

areas of law have not been forgotten: most are of general application to multiple areas of law, and one addresses the significance of *Donoghue v Stevenson*¹. There is a wealth of material to satisfy those interested in legal history, including a paper on ‘Magna Carta – History and Myth’, as well as papers considering the history of the High Court and the Privy Council, particularly as regards Australia.

Most, if not all, of the papers were delivered as oral addresses or speeches. The audiences of those addresses varied, ranging from solicitors at the Australian Government Solicitor’s Office, readers and junior barristers practising in New South Wales, Australian judges, legal practitioners, academics and law students in Australia, members of the public, and the members of the Singapore Academy of Law. The range of audiences means that the papers contain differing amounts of introductory material and assumed knowledge depending on their target audience. While some papers were delivered to experienced lawyers and judges on whose part a reasonable level of knowledge on the relevant topic could be assumed, others were not, and the resulting paper could easily be appreciated by non-lawyers, or lawyers unfamiliar with the Australian legal tradition. For example, ‘Australia’s Contribution to the Common Law’ was an address given to the Singapore Academy of Law on 20 September 2007. In it, Mr Gleeson highlighted particular High Court decisions in areas of importance in criminal law, equity, contract, tort and administrative law, where the Court could be seen to be ‘acting sometimes creatively and sometimes traditionally, sometimes boldly and sometimes cautiously, but in all cases consistently in the application of a judicial method ... in the mainstream of the common law tradition’.² That paper traverses years of the High Court’s body of work across many areas of law that would be of interest to those new to Australian law as well as Australian lawyers interested in a summary of significant matters in Australian jurisprudence.

Each paper addresses the issues with which it is concerned in depth, yet concisely, and in an entertaining style. In ‘The Centenary of the High Court: Lessons from History’, Mr Gleeson described a judgment of Sir Samuel Griffith, then chief justice, in *Baxter v Commissioner of Taxation* (NSW) (1907) 4 CLR 1087 as being ‘the most vitriolic judgment in the Commonwealth Law Reports’.³ Elsewhere,⁴ in addressing aspects

of judicial style, Mr Gleeson referred to a letter from Professor Harrison Moore to Andrew Inglis Clark written in 1906, in which Professor Moore complained that during three and a half days of addressing the High Court, counsel ‘never got a clear five minutes speaking’, due to judicial intervention. Mr Gleeson stated in his paper (which was delivered in 2003, during his tenure as chief justice of the High Court) ‘No counsel would be given three and a half days now, and a clear five minutes speaking would only happen if all the Justices walked off the Bench’.⁵

In ‘A Changing Judiciary’, an address delivered to the Judicial Conference of Australia Colloquium, Uluru, on 7 April 2001, Mr Gleeson emphasised the importance of institutions having a ‘corporate memory’ to safeguard against error in declaring an existing state of affairs essential or fundamental without adequate knowledge of what has occurred in the past, or what occurs in other places. He stated:⁶

People may be surprised to learn that what they regard as an indispensable part of the natural order of things is, in truth, a recent development, or may be quite different from the way things are done, by respectable people, elsewhere. They may be alarmed by aspects of current practice which are not really new, but are simply a response to problems that have been around for a long time.

Given that the earliest of these papers was delivered 38 years ago, and many of the papers contain a careful recitation of the historical and legal development of the relevant topic, the book in and of itself will contribute to the safeguarding of a collective memory in respect of the issues with which it is concerned.

This book is an indispensable resource for Australian lawyers, particularly barristers, and will also be welcomed by those with an interest in Australian legal history or the judiciary.

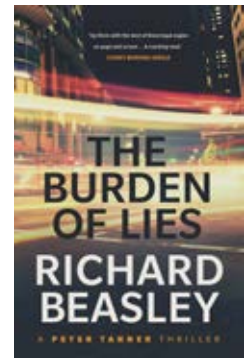
Reviewed by Victoria Bridgen

ENDNOTES

- [1932] AC 562.
- Advocacy and Judging: Selected Papers of Murray Gleeson* at 101.
- Id at 133.
- ‘The Centenary of the High Court: Lessons from History’, in *Advocacy and Judging: Selected Papers of Murray Gleeson* at 132.
- Id at 145.
- Id at 53.

