



## Philip Alan Selth OAM

1949-2020

Philip Selth died on 3rd May 2020, from an inexorable pancreatic cancer. He bore its pains and terrors, vain hopes and terrible disappointments, with impressive spirit. He remained, characteristically, more concerned about others than himself.

In the midst of the COVID-19 pandemic, we could not show our sorrow for his death, our regard for his character and our thanks for his service by attending a large funeral, as surely would have otherwise happened. This is a belated reflection on a very good friend and a professional companion. He was a special contributor to the welfare of our profession, both in New South Wales and Australia, and to the advancement of the legal profession in all its branches as well as the Bar in particular.

The *Bar Association* was very fortunate to obtain his services as its Executive Director in November 1997, given the breadth, depth and excellence of his administrative and policy experience beforehand.

From his early graduate clerkship after honours in his BA (1971) from the *Australian National University*, Philip progressed through the Attorney-General's Department (1973-1977) to Principal Investigation Officer with the *Commonwealth Ombudsman* (1977-1980). This may explain some of his lasting lack of deference to official pretension, and his attachment to thorough investigation.

Judging from his wry but always properly discreet discussions in later years, Philip's work as Assistant Secretary and First Assistant Secretary in the *Department of Prime Minister and Cabinet* (1981-1987) was very important in cementing his values of institutional loyalty, utterly reliable discretion and a somewhat quizzical view of the great (if not, the good). There is no doubt that we all benefited from the perspectives this experience gave him into the processes of law-making and executive government.

After service in Queensland as Director for Queensland and the Northern Territory of the *Department of Social Security* (1987-1990) and as the Director (Review) of the *Queensland Public Sector Management Commission* (1990-1991), Philip became



the Pro-Vice Chancellor (Planning and Administration) of his alma mater (1992-1997). He had, meanwhile, graduated LLB (1984) from *ANU*.

The experience, the variety and the high level of responsibility Philip Selth's previous career brought to the *Bar Association* continued as a substantial resource for our benefit throughout his holding of office, until October 2016. His overall contribution in this role was formally recognised by his medal in the *Order of Australia* (Australia Day, 2006), and by admission as a Fellow of the *Australian Academy of Law* (2015). And, he told me, he prized greatly the life membership of the *Bar Association* granted him as he left office.

The period 1997-2016 was not a leisurely interval for anyone involved in the governance of the legal profession. In New South Wales, the modernised system of co-regulation under the 1994 version of the 1987 statute underwent further reform in 2004. The demands of formal, efficient, transparent and public-interest regulation of the Bar were not always smoothly coherent with each other. Philip's care for detail, appreciation of the scheme as a whole and firm adherence to principle cannot be underestimated in the work he did during these times to optimise a properly accountable and genuinely independent governance and regulation of the Bar. It is an unfinished project, and must remain so. His contribution is immanent in the current legislation,



as a result of extraordinarily laborious iterative drafting and policy discussions around the country with practitioners, courts, administrators and politicians. In many ways, the *Legal Profession Uniform Law* enacted in 2014, covering most Australian lawyers, is the result of co-operative work across jurisdictions involving all branches of the profession, in which Philip Selth played a sustained and leading role.

Intrinsic to Philip's deep involvement in the project of producing a truly Australian legal profession, including the ideal of an Australian Bar, was his sometimes puzzling enthusiasm to attend and assist at innumerable occasions of discussion involving exposition, persuasion and compromise. His doggedness was remarkable, and his successes well deserved. (His pungent commentaries on the occasional failures were appropriately private, and not, for the most part, at all bitter.)

Philip was justifiably proud of the opportunities taken by the *New South Wales Bar*, from time to time, to further this project. It led him, without complaint at what was at times a massive workload, to assist at the centre of the affairs of the *Law Council of Australia* and the *Australian Bar Association*. A coda to his legal governance career was as Chief Executive Officer of the *ABA*, of which he was also made a life member.

On his home turf, Philip Selth was far more than an architect and assistant in structural reform. Across the board, his solicitude for individuals in difficult circumstances was constant. Of its nature, it cannot be recounted in any detail. But, I am sure like my fellow Presidents during Philip's time as Executive Director, there abides for me strong memories of the pastoral care and plain humanity he practised in the interests of individual barristers, some of whom would not have known of his interventions on their behalf.

