



**‘Mullenjaiwakka’
Lloyd Clive McDermott
(1939–2019)**

Mullenjaiwakka, the first Aboriginal man to be admitted and to practise at the New South Wales Bar and to represent Australia in test rugby, has died. He was a proud Mununjali and Waka Waka man, universally respected and whose passions in life were: family, sport and the law.

Lloyd Clive McDermott was born in November 1939 in Eidevold, Queensland. He was educated at Brisbane’s Church of England

Grammar School, known as ‘Churchie’. He gained admission to study law at the University of Queensland. His exceptional prowess on the rugby field won him great respect and he debuted for the Wallabies against the All Blacks in May of 1962. Mullenjaiwakka played only one more test for Australia before he famously refused to join the 1963 tour of South Africa as a ‘token white’. The incident became infamous internationally and this principled stance against apartheid influenced several of his white team mates in the years to come. They refused to play against the Springboks during their subsequent tour of Australia. It was a significant step taken by an Australian sportsman.

Mullenjaiwakka had a lifelong passion for rugby and was never far

from it. He was patron of the Lloyd McDermott Rugby Development Team Inc. (later known as the Lloyd McDermott Foundation), which sought to give Aboriginal people a sense of belonging and identity through sporting achievements. The foundation enjoyed considerable support from the legal profession and success on the field. In 2001 it supported the first all-Aboriginal rugby union team to tour the new South Africa.

Mullenjaiwakka was called to the New South Wales Bar in June 1972. He appeared in a number of cases that were dear to his heart. In one notable case he was junior counsel to Jeff Shaw QC (later a Supreme Court judge), then the attorney general of NSW, in the first determination of native title in NSW (*Buck v State of New South Wales* (FCA per Lockhart J, 7 April 1997, unreported)).

He was, for many years, a trustee of the Bar Association's Indigenous Barristers Trust – The Mum Shirl Fund. This gave him a particular sense of fulfilment because he knew Mum Shirl and her welfare work in and around inner Sydney for Indigenous and Aboriginal youth.

Tony McAvo SC remembers the first time that he met Mullenjaiwakka's mother Aunty Vi in the 1980s. She came to the law firm where he was working in Brisbane. He was a young solicitor at the time. Aunty Vi had come to support her cousin who had a legal issue. Before they got down to business she said to Tony 'Now, do you know my son? He is a top barrister in Sydney, his name is Lloyd McDermott.' He remembers saying 'No Mrs McDermott, I don't think I do.' 'Well, you should have heard of him' went on Aunty Vi 'he is very famous you know.' 'Yes, Mrs McDermott, I'll have to find out about him.' Then she added 'and he played rugby for Australia too, you know.' Later Tony McAvo made Mullenjaiwakka's acquaintance in Sydney.

In 2000 Chris Ronalds (now of Senior Counsel) and Michael Slatery QC (now a judge of the Supreme Court) recognised that it was a disgrace on so many levels that Mullenjaiwakka and Tony McAvo were the only practising Indigenous barristers at the NSW Bar and something had to be done. The statistics for Aboriginal and Indigenous participation in the legal profession were scandalously low. The first initiative developed was an Indigenous Barristers Strategy which was given strong support by the President of the NSW Bar Association Ruth McColl SC (later a judge of the NSW Court of Appeal) and was adopted by the Bar Council. Second, an Indigenous Barristers Trust was established to support law students and lawyers to make their way to and then survive at the Bar. Mullenjaiwakka was an inaugural trustee of the Indigenous Barristers Trust.