The Burden of Lies

A Peter Tanner Thriller
By Richard Beasley | Simon & Schuster | 2017



We first meet Peter Tanner, the barrister protagonist in Richard Beasley’s *The Burden of Lies*, in the Downing Centre, where he is defending a racist. Tanner is a senior junior at the criminal bar and racial vilification, we learn, is not his bread and butter. Instead, he prefers ‘not to get out of bed unless blood had been spilt’. Yet while Tanner proudly makes a living defending the low-lives of Sydney, his sense of moral outrage at the crimes his clients commit is keenly felt. This much is made clear when Tanner asks the magistrate hearing the racial vilification charge to ‘add a couple of zeros’ to the \$550 fine his client receives for spray-painting a racial slur on the front wall of an Islamic primary school. And clearer still when in conference later that day with a different client – a ‘hedgefund sociopath’ who was not, to Tanner’s mind, showing sufficient remorse for his actions – Tanner smashes the client’s smartphone to smithereens, using a cricket bat. It would seem that Tanner is struggling not only with his clients’ choices but also some of his own. The (thrilling) backstory to some of these choices can be found in the first book of this series, *Cyanide Games*, but it is not necessary to read it to know that Tanner is more than a little bit broken and badly in need of some time off. However, in the fine tradition of the bar, rather than take the year off that his shrink has urged upon him, Tanner throws himself into his next big brief, a juicy murder trial defending a property developer charged with killing her banker. Of the trial, Beasley writes:

The victim was an ex-high-flying banker who did nearly six years for coke distribution. He was not long out of prison when someone had fragmented his kneecaps to bits of bloody gravel and then removed the back of his head with a close-range shot. The accused was an attractive and once successful businesswoman in a man’s game who’d been ruined by the dead guy and the financial leviathan he’d once worked for. There was a young hitman, and another

crown witness with a criminal record and overtones of the underworld. There was nothing the press didn't like about *R v Athina Leonard*.

The Leonard trial, together with Tanner's unorthodox but punctilious preparations for it, provide Beasley with all the vital ingredients for a fast-paced legal thriller. The story that unfolds as Tanner prepares for and appears in the trial is also very much of its time and place. The glamour and greed and the successes and excesses that make Sydney are centre-stage. There are the greedy property developers carving up the last available slices of Sydney's harbourfront real estate, the greedier banks funding all the development, and corrupt cops are thrown in for good measure. Tanner has his work cut out for him, both in terms of uncovering the various levels of corruption at play and in weaving a plausible case theory about who might have killed his client's banker, if not she. Along the way, Beasley slips in enough wry observations about the wealthier echelons of Sydney society, as well as about the quirks of the legal profession as it exists today, to make this book more captivating and relevant than your standard work of crime fiction.

While the facts of the trial and its denouement make for a real page-turner on their own, it is the character Beasley has created in Tanner that is most enthralling. He is successful, yet troubled. Conspicuously flawed, yet eminently likeable. He is smart, and a good lawyer. His performances in the courtroom are enormously entertaining. Conveniently (for plot purposes), he is widowed, giving him a whiff of tragedy and also making him available for dalliances with the women with whom he comes into contact.

The frequency with which Tanner reminds those around him that he has devoted his life to representing the truly repellent members of society reminds one of Rumpole of the Bailey. His risk-taking and obvious allure for the women whom he encounters is more reminiscent of Rake's Cleaver Greene. But mention of those two fictional advocates is not to suggest that Tanner is in any way derivative. Tanner is his own self. He is a workaholic, but values his family above all else. He clearly loves being a barrister but sports an obvious ambivalence about what he does and the people who brief him. He takes himself seriously, but has enough self-awareness not to let his successes go to his head. Early on in the novel, Tanner jokingly tells his psychologist that he will give his final submissions in the Leonard trial via a series of tweets. It is comments like these and the aforementioned character traits that suggest that in Tanner, Beasley may have created a legal hero for Gen X. And as Tanner issues his final invoice after the jury has delivered its verdict, one is left hoping that Beasley will find the time to give Tanner a new brief.