Accompanying this warmth, not really by way of contrast, but different nonetheless, was Philip Selth's notable engagement in favour of clear ethical edicts and consistent firm enforcement of them. A tolerance of foibles was one thing, but laxity in the



observance of principled standards was always resisted by him.

The organised legal profession was not the only object of the thoughtful administration and policy skills possessed by Philip Selth. Other applications of his talents included advisory roles for the *Centre for Australian Public Sector Management* at *Griffith University*, for the *ACT Government Reform Advisory Group* and on the board of the *Justice Health and Forensic Mental Health Network*.

Philip's infectious love of history, mainly Australian but across many other fields, was obvious to all of us who enjoyed conversation with him. He fought a losing battle against the rising tide of books needing to be read – touching encounters in his last months included pleas to find good homes for favourite volumes. Professionally and personally, he exemplified the mutual reinforcement of busy engagement in human affairs on the one hand and wide and constant reading on the other hand.

Enthusiasm for biography was not limited to reading, for Philip. His own original work includes biographical entries and extended treatments on figures such as Eric Miller QC and Kevin Murray QC. It is to be hoped that there will be further publications of his writings of this kind, through the Bar.

Throughout his life, his family remained central for Philip. A loving and admiring son, he continued to gain much from his

father's example, some of which had been provided as headmaster of the *Launceston Church Grammar School* which the young Philip attended. He was devoted to his wife Fran, and they together to their son Alex, of whom Philip spoke with great love, in his last days.

His friends will miss Philip, especially when Phillip Street and the other barrister vicinities in town open up again to chance meetings and street conversations. During and after his time as our Executive Director, much of Philip's charm was the casual encounters, the warm greetings and mischievous conversations, traversing many topics from politics to serious literature. And, every now and again, just a little bit of gossip.

Partial consolation upon the death of Philip Selth is to recall how much evident satisfaction he obtained from not only the work but also the people with whom he became so close, during his years as Executive Director. He enjoyed our diversity, smiled at our quirks and frankly enjoyed our successes. The deep esteem he had for the Chief Justice, for example, gave him real satisfaction. The reward, mutually, of the friendship and regard that Philip felt and received during his lifetime does him lasting credit.

**Bret Walker**  
3rd July 2020



## Terry John Joseph Willis

27 April 1952 ~ 22 November 2019

### Encomium

Terry was born on Sunday, 27 April 1952 and died at approximately 3.30pm on Friday 22 November this year. He was 67.

With the generous consent of the administrators of this fine church, Terry's private confessor, Father Vincent is here to celebrate mass and to him I say 'Yambo'.

This church has recently conducted the funerals of three strong adherents to the faith who were great friends of Terry's. They were Peter Seery, Judges Flannery QC and McGuire.

This may be apocryphal, but bears repeating.

Jack Kenny QC and Peter McInerney QC came here for the funeral of a Supreme Court justice. They were a trifle late and on arrival they heard a gentleman delivering a eulogy in florid terms. He described the deceased judge as being patient, erudite, learned, compassionate, generous and kindly. Jack Kenny nudged McInerney and said 'Mate, let's get out of here. We are at the wrong funeral'

Terry claimed to have met me at Marist Brothers High School Eastwood where I would routinely kick him on sight for the offence of being alive.

Later in his career at the Brothers, his contribution to the college ethos became clear i.e., nothing seriously academic but plenty of note on the sporting front. I became aware of his gifts.

He was a champion swimmer and a courageous and effective rugby player. He played and coached rugby at a very high level and was a champion water polo player and coach.

After leaving school I didn't really meet Terry again until he had entered into Articles of Clerkship with John Cecil McGuire.

The first brief from that firm was delivered to me by Terry and thus began a long, if tempestuous, relationship between us.

Terry was immensely loyal and supportive notwithstanding a stream of criticism that was heaped upon him in his attempts to become adept at litigation.

Terry was admitted as a solicitor in 1977. In 1980 he headed west where he and later another former clerk at White Barnes and McGuire, Stephen Groves, joined Lamrocks in Penrith. They entered into partnership with Joe Grassi and became firm friends.

It was a firm with a distinguished tradition and reputation and Groves, Willis and others relished in its revival.