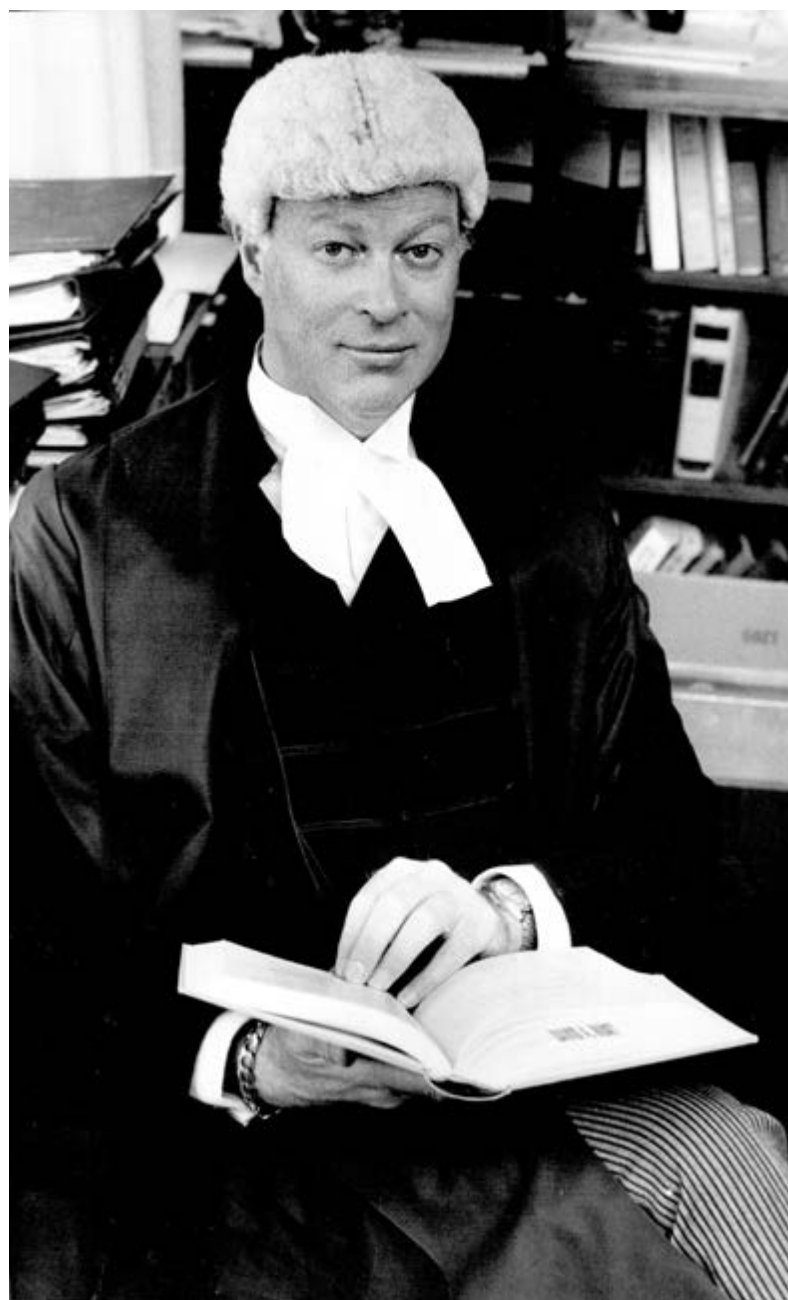
In 2006 Mullenjaiwakka was given the honour of opening the first National Indigenous Legal Conference, at which time he remarked on the contrast of being the only Aboriginal student at law school. Mullenjaiwakka served as the chairperson of the NSW Aboriginal Justice Advisory Committee.

In 2016 Mullenjaiwakka was appointed to the Mental Health Review Tribunal having also served as an acting District Court judge and a part-time commissioner of the Land and Environment Court of NSW.

Mullenjaiwakka was considered an activist, a champion of Indigenous rights and identity. The struggles of his era coincided with many international changes of thought regarding First Nations People. His work has positively influenced thousands of young Indigenous Australians. Mullenjaiwakka was known as a proud, but humble man who refused to accept Australia Day honours on several occasions until the rights of his people were recognised.

The struggle for recognition and acknowledgement of Aboriginal people defined Mullenjaiwakka's life and he has been a pivotal figure in the move towards social awareness of the Indigenous situation throughout Australia. Mullenjaiwakka will be greatly missed by the Australian Indigenous community and sportsmen. Many Indigenous lives breathed easier because Mullenjaiwakka lived.