Reviewed by Juliet Curtin

Extract from *The Burden of Lies* by Richard Beasley

The crime scene shots of the aftermath of the head wound weren't pretty. Nor were the close-ups of Randall's knees.

The woman said to have ordered this execution sat with her hands clasped together on one side of Kit Gallagher's conference room table. She stood to greet Tanner. She was in an ivory suit, one button on the jacket, tightly tailored at the waist. She was short, but the heels gave her enough height. Long straight black hair, deep black eyes that could have looked over the Nile from a palace five thousand years ago. The rest was the Golden Age of Athens.

Gallagher ran through Tanner's CV. If Tina Leonard was impressed, she didn't show it. She looked like she made her own mind up about people. She had a pink rock on a finger you weren't meant to miss, smaller stones of the same kind on each ear. Her ring finger was clear. Her marriage, like her business, had crumbled post the GFC.

'Do you know the prosecution's witnesses?' Tanner said, once his career highlights had been covered.

'Not as friends,' Tina Leonard said. 'I'm sure you've gathered that.' Contralto voice, which lesser men would run from. Those who didn't would do what they were told.

'Let's start with Mick Bitar. How long have you known him?'

An eyebrow arched, her black eyes went back in time. 'Twenty years. Twenty-five.' 'How?'

'He performed services for my father,' she said. 'He did the same for my brothers. For some of that time I was working for the family company.' She said the last words like they were the ugliest in the English language.

'Services?'

A faint smile appeared. 'He's a facilitator. He calls himself a fixer.'

'What does he fix, Tina?'

'He often makes arrangements for the smooth running of construction sites.'

'What does that mean?'

Her smile broadened. 'Usually no more than mediation between people who are failing to communicate.'

'What people?'

'Everyone. Builders. Trades people. Union officials. Local government.'

'Are his mediation techniques legal?'

The smile faded away. 'Not every detail of my father's business was made known

to me.'

'Anything else?'

She shrugged. 'I've heard he's quite convincing when it comes to marginal development applications. He's been known to persuade members of local government to see things from a developer's point of view.'

'One of those acts of persuasion got him a criminal record.'

'My brothers say Mick leads people to water,' she said, 'and then he makes them drink.'

'Sounds like the sort of person to introduce to an ex-banker you've got bad memories of.'

There was a flash from her dark eyes, almost like a camera at night. 'I didn't ask him to kill Oliver Randall. If I'd wanted that done, I would have done it myself.'

Tanner smiled. 'If I call you to give evidence at your trial, Tina, don't answer that way. It sounded too close to having the ring of truth.'

She looked at him, nodded slowly.

'Jayden Webb. He did kill Randall. How does he have fifty thousand of your dollars at his flat?'

'I know you've read the brief, Peter,' she said. 'Kit told me you were thorough.'

'Reading the brief isn't being thorough, Tina. It isn't even first base. You read the brief in the dugout. I'm going to hear your whole story in your words. Then I'll listen to it again. We might go over it ten, fifteen times. There are only two rules: you tell me the truth, and you tell me everything. Why did Webb have your money at his home when he killed Randall?'

Tina Leonard told them that the money was for Bitar. She wanted a meeting with her brothers. She wanted back into the family empire. He was their associate. When they wouldn't meet or even talk to her, she contacted Bitar, had lunch with him. He said he could make it happen. Fifty thousand was his fee. Webb was a labourer on building sites. Bitar sent him to pick up the cash.

'Why would you want back in?' Tanner asked. 'Didn't you want out years ago? Wasn't that what setting up your own company was all about? Freedom from the tyranny of the men?'

'That's my take on it from your statement. Am I wrong?'

She picked up the glass in front of her almost in slow motion, took a sip, put it down. 'I'd been bankrupted, Peter. Obliterated.'

I was ready to get back to work, to what I'm good at. I wasn't ready to start on my own again. That I'd do later.'

'Even with four million of your father's money?'

'That was my money,' she said sharply. 'That and more. My brothers have contacts. They're in the building game. I needed to reacquaint myself with it before I ran on my own again.'

