

Christopher Grenville Gee QC

(1941 – 2003)

By Robert Stitt QC

On Tuesday, 16th December, 2003 in Perth, Justice Neville Owen in the Supreme Court of Western Australia said:

Just before we start this morning there are a couple of things. Can I place on public record that I was greatly saddened yesterday to learn of the death of Mr Chris Gee QC. There is an old adage that beauty is in the eye of the beholder and I suppose one's perception of advocacy follows that route.

I must say that Australia is blessed with many fine lawyers but I believe that Mr Gee was one of the finest advocates who I have had the privilege of hearing. He was incisive and thorough and yet extremely urbane and pleasant. He will be a great loss to the Australian legal profession and the Australian community.

The genesis of this spontaneous commendation was the appearance by Chris, on behalf of a reinsurer, before Justice Owen in the royal commission inquiring into the failure of HIH Insurance Limited.

At the time of his death, on 15 December, 2003, after a short illness, Chris had gained a well-earned reputation in Australia as a leader of the Bar.

Christopher Grenville Gee was born on 24 August 1941 in Sydney, the eldest of three children of his barrister father Kenneth Gee (who became a District Court judge) and Nance Isobel née Russell. His siblings are Stephen Grenville, former deputy governor, Reserve Bank of Australia and Kate Grenville, the celebrated Australian novelist and writer.

Chris attended North Sydney Boys High School from which he matriculated in 1958 to the University of Sydney where he read Arts and Law. He graduated in 1964.

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In 1962 he was an articled clerk at Clayton Utz articled to George Hardwick. It was there that he spent his formative years in the law. His wide circle of friends was eclectic; it included Michael Hornibrook, James Halliday, Spencer Ferrier and Kevin McCann. They were a merry band which spent much of their time playing bridge, drinking, eating in restaurants and arguing the great issues of the day such as Vietnam. He played teams bridge for the solicitors in their annual competition against the barristers, whose team was led by R P Meagher. It was the era of Haight-Ashbury and flower power. James Halliday gave their gluttony respectability by becoming a wine and food critic. A young solicitor in Clayton Utz, John Winston Howard, sometimes joined this bridge playing set but he spent much of his time organising his matters and affairs political.



"His love of flying was intense."

Chris's interest in aviation, sailing and motor cars dated from this time. He and Spencer Ferrier repaired and revived several moribund vehicles. Chris drove an early model Triumph Herald which had its bonnet bent upwards at a sharp angle. This gave it a raffish, square-rigged look. When the wind was in the right quarter it added a couple of kilometres per hour to its speed. So he kept it. His love of flying was intense and he and Spencer each gained a light aircraft pilot's licence. He acquired a life-long interest in sailing and spent many happy hours 'mucking about' in his ancient VJ sailing boat.

He was called to the New South Wales Bar in 1966. He first entered chambers on Eighth Floor Wentworth. The head of chambers was Gordon Samuels QC (as he then was) and the clerk was the larrikin Harry Peel. Other members of those chambers included Michael Kirby, Bruce Murphy, Peter Grogan and Garry Downes. Harry Peel had been a member of the 2nd AIF Sixth Division where he acquired his tact, diplomacy and people-skills by fighting both Rommel's *Afrika Corps* in the western desert and Tobruk and the Japanese in the Pacific islands. Harry was pungent in his criticisms of those who displeased him whether they were clients, instructing solicitors, members of the Bar or the judiciary. On one occasion he threatened a young junior, for whom he clerked, with defenestration.

Notwithstanding the efforts of his clerk, Chris's practice grew rapidly from beginnings in the local courts where he developed expertise in the *Landlord and Tenant Act 1899* and its various amendments. By the late 1960s the technical interstices of this convoluted legislation resembled a medieval saraband. Chris thrived on it and he took full advantage of all available points of law, evidence and procedure which lay thickly along the way. His instructing solicitors loved him.