Kevin Tang



The Honourable David Anthony Hunt AO QC (1935–2019)

**Barrister, Queen's Counsel, Supreme Court Judge
Judge of the United Nations
International Criminal Tribunal**

David Hunt was a celebrated QC, widely regarded as one of the brightest of his generation to come to the Bar. His practice featured defamation law and it is said his knowledge of that area of law even as a junior barrister surpassed that of the judges. Hunt is fondly remembered for his inimitable style as an advocate and as a Supreme Court judge.

David Anthony Hunt was born in Sydney to Noel and Brenda. His father died while he was a child. Life was unsettled for some

Photograph: Fairfax Media

time. He spent most of his childhood at boarding school where he experienced a piercing loneliness. He grew up in wartime and during his early adolescent years the haunting hum of war planes over Sydney disturbed his sleep.

His mother remarried in the early 1950s. David moved to be with her and his stepfather in Brisbane Queensland. This was the beginning of a golden era. He gained admission to study for a combined Arts and Law degree at the University of Queensland. He would enjoy the beach on the Gold Coast, which was where he met his wife Margaret during those years. Margaret was an elegant and poised woman who often wore her hair in a beehive. She had a joyful and bright disposition and was the perfect complement to David's seriousness. She was an air hostess on Qantas international routes. She had a wonderful life flying to Europe and exotic locations in Asia, until they married in 1959 and they promptly returned to live in Sydney. Their sons Fraser, Simon and Adam were born in the early 1960s.

That year David was called to the Bar in Sydney. He took chambers on the Seventh Floor of Wentworth Chambers. He fraternised with the great barristers of the day. From the earliest time his specialty was defamation. His other area of particular expertise was criminal law and procedure. After some years of practice, he took a retainer from Sir Frank Packer at Australian Consolidated Press and *The Sydney Morning Herald*, which had been previously held by Anthony Larkins QC who had taken an appointment to the Supreme Court.

Hunt took silk and became one of Her Majesty's counsel in 1975. He was appointed counsel assisting Mr Justice Nagle in the Royal Commission into NSW prisons. The violent world of prison inmates was laid bare to the public at the time. This was a pivotal Inquiry and required visits and views of all NSW Prisons. The Report changed the culture of incarceration and clarified the true purpose of the prison system. Sentencing and punishment had not been scrutinised much until then. The key principles and findings of that Royal Commission helped develop this rather antiquated area into the more enlightened era which followed. The Inquiry was a line in the sand and was of utmost importance for the changes which would take up to 25 years to find full expression and to be implemented.

In 1979 Hunt QC took a judicial appointment as a Judge of the Common Law division of the Supreme Court of NSW. He would become the Defamation Judge, and he was also given to criminal law. His lucid judgments have stood the test of time and matters of defamation were revived through his judgments. He was relatively young to be appointed to the Court and became a shining light. Hunt QC was always acutely aware of exercising judicial power – he was born for the role. He never lost sight of the significance of the judicial burden and the fact that a judge's power could not be taken lightly.

Hunt J would sit for some 20 years as a Supreme Court judge, for seven of those years he was the Chief Judge at Common Law. During his time on the bench he heard many high-profile cases including that of High Court Judge Justice Lionel Murphy's case for attempting to pervert the Court of justice. As the head of the Common Law Division, he sat almost permanently on the Court of Criminal Appeal. Hunt J was an industrious judge and this was a time when the policy and practice of the Court was evolving. Hunt J revolutionised case management between 1979 and 1991 and the fabled delays from another time ceased.

The most difficult case which Hunt J heard was a criminal case, that of the serial killer Ivan Milat. The trial ran over five months. It was traumatic for most involved including the Judge and the emotional toll was significant as he presided over the trial in the presence of some seven grieving families and surviving relatives.

Hunt J had inexhaustible reserves of stamina, joviality and good humour. He was much loved by the profession and by his fellow judicial colleagues. The responsibility was heavy but he was always pleasant. He was always erudite and he had a sparkling intelligence and knowledge about many things. He was widely read and beauti-

fully spoken. His conversation was fascinating.

By early 1998 future adventures were awaiting. He retired from the Court.

