

Billy Purves: crown prosecutor

By Mark Tedeschi QC

Billy Purves has recently retired as a barrister and crown prosecutor. At the time of his retirement, Billy was the oldest serving crown prosecutor in New South Wales by a long shot. I hope he will forgive me for disclosing that he is 74.

Billy was born in Glasgow in 1933. His distinctive Scots accent has charmed numerous juries for many years, both as a prosecutor and as a defence counsel. He lived as a boy in the village of Aberlour on the River Spey in the Grampians district. His first adult job was as a journalist with the *Edinburgh Evening News*. He did national service in the British Army for two years. The highlight of his army service was a period of some months which he spent 'guarding the Suez Canal', armed with a First World War rifle and 20 rounds of ammunition.

Between 1958 in 1963 he had an extended 'working holiday' in Australia and New Zealand, being employed as a journalist, a swimming pool attendant, a clerk in a tobacco factory, and a general hand on two cattle stations near Mt Isa. This enabled him, following the peripatetic example of Hemingway, Steinbeck and Orwell, to get the necessary experiences required to write a great novel.

Between 1964 and 1967 he went to New Zealand, working on the 'great novel' and also as a journalist on various newspapers in Hawkes Bay, King Country and Christchurch, before joining the Reuters news agency as a parliamentary reporter in Wellington.

Between 1968 and 1971, he worked for Reuters in Sydney, and then moved to the *Sydney Sun*. He reported on parliament in Canberra and in Macquarie Street, and covered the 1969 federal election. In 1972, he entered the University of New South Wales, studying for a bachelor of arts degree, whilst working part-time at *The Sun* and in the ABC newsrooms, all the while working on the still unfinished novel.

Between 1975 and 1980 he studied law at the University of New South Wales. His fellow students included: Annabelle Bennett, John Bettens, and Stuart Littlemore. His tutors included Terry Buddin and Ian Harrison. All this time, he was working the 11 pm–7am shift as a sub-editor at ABC Radio News. He was also compiling and presenting the Market Report at seven o'clock in the morning on Clive Robertson's programme. The novel remained in the bottom drawer.

In November 1980, he was admitted to the New South Wales Bar. His admission was moved by Jeff Shaw QC with Sir Laurence Street presiding as chief justice.

At the private Bar, Billy read with John Szabo in Garfield Barwick Chambers. In 1982 he appeared in his first major criminal trial without



Photo by Mark Tedeschi QC

a leader. The trial judge was Judge Godfrey-Smith. Brian Sully QC with Peter Deakin were prosecuting in Court No 3 at Darlinghurst. During this trial he paid his first visit to the underground cells underneath the court, which he describes as a life changing event, describing the cells as 'cut from the rock – like caves with iron bars'. His client was acquitted.

In 1984, he appeared for Louis Chin in a drug-importation case (Rodney Purvis QC was prosecuting). His client was convicted. However, in 1985 he appeared without a leader in the Court of Criminal Appeal where Mr Chin successfully appealed against his conviction. The Crown appeal against that decision led to the High Court decision in *R v Chin* (1985) 16 A Crim R 147 which is still an important precedent on the Crown 'splitting its case'.

During the period 1983 to 1988, Billy inadvertently became a specialist in riot cases because of his involvement in the *Milperra Bikie Massacre Case*. He subsequently appeared for accused persons in other similar trials, following riots at Brewarrina, Bourke and Bathurst.

In 1987, he did his longest trial, spending seven months in the District Court at Penrith before Judge Harvey Cooper who was presiding in the case of *R v Anderson, McPhail & others*. The case was prosecuted by the late Ted O'Loughlin QC, Ana Seeto and Len Attard. Billy was instructed by Chrissa Loukas. Other defence counsel included Ian McClintock, Anthony Cook, John Gordon, Jim Barnett, Dino Bertini, Richard Royle and John Peluso. In another trial at the Downing Centre, Billy was appearing for one accused whilst Jock Dailly was appearing for the other. It was one of the very first trials where sound recording was used at the Downing Centre to record the evidence. During the course of the trial, a plaintive message came from the court transcription service asking whether Billy and Jock could please say who was talking each time they spoke. Billy and Jock were quite surprised that the court reporters were not able to distinguish between a rural northeastern Scots accent and a Glaswegian accent.

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2007, Billy appeared as crown prosecutor in numerous trials in the District Court throughout the state. He estimates that about 60 per cent of them were either sex-related or drug-related matters (no more riots?).

In February 2002, in a much publicised outburst, an acting District Court judge aborted a trial in which Billy was prosecuting a former police officer on serious drug charges, because he thought that Billy was having difficulty adequately hearing the witnesses. This was despite the fact that Billy was able to read back from his own handwritten notes exactly what the witnesses had said in evidence. This prompted one of the daily newspapers to print a news poster the next day which read 'Judge hands down deaf sentence'. Despite this setback, several months later Billy (without a hearing aid) prosecuted the retrial of the former police officer (in front of another judge). The police officer was convicted after a seven-day trial. In fact, Billy successfully prosecuted for a further five years (still no hearing aid) until June 2007. His last trial, before Judge Norrish QC, was a five-day trial on four counts of fraudulent misappropriation. During sentence proceedings, Judge Norrish, who had known Billy for decades, paid tribute to the many years of outstanding professional service which Billy had given to the community, both as a barrister at the private Bar and as a crown prosecutor.

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Billy is, in fact, not the oldest barrister ever to serve as a crown prosecutor in New South Wales. That distinction belongs to BFF (Buck) Telfer, who was appointed a crown prosecutor for the Western District on 1 April 1939, and who retired in July 1967 at the age of 78. Buck Telfer was a big man with prominent bushy eyebrows who cut a formidable figure in court. Towards the end of his career, he must have taken great care to conceal his advanced age, because a year before his retirement the then attorney general found out for the first time how old Buck Telfer really was. A short note in the records of the Attorney General's Department discloses that after finding out Buck Telfer's true age, the attorney general interviewed him in the presence of the under secretary and put to him that 'in view of his



Photo by Mark Tedeschi QC

age (77 years) and the policy of the government that officers, as a general rule, should retire at age 70, consideration should be given to his retirement.' After considerable discussion, Telfer agreed to tender his resignation the following year, and the attorney agreed to this. Rumour of this pressure from the attorney general must have spread to private practitioners in the Northern Rivers district where Telfer practised as a crown prosecutor. In June 1967, the secretary of the Clarence River and Coffs Harbour Law Society wrote to the attorney general informing him that the society had heard that Buck Telfer had been required to resign his office as crown prosecutor 'by reason of the view of the present government that he has now reached such an advanced age as renders his further tenure of office undesirable'. The secretary of the society also informed the attorney that 'my society is perturbed that an officer of the crown who has rendered and still renders capable service, who has discharged his office fairly and fearlessly, and who has a contractual right to remain in office should be deprived of such office against his will.' The reply to the society from the attorney was the predictable 'I'm not at liberty to discuss the matter'. Telfer's resignation became effective on 28 July 1967. He had been a crown prosecutor for 28 years, three months and 28 days. To the writer's knowledge, there has never been an older or longer serving NSW crown prosecutor before or since.

Unlike Buck Telfer, Billy Purves retired without any pressure from anyone in order to take up a life of relative leisure with his wife and daughter (another daughter lives in London). Billy has announced that in retirement he will be perfecting his Latin, improving his chess and golf, finishing the crosswords in the paper each day, and possibly even completing the long awaited novel. He will be sadly missed by his many friends and colleagues in the Crown Prosecutors Chambers and at the private Bar, as well as the many judges before whom he practised so ably.