Tanner nodded, made a note to get Gallagher to make attempts to talk to Leonard's brothers, confirming their resistance to meeting with her. 'Why the animosity with your brothers, Tina? Where's that come from?'

She looked at him blankly, then at Gallagher. 'We're going to cover my whole family history today? Don't you want to hear about who actually killed Oliver?'

'We'll get to that. What happened?'

Leonard took them back more than twenty years, to when she was Athina Ioannidis. She was spoilt, she admitted. 'My father had become wealthy by the time I was a little girl. I got treated to things my brothers hadn't. From toys to travel to the homeland. My sister and I did well at school, the boys – they didn't really apply themselves. We got into university, they went to work for dad.'

She loved buildings, design, studied hard, got into architecture.

'I worked for my father when I finished uni,' she said. 'He had his architects let me help them. I was good with numbers, I did budgets, drafted development and project applications – he let me have a finger in everything. I did an MBA. My brothers hated how involved I was. They hated me more once I left and became successful on my own without our father's company behind us. They've built nothing on their own. I have.'

'Simple as that? Sibling rivalry?'

'Sibling envy, Peter,' she said. 'But as simple as that. My brothers inherited my father's views about women. They inherited what I can guarantee are high levels of testosterone. They didn't want me in the family business. I wasn't a man. Then they liked me less when I stood on my own two feet.'

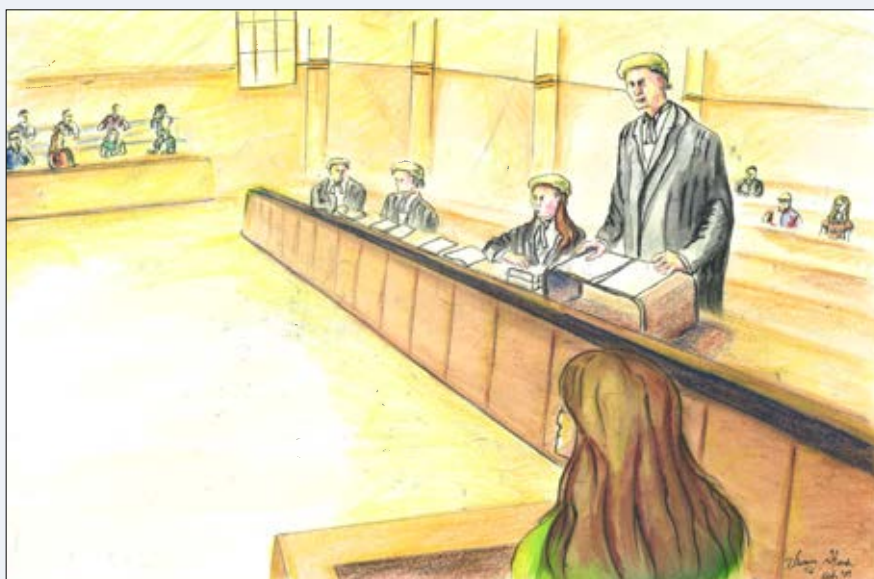
'And they didn't like you any more when your business failed?'

Her eyes flashed that light again. She had fire in her, he could see that.

'Jesus, Pete,' Gallagher muttered, not quite under her breath.

Tina Leonard's mouth opened slightly, but she waited a moment before she spoke. 'You should read your brief, Peter,' she said calmly. 'My business didn't fail. Things got tight. Then Oliver Randall lied to me. He and his bank stole Limani from me, and sold it to one of the big boys. Lovro Constructions.' She pointed to one of the folders Tanner had in front of him. 'It's all in there. If you're interested?'

Tanner nodded. 'You're paying me to be



interested, Tina, so I will be.'

She tilted her head upwards. The pharaoh's queen looking at some commoner. A clever slave, perhaps. 'You wouldn't be otherwise?'

'I don't wish to upset you, Tina, but no, not particularly. You have my full attention because you're my client. I like to make that clear to people from the get-go. I have a professional interest in helping you beat this charge. Otherwise, I really don't care who shot Oliver Randall.'

'I'm glad you've made that clear,' she said, leaning towards him, elbows now on the desk, hand clasped together under her chin. 'Can I be clear too? I don't need a knight on a white charger. I never have. Right now, I want the best lawyer. I hope that's you.'