For a short time, Hunt QC was retained by the Judicial Commission of NSW on a project concerning directions made to juries in criminal trials. However, by October of 1998 Hunt QC had accepted a nomination to become Judge of the United Nations International Criminal Tribunal for the Former Yugoslavia. This was a United Nations initiative in the years after the Bosnian War. The Hunts moved from Sydney to The Hague where they lived for five years. Life was delightful.

Hunt QC was a most eminently qualified individual to sit on that Court and he brought with him the rigour of the common law jurisdiction that he had administered in NSW and its time honoured procedure. Hunt QC was magisterial in that atmosphere and his presence there recalled that of Sir Hartley Shawcross GBE PC QC, Britain's authoritative prosecutor at The Nuremburg Trials after WWII. The focus was the rule of Law and not victor's justice. Mostly his fellow appointees were academics in different legal traditions and often were political appointees. They had never run criminal trials. The Court adopted criminal trial rules that were an amalgamation of the procedures followed at The Nuremburg Trials and the NSW Supreme Court Criminal Trial Procedures. The rules are still in use in the International Criminal Court. This was an extraordinary chapter of his life. He indicted Serbian leader Slobodan Milosevic as a war criminal and signed his arrest warrant. He bore witness to the opening of the mass graves in Srebrenica in fields of prairie grasses and flowers. Hunt QC was a witness of our times.

Hunt QC also sat as a judge in the Appeals Chamber of the International Criminal Tribunal for Rwanda. This tribunal was created in the aftermath of the genocide in 1994.

In 2000, Hunt QC was made an Officer of the Order of Australia for his services to the Judiciary to the Law and to the Community particularly in the areas of criminal law, defamation and international law in defence of human rights.

The Hunts returned to Sydney and resumed living in the Eastern suburbs. They had a happy and quiet life of family and social functions. He resumed his position as a part-time commissioner of the Law Reform Commission for a time. For some years, he travelled with Margaret to exotic locales and experienced a wonderful time in retirement. One Supreme Court judge recalls having breakfast regularly in London with Hunt QC and Margaret at their club. They had a full social life in the weeks and months they spent there annually.

In 2013, the Hunts experienced ill health. Margaret suffered a stroke in 2013. Life for her never regained its full momentum from that time. She died in 2017. Hunt QC was devastated by Margaret's demise. For years Hunt QC then fought a courageous battle against Alzheimer's disease which ruthlessly set in on him. Three sons survive them.

David Hunt QC has left a formidable mark and an indelible legacy in the Law, his contribution to international criminal law jurisprudence will be felt for years to come. He was magnificent and a sheer delight to know. The Bar has lost one of its all-time giants.

Kevin Tang



Ross Tyndall McKeand SC

**Soldier, Solicitor, Barrister and Silk
(1945–2019)**

Ross Tyndall McKeand SC was a soldier, solicitor, barrister and senior counsel. Ross was born in Sydney on 25th June 1945 to Constance and Ernest. His older brother David was born on 16 July 1940. He grew up in the Ramsgate and Sans Souci area in southern Sydney. He later attended Sydney Technical High School where he took the leaving certificate.

Ross deferred his national service in the heady 1960s and opted to attend the University of Sydney graduating with a Bachelor of Laws in 1968. He was admitted as a solicitor in November 1968. Ross was employed as a solicitor with RJ Pettiford Solicitors prior to entering the Army with the first intake of 1969. Ross was allocated to the Australian Army Legal Corps and posted as a legal officer to Directorate of Legal Services, Army Headquarters as a temporary captain. This was followed by a short time at Headquarters Eastern Common when he was posted to the number 6 Task Force in HQ Southern Qld as a legal officer.