Steve Groves is still there but Terry came to



the Bar in 1988 and joined his mentor, pupil master and dear friend, Colin O'Connor QC when the latter and Barry Toomey QC established the first incarnation of Jack Shand Chambers. There he teamed up with old friends Des Kennedy SC, Hayden Kelly SC, Paul Menary and many others. In his later days, at the present location of Jack Shand, he acquired his loyal and indispensable personal assistant, Richelle Brownlee, and was managed, with difficulty, by his clerk Stephen Upton.

Terry was indefatigably amiable. He attracted a huge coterie of friends and admirers and built an enviable practice exploiting his personal gifts rather than his deep learning of the subtleties of black letter law.

Terry had a posse of loyal solicitors spread throughout Sydney and the state, including Barry Beilby and Courtenay Poulden.

He did most of his work out of Sydney on the north coast of NSW where he enjoyed a thriving practice.

His solicitors could rely on him to attend to his chambers work, eventually,

but accurately and helpfully. His bedside manner with clients was remarkable and they immediately felt comfortable with the advice that they were receiving and from whom they were receiving it.

To say that he was unreliable would be a pathetic description of his attitude towards punctuality. He could overlook opera appointments, water polo appointments, coaching appointments, rugby appointments, judicial appointments and, if pressed, appointments to be in court at 10am on a Monday.

But his attitude was so disarmingly agreeable few would criticise him for it.

Most concerned with him would have heard his plea for understanding 'Maaate, you wouldn't believe what happened to me.'

On a trip to Johannesburg to supervise a match between the All Blacks and the Springboks, I had ordered a hire car. I told him about it and that it was leaving at a particular time. He missed the departure, took a cab and arrived at the airport in a bad temper. To indicate the extent of his



irritation with me he stood up and ignored me for the 15 hour flight and I found him hobnobbing with the All Blacks in the stand-up bar.

About 40 years ago Terry and I went to Solar Springs Health Farm in the Southern Highlands. We ate lentils, berries, beans and leaves. No edible food passed our lips. About three days into this torture we decided to break out from this gulag.

We made our way to the nearby hamlet of Bundanoon where we found a hamburger bar at the Bundanoon Hotel, and undid all the benefit of the previous three days and escaped back to Sydney. We went to a party the next Saturday night and when we told the hostess where we had been, namely a Fat Farm, she said 'congratulations, you've never looked fatter'.

Early in his golfing career he was introduced to Ron Luxton, the golf professional at The Australian Golf Club. I had christened Terry The Golden Retriever because he was very much like a friendly dog with his front paws on your shoulders licking your face while

with his wagging tail he would knock a priceless vase off the coffee table. Ron slightly mixed up his nickname and described him as The Old Brown Dog by which he was known by many for the rest of his life.

His contribution to Rugby Judicial matters both here and internationally has been well recognised. He certainly knew his way around a judiciary. From his playing days he was a frequent visitor to the judiciary.

Some said he was a recidivist. Perhaps that was a recognition of his vigorous style of play as a breakaway. He helped establish the Disciplinary Rules for the International Rugby Board when, in 1995, it was decided that such matters should be dealt with by a body independent of competing unions. He was involved in coaching hopeful judicial officers in the technique by which their complicated tasks were undertaken.

His physical involvement in judicial hearings were such that Leesa Pogson (our technical assistant) often volunteered to scrummage with him to demonstrate a certain technique. They would be churning

about the hearing room demonstrating various grips on each other with Leesa enjoying the tactile if not the frottage element of the engagement rather than the technique.

As a result of his contribution to judicial process in NSW since 1992 he was made a life member of NSW Rugby Union and awarded an Australian Sports Medal. He was immensely proud of those achievements.

He has also been a Judicial Chairman for Super Rugby and Test Matches since 1996. He acted as a Judicial Officer appointed by World Rugby since 1996, and was one of the Judicial Officers dealing with disciplinary matters for the 2003, 2007, 2011 and 2015 Rugby World Cups, Commonwealth Youth Games and British Lions' Tours of New Zealand in 2005; South Africa in 2009 and New Zealand in 2017.

In 2015 he was appointed as a member of the Australian Olympic Appeals Panel.

He was also a karate-do practitioner, in which discipline he was recently awarded a black belt.