'The prosecutors say you had Randall shot because he ruined you. They're right about the last bit at least, aren't they? You had cause?'

She smiled faintly again. 'Oliver did over five years in prison. What do I need with revenge?'

'How does a bank executive end up doing five and a half years for supplying commercial amounts of coke?'

Tina Leonard put her arms down on the table. 'He used to feed it to his clients,' she said. 'The bank's clients. Coke. Girls. The budget was substantial for both.'

'Girls and coke?' Tanner said. 'My client development practices are behind the times. What's the name of this bank again?'

'South East Banking Corporation,' she said.

'How do you know this – about Randall? Were you invited to any of these parties?' She laughed, spontaneity mixed with biters. 'They're not used to women clients. Not as property developers. This was

male-structured entertainment. Oliver made that clear.'

'He told you himself?'

She took a deep breath, shook her head. 'Not about the girls. I heard that from – well, it doesn't matter, it was true. He told me about the drugs once, not in – just in an unguarded moment.'

'An unguarded moment?'

'My first lender was Nipori Bank. Its Australian business went bust in the GFC. They were bought by SEBC. I had a close relationship with the banker I originally had at Nipori before SEBC bought it out. He was a bit of a surrogate father – at least in the lending world. He introduced Oliver to me when SEBC took over, did things he didn't have to do given the – well, given the circumstances. Oliver took a real interest in Leonard Developments. We had a good rapport.'

'That's quite a betrayal then? Randall was the main witness in the proceedings when the bank sued you.'

She paused again, he saw her reaching back for what she felt at the time, stopping herself. 'He was a puppet,' she said. 'Other people pulled the strings.'

'Tell me what went wrong first.'

Leonard sighed, but then said, 'They were funding my biggest development. Something I'd worked on for years. When I was still with my father. Something he started.'

'Your father started?'

She nodded, smiled. 'The bay where Limani Views is situated was where my father built his first big home. Nothing like Hunters Hill, where we ended up, but . . . Anyway, he bought up land in the area. Houses. Flats. He had a grand plan, got distracted by other grand plans. I bought some apartment blocks in the area when I started to make money with the business, then with my ex-husband. Then an old

warehouse went up for sale right on the river foreshore. I was the only person who could develop the site properly, because we owned so much of the surrounding land.' 'You did Limani with your father?' She shook her head, gave a sad smile. 'We weren't talking by then. He never forgave me for going off on my own. He –'

Leonard paused, and Gallagher took the time to pour her some water. There was the barest moment when Leonard's top lip quivered, but Tanner could see that tears weren't a common part of her game. She knew how to bury grief, even if whatever she felt remained unresolved. 'He sold the land to me. He did a business deal with me. He let Leonard Developments buy out Ioannidis & Sons' properties in the area. My brothers –' She tipped her head back and smiled, and the effort nearly pushed a tear from an eye. 'My elder brother Theo prides himself on maintaining control, but Jimmy – he rang me and called me names you don't call women.'

Construction work at Limani Views was held up by court challenges to the development approvals. Leonard had other projects on the go, other debts to pay. Pre-sales were slow. A monthly loan payment was only partially met, then the same happened the following month. There was a meeting she had with her estranged husband, who still had a stake in the business, their CFO and Randall. They put a plan to Randall to manage their loans, a long-term prognosis and strategy. 'He promised us a twenty-four-month loan extension, and a repayment restructure. They called in our loans eight days later.' 'What happened then?' Tina Leonard looked at her glass of water in disgust. 'They sued for the entire debt. Over two hundred million. They put in receivers to Limani, sold it at a public tender for a pittance. Just before the tender, the bank released a report saying the land and the sediments in the river where the marina was to be built were highly polluted. Lovro Constructions bought my project for a quarter of its worth. And guess what – it turned out that the land wasn't that polluted after all. Now Lovro has a project worth a couple of billion. How fortunate for one of SEBC's biggest global clients.' 'You obviously think this is the result of a conspiracy between SEBC and Lovro Constructions?' 'I know it is,' she said, raising her voice. 'Oliver told me.'