On 13 May 1970, Ross was posted to HQ Australian Forces Vietnam as a legal officer before being posted to HQ 1 ALSG at Vung Tau. Ross appeared in many Court martials including an appearance as assistant prosecutor in a double murder trial. Having extended his national service by a few months, Ross returned to Australia on 12 May 1971 and shortly after was discharged. One great story he shared with some over the years was about his R&R in Vietnam. He went to the Hotel Metropole in Hanoi – one of those legendary and grand hotels east of the Suez. Ross went to the hotel deliberately to see the grand reception room where Colonel Christian de Castries (Head of French Armed Forces in Vietnam) telephoned the French President Rene Coty to notify him of the defeat of France at Dien Bien Phu on 7 May 1954, within hours of it occurring. It was a line in the sand for France in the Far East. Colonel de Castries had booked a scratchy old trunk call from the sumptuous ballroom to announce the defeat, 'Nous avons perdu les deux [...] la guerre et l'Indochine [...]'. The President was speechless. The line dropped out. It was a sombre moment in French modern history. The French presence in Indochina for over a century ceased abruptly with those words. Ross was an enthusiast of all military and general history with a great recall of the events which marked his times. One might even have thought that Ross fought at Dien Bien Phu.

After his national service, life back in Sydney resumed comparatively normally. Ross continued as a solicitor and married Suzanne Roslyn Dickson in April 1972 with whom he had two daughters. He moved to London briefly and after four years working in a law firm he returned to Sydney. He was an employed solicitor with Messrs Stephen Jaques & Stephens.

Ross was admitted to the Bar in 1979. It was a glorious time to be at the Bar. His experience was marked by the commercial fortunes

of his clients throughout the 1980s and 1990s. He took Silk in 2003 with Scot Wheelhouse SC, Harry Shore SC and Mark Marion SC among others in the list. His principal areas of practice were building and construction, commercial, equity and related aspects in trade practices, corporations law, professional negligence (other than medical) and in later years he delved into some criminal law.

A little-known detail about Ross was his predilection for English Georgian furniture of the finest quality of the 18th century. He had an eye for such art and furniture of the great makers. In St James's Hall, he kept sparse chambers except for an important secretaire bookcase of the finest quality and of the period (1st lustrum 19th century). His friend the late Martyn Cook, the iconic Sydney antique dealer noted its provenance and coveted it.

Ross joined the Army Reserve in September 1977 and served as a legal officer at Headquarters 2nd Military District, Headquarters Field Force Command and Director of Army Legal Services. He was appointed a Judge Advocate and a Defence Force Magistrate in 1988. He retired on 1 March 1990 with the rank of Lieutenant Colonel.

Ross married Diane Maxwell in 1996 and continued in practice until 2017 when he retired to Avoca Beach, far from the pressures of Queen's Square. Ross continued to indulge his abiding interest in motorcycles. It was the wind, the speed and the freedom which those machines represented that appealed to him.

Ross' sudden and unexpected demise was reported in circulars to the Bar. He was tragically killed on 26 March 2019 in a motorcycle accident near Forster on the NSW North Coast. Apart from a replacement pacemaker, installed but a few days prior, Ross was in excellent health. It was a great shock to all those who knew him during his distinguished years as a soldier and a barrister. Ross made a strong mark on the law and loved case strategy and the intellectual side of the law. Many barristers would remember him as a polite and most courteous opponent to have encountered. He carried himself in a most dignified way. Those who knew him will remember his charm, courtesy and delightful sense of humour as a friend and colleague. Ross was always informative, entertaining and knowledgeable.

His loving wife Diane, three stepchildren Chloe, Brodie and Camilla Maxwell and his two daughters Elissa and Chloe McKeand, all survive him. He was privately cremated on 2 April 2019.

Kevin Tang



Linton Mearns Morris QC

(1935–2019)

For more than 50 years Linton Morris QC was one of the legendary and most distinguished barristers of the Sydney Bar – he was a custodian of the traditions of the Bar and a giant in the art of advocacy.

Linton Mearns Morris QC was born to Paul and Violet Morris on 20 January 1935. Alwyn and Ailsa were his siblings. He lived with his family at Roseville and then Killara on the North Shore. His father was a businessman and there was no family connection to the law. His father died when he was young and he and his mother moved to a modest timber cottage in what was then a semi-rural area in St Ives.

Morris QC attended Knox Grammar School at Wahroonga where he became a champion debater. He came to the attention of Jack Shand QC during a national debating competition and the connection endured until life at the Bar began.

Morris QC attended the University of Sydney and took articles of clerkship at Cutler Hughes Harris and Garvan. He graduated with an LLB on 5 May 1960.

