in the last 50 years. There's room in politics for lawyers and there have been too few of us.

My years in politics were sort of up and down years, the end was down because I saw the Liberal Party - I'm not going to go into this, this is for a chapter in a book - I saw the Liberal Party as heading in a course which wouldn't have made me happy to stay very long there, so I went back to my first love, the law. But politics is a chancy game, it's a tough game, but it still has its fascination and more of us should try our luck even if only for short time. I'm very proud that my darling daughter has decided to chance her hand in an area of politics, namely city politics. I'm very proud of that and I think she'll do well.

Well, this is a disconnected sort of speech and it is, as I say, so because I feel very deeply about what you've all done to honour us. I'm very lucky that I have the acquired and retained so many close friendships with my colleagues, forensic comradeship notwithstanding. Thank you all.