Tanner added to some notes he'd already made of things he was going to ask Kit Gallagher to do, things that needed following up. 'He wrote to you right before his release?'

She nodded. 'I read the letter. It does say he wanted to apologise in person for something. The things he wished he hadn't done to you? You say he spilt the beans when you met him?' 'He told me the whole story. How SEBC managed not to lose money, how Luka Ravic from Lovro and –'

'Hold up,' Tanner said. 'I don't want to get to that yet. People saw you arguing with Randall in a café about a week before he was killed. What was that about?' She let out a kind of ironic laugh. 'Timing.' 'Timing?' 'I asked him to help me. To tell his story. To a court if I sued, to my lawyer, to a journalist – I hadn't worked it out. He wasn't ready. He said he would, but he had things he had to straighten out first.' 'Like what?' 'Something to do with his family. He was scared of these people. They had the drugs planted in his house. He did nearly six years in prison because of them. He wanted to make some sort of peace with his daughter. She was thirteen, I think, when he went to prison. She – well, he wanted to do that. I was anxious to move forward. I lost my temper. It was momentary.' 'You're saying the coke was planted at Randall's house?' 'Yes. That's what he told me.' 'Meaning your conspiracy theory involves the police?' 'Certain police.' 'Why – why would they do that?' 'Because SEBC saw him as a liability – I've spelt this all out in my statement.' Tanner blew out a long breath. 'So, Tina,' he said, 'our case theory for your defence? SEBC or Lovro Constructions find out Oliver Randall might spill the beans on the wicked game they played on you, and they had him killed?' She glared at him before answering. 'You don't believe me, Peter?' He laughed. Some kind of reflex. 'Not yet, no. But I don't disbelieve you yet, either.' 'I was hoping for better than that.' 'This man Webb – he didn't name you at first as having hired him to kill Randall. That was a few days later. You say he was got at?' 'There is something interesting there,' Gallagher said. 'Webb's solicitor – Tom Clayton – he's been known to act for Mick Bitar.' 'So?' 'So, he wasn't Webb's first lawyer. He had someone else for a few days, then Clayton steps in. Then Webb does a deal, and finishes Tina.' 'What's our theory about that? That Bitar sent his lawyer to Webb to get him to cut a

deal and blame Tina, when really someone else paid him to kill Randall?' 'It's not a theory, Peter,' Leonard said sharply. 'Why does Mick Bitar hate you so much? Why would he lie and say you asked him to kill Randall?' 'He knows Luka Ravic, the head of Lovro Constructions. He does business with them. They would either have used him, or Mick has seen a way to make money by setting me up as their scapegoat for killing Randall.' 'That's an interesting case theory, Tina,' Tanner said. He closed the folder in front of him. He'd had enough for now. He had in his brief the story she'd laid out in the statement, so the main thing was to check that she didn't seem crazy. She'd passed that test, even if he wasn't sure her story did. 'You said you have a younger sister?' 'Anastasia. Taz.' 'You're living with her now you're on bail?' She nodded. 'Much to the delight of her husband.' 'How does Taz get along with your brothers?' 'Better than me.' 'I like specific answers to my questions, Tina. You'll need to follow that protocol.' 'Taz wasn't interested in the family business. She's married to a guy who's got his own money. She raised a family. They . . . they don't disapprove of Taz like they disapprove of me.' 'You have your own children?' She smiled. 'Two boys. Alex and Chris.' 'How old are they?' 'Nineteen and sixteen.' 'And they're –'

'They're with my ex-husband,' she said. The smile faded. It was a topic to drop. 'We'll talk many times, Tina,' Tanner said. 'In the meantime, do you have any questions for me?' 'You haven't asked me if I had Oliver Randall killed, Peter.' 'Should I ask? Sounds like a trap for beginners to be so direct.'

He stood to leave. 'Did you keep your papers from your case with SEBC? Affidavits, pleadings, that kind of thing?' 'I can find them somewhere.' 'Send them to Kit.' 'Oliver Randall was worth a lot more to me alive than dead, Peter,' she said as he shook her hand in farewell. 'I didn't have him killed.'