He was then Associate to Mr Justice Ferguson.

Morris QC read with Harold Glass (as his Honour then was) another master of the common law trial. He would go to Glass's large room on 8 Selborne where he had a burgeoning practice to take instruction and learn from his pupil Master. The senior bar in Phillip Street comprised the greats who inspired Morris QC including: Jack Shand QC, Jack Smythe QC, Sir Garfield Barwick, Michael Helsham QC, Sir Jack Cassidy, Sir Cyril Walsh, Sir Victor Windeyer and Anthony Larkins QC – the luminaries of the day. Many members of the Bar were retired servicemen who fought hard and played hard.

Morris QC commenced in practice on 2 February 1961. He would never leave the Bar.

Morris QC was from another time. Phillip Street was then a string of charming ramshackle Victorian terraces and where Selborne Chambers now stands was a war-time brothel. His first home was the old Denman chambers which had its staircase propped up with an old telephone pole.

Slowly but surely his star rose. He watched with horror at the changing face of Phillip Street as its Victorian terraces were demolished. He saw Wentworth and Selborne Chambers take shape.

Morris QC quickly established himself as a hard worker and a competent junior. It was the age when the common law bar comprised both criminal and personal injury and workers' compensation cases and he was frequently briefed to address juries and would also appear in catastrophic injury cases. He also acted in defamation, commercial and the odd equity case, and acted in numerous Royal Commissions and Inquiries. He demonstrated a strong appreciation for the forensic skill required in Court and had that unmistakable quality of turning his hand to any case, whatever the subject matter.

Versatility became him. He had a way of persuading a judge or jury that his view was the only reasonable view. Morris QC's expertise as a jury advocate was second to none – he knew how to capture the attention of a jury and to speak to and mesmerise them. He sought to beguile and persuade rather than lecture. In judge alone trials it was often said Morris QC would have the judge eating out of his hand in the opening. He became a master of the common law trial.

He practised from 7 Selborne from 1974 for some 25 years where his clerk was Brian Bannon. Those were his busiest years and indeed his most famous during which he developed a fine reputation as a preeminent advocate. He then moved in the late 1980s to Blackstone Chambers. His fellow chamber denizens over the years were Don Grieve QC, the Honourable TEF Hughes AO QC, David Yates SC (later a Federal Court judge), Kieran Smark SC and JJ Garnsey QC.

Morris QC was one of the famous few who attended the Broken Hill assizes, the circuit Court to which he was drawn annually. For years, he would travel to Broken Hill for a month or so prior to the sittings to confer with every plaintiff, every witness and every expert and prepare every proof of evidence and chronology prior to trial. As a result, he could control which cases to settle and which to run in the month-long rolling list. In one sitting, he reputedly opened and settled five cases before morning tea. During those circuit weeks, Morris QC would stay for two to three weeks with his great friends and opponents which included Dusty Ireland (later a Supreme Court judge) and many others. He also went to Griffith, Canberra and around the State.

There was no secret to his success. Morris QC was meticulously prepared for a case and for example how he gained a reputation as 'the Silver Bullet' and a most capable counsel whose instinct and foresight was uncanny. He would analyse the case on the papers he had and prepared them with a focus on what the final submission would be at the conclusion of the trial. What he predicted and planned for usually unfolded. He always presented as a sober-minded straight talker in Court. If he failed to beguile a witness with simplicity and logic, he had an ineffable stare that could shake them.

Garling J remembers appearing with Linton Morris QC in many criminal and civil trials. He described him as the finest role model. Garling J observed how Morris QC considered the why of a case as well as the how of a case. Morris QC was scrupulously concerned to uphold the administration of justice and the independence of the Bar.

A newly minted Silk in November 1979, Morris QC was offered judicial appointment by Sir Nigel Bowen who was then Chief Justice of the Federal Court of Australia. It would have been a fundamental change in all that Morris QC had known – he was the classic trial advocate. He took a night to consider it. Morris QC resolved the next morning that he would never leave the Bar.