In the early 1970s he moved to Seventh Floor Wentworth where he remained until his death. There, the clerk was Fred de Saxe - sometimes described as 'the prince of clerks'. Under his guiding hand Chris's practice blossomed and matured. He developed areas of speciality in aviation law, building and construction, insurance law, professional negligence and product liability. He proved to be an outstanding advocate with great skills of persuasion both at first instance, often appearing before juries, and at appellate levels. He was a penetrating cross-examiner. His forensic armoury was complete. In 1984 he took silk. He served as an acting District Court judge in 1988, 1989 and 1990. In 1999 he took chambers in Melbourne on level five of Joan Rosanove Chambers.

Apart from a large advising practice Chris appeared in many significant cases in different jurisdictions: *Stevedoring Industry Finance Committee v Crimmins* (1999) 1 VR 782 (duty of care owed by a statutory authority), *Commercial Union Assurance Co. v Beard* (1999) 47 NSWLR 735 (non-disclosure under a policy of insurance), *Phillip Morris (Australia) Limited v Nixon* (2000) 170 ALR 487 (composition of class actions in the Federal Court), *James Hardie & Co. Pty Ltd v Seltsam Pty Limited* (contribution between tortfeasors) and *South Tweed Heads RLFC v Cole* (2002) 55 NSWLR 113 (duty of care to an intoxicated patron). He also appeared in many arbitrations and inquiries such as the long running dispute concerning the extensions to Sydney's International Airport, the collapse of the Hunter Valley Coal Reclaimer, the coronial inquiry into the Thredbo Village disaster, the disputes concerning No. 1 O'Connell Street and many aviation inquiries.

Despite his growing stature in the legal profession he was never pompous. He did not feel the need to take himself seriously. This is a need which, unfortunately, often afflicts some members of the Bar. Always present, just beneath the surface,



Christopher Gee QC, Harriet Gee, Elizabeth Gee, Sophie Gee.

was his sense of fun, humour and mordant wit. He was a stimulating conversationalist and raconteur. His speech and stories were punctuated by Wildean aphorisms and one line witticisms.

In paying tribute to him at his memorial service at St James Church in February, D F Jackson QC, Head of Chambers of Seventh Floor Wentworth, said of him:

He was also very good at affecting an amusing, world-weary air when discussing the difficulties into which his clients has placed themselves and from which he was required to extract them.

He loved both the English and French languages (in the latter he was fluent) with all their nuances and subtleties. He was a Latin scholar. He read widely and deeply. His love of literature embraced a wide spectrum of authors including Jane Austen, Nabokov, Proust, Dickens and Somerset Maugham.

His much discussed 'Gee's laws of litigation' is a source of amusement and fun for many members of the New South Wales Bar but beneath the humour, and disguised by it, lay more than a grain of wise forensic judgment. His Voltaire-like description of an opponent's ability as 'the great advantage of mediocrity is that it is so easy to reach your peak' lives in the memory. He was never unintentionally rude about anyone. He had many loyal friends both within and outside the legal profession, all of whom were deeply saddened by his death. They will all greatly miss him.

In 1969 he married Elizabeth Ann Bruce. They have two daughters, Sophie and Harriet. He was devoted to his family and his love was reciprocated. They engaged in many activities together. As an adjunct to his interest in wine and food, Chris developed a skill in making marmalade and preservatives, some of which were awarded prizes at the Sydney Royal Easter Show. His activities as a *sous chef* caused hilarity and mirth amongst his daughters and Sophie's amusing story about his prize-winning marmalade won her the Sydney Morning Herald Young Writer's Award.

He derived deep satisfaction from the successes which each of his daughters achieved. Sophie gained her PhD from Harvard University and is now lecturing at Princeton University and Harriet is in final year medicine at the University of Melbourne.

It was Harriet's talent as a cellist which sparked the last love of his life - music, particularly opera. He and his family enjoyed travelling together, often to hear favourite singers perform in operas in overseas theatres. Their last trip together, not long before he became ill, was to Europe with a wonderful fortnight in Capri, where the tourists and the local inhabitants provided a rich vein for his sardonic humour.

He is survived by his father, siblings, wife and daughters.