One former Supreme Court judge remembers fondly being led as a junior by Morris QC in a long case in the Supreme Court of the ACT. He recalled Morris QC's generosity in words and actions

and his tendency to never speak down to a junior. Many junior barristers sought out Morris QC's assistance and as ever, Morris QC was happy to give it. His door in chambers or at home was always open to senior and the most junior members of the Bar.

He was imbued with the solemn responsibility which came with being one of her Majesty's counsel to attend to the training of the junior ranks. We are poorer now for the loss of his watchful eye.

In 2010, the President of the Bar, TF Bathurst QC (as his honour the Chief Justice then was) commemorated Morris QC's 50 unrelenting years at the Bar. Morris QC was steeped in the traditions of the Bar and was eager for his notion of the independent Bar to live on. He weathered the commercial times with his clients, the changes in Court practice and procedure and the legislative changes over five decades. He practised at the Bar until age 75 with what seemed an inexhaustible reserve of energy and enthusiasm, after which time he practised as a mediator and spent many happy years at Jack Shand Chambers. He was always learned and unfailingly polite. Morris QC was one of the last bastions of the old Bar and every good tradition it stood for in society.

A place where Morris QC recovered from the enormous pressures of Queen's Square was at his rural property at Isabella. There was no landline phone or electricity for years. It was a true place of isolation and some years before the small country shack evolved into an eclectic country retreat. On one occasion a message regarding the Murphy trial was delivered from the local telephone exchange on horseback.

During the 1980s and 1990s, Morris QC travelled Australia and the world in pursuit of his many interests. Skiing in Europe or America, fly-fishing in New Zealand, Ireland, Scotland and England, driving his 1928 vintage Lancia car in a 1,000-mile rally around Italy, or from England to Italy and back and thundering along dusty rural roads in Australia in a vintage car, usually with his fly-fishing rod in the back. He loved reading and art. He did not think much of golf. It was an extraordinary life.

Morris QC had several close shaves with death. He survived each one. He came back stronger each time. But this time, he relented.

Morris QC is survived by his loving wife of 56 years Joanne, his children Christopher, Jeremy (a Silk), Fiona, his extended family and his grandchildren.

On 21 June 2019, his obsequies took place. The Bar's loss individually and collectively is deep. The pews in St James's King Street were lined with High Court, Supreme Court, Federal Court and District Court judges (both sitting and retired), counsel, solicitors, businessmen, doctors, engineers, farmers, friends and family came to pay final respects to a great barrister. Among the mourners were: the Hon Cal Callaway QC, Justice Andrew Bell, the Hon Michael Kirby AC, the Hon David Kirby, the Hon WV Windeyer, the Hon JP Bryson QC, The Hon TRH Cole AO QC, Lionel Robberds QC, RR Stitt QC, Burleigh J, Katzmann J, GW McGrath SC, Justice Peter Garling, the Hon John Dunford QC, the Hon Dennis Cowdroy QC, the Hon Michael McHugh QC, the Hon Trevor Morling QC among many, many others. Many more sent their apologies for which the family is extremely grateful. Each one had memories of Morris QC and of other times. It was a superb memorial to a great barrister whose vigour for the law and devotion to the Bar were undiminished to the last. It was a privilege to have met him.

As the Bard said:

*He was a man, take him for all in all.
[We] shall not look upon his like again.*

Hamlet Act 1 Scene 2

Kevin Tang



The Honourable Joseph Xavier Gibson QC

(26 October 1931–2 June 2019)

Admitted to the Bar on 14 March 1958, his Honour was appointed a Crown Prosecutor in 1971 and appointed one of her Majesty's Counsel on 23 November 1979.

Gibson QC served with distinction on the District Court of NSW, having been sworn in on 3 February 1987. And His Honour retired 18 July 1987 after spending some 16 years on the District Court Bench. The Judge was very well known in Criminal Law circles and that was his preferred area of expertise at the Bar and later on the bench of the District Court.

His Honour's funeral took place at the Sacred Heart Church at Mosman on 12 June 2019.

His Honour is fondly remembered by his fellow judicial colleagues of the District Court and the Prosecutors of that time.

Sketch by Levy DCJ – Courtesy of Len Attard, Crown Prosecutor.