Being away with him on the 'Rugby Circuit' was always fun, always instructive and always educational.

He was inordinately generous with his time. He trained students at St Aloysius in water polo. He was a fine water polo player himself. On one celebrated occasion he was late and hence had overstayed his coaching time limit at a pool and was approached by another coach who had his team ready to go. The second coach was a man of the cloth and demanded to know who Terry was, what were his credentials and what right did he have to have a team in the pool. Terry's reply was a compendious one. He said 'I am Englebert Humperdink. I was here first and I haven't finished yet' As Terry and his team later left, the cleric said 'goodbye Mr Humperdink. Hope to see you next week.'

He was not only interested in developing an understanding and knowledge of matters pertaining to rugby but for a number of years ago organised an annual legal conference at Coffs Harbour. He ruled the conference and its delegates with a fist of iron although members were permitted at least nine holes of golf each day.

In 96AD Tacitus wrote a phrase which later translated to the general proposition that 'success has many fathers while failure is an orphan'. How that quote applies to Terry arises out of the submissions in Terry's most celebrated case namely *Strong v Woolworths*.

This was a famous victory. Terry had launched the case in the District Court where it was heard by Lachlan Robison's father and Terry's client won. Woolworths, petulantly, appealed to the NSW Court of Appeal.

Terry enlisted the aid of Michael Cranitch SC. The Court of Appeal reversed the District Court's decision. Terry's client appealed and Terry enlisted the aid of his floor leader, Barry Toomey QC in what became the appeal to the High Court. Barry immediately added the erudite Eugene Romanuik SC to the team.

Their appeal to the High Court was successful and Judge Robison's verdict was restored.

Barry argued that it was his presentation and polishing of the submissions that secured that outcome. Eugene, the author of the submissions, legitimately claimed credit for the victory. Terry said it was his amendment to the original submissions to correct a factual error that produced the outcome, while Michael Cranitch said that the submissions to the High Court were simply a rehash of his submissions to the Court of Appeal.

When told of the outcome Terry said 'Ticketty Boo' and remained confident that his discovery of the factual error saved the day.

In 2003 with the first Rugby World Cup



to be staged in Australia since 1987, he had the enormous good fortune to meet Susi. As was said at an earlier function relating to his marriage, this was not Terry's first outing in a Group One Event but it was certainly the one that defined him.

Yesterday was the 15th Anniversary of the wedding between Susi and Terry. They were married at the home of Terry's long-time friend and instructing solicitor, Robbie Warren at Evans Head.

The first date upon which Terry took Susi was, predictably, a rugby game between Namibia and Argentina at Gosford. He was such a romantic but apparently was somewhat disappointed by her lack of particular knowledge of the Namibian team given that she was born in that country.

Tomorrow is his mother Mary's 93rd birthday. Mary was an integral part of Terry's professional life for very many years until her relatively recent retirement from what must have been a precarious position, namely being Terry's bookkeeper.

She lost her own husband, John, many years ago and Terry, his brothers, their partners and families became her devoted concern. Terry reciprocated and never uttered an unflattering word about her. She was and remains an outstanding mother, mother-in-law and grandmother and her loss is, I suspect incalculable.

Terry has three wonderful boys. Jack 24, Alec 13 and Glen 8. Both the younger boys have followed their father's example and are developing strong interests in sporting activities.

Jack, has grown into a fine young man and replicates his father's qualities of affability, companionship and charm. Terry was inordinately proud of each of his boys and rightly so.

They will flourish provided that they continue to follow the guidance with which they have been provided by him.

His brothers, Damien, Kevin and Peter and their spouses, Irene, Shirley and Carole were always a great source of entertainment,



encouragement and admiration for him. They and their families were the recipients of much that Terry had to offer.

Peter and Helen Bottger, Susi's parents, have been in Australia from their home in Namibia for the last five or six weeks supporting and assisting Susi and the boys during the latter stages of Terry's illness. They are required by pressing matters to return home next week, but their contribution to the welfare of the family has been exceptional.

Susi and the boys have received hundreds of emails, tributes and cards and messages from those who knew Terry.

I acknowledge, on behalf of the family, a generous grant by the NSW Bar Association (of which Terry was a member for more than 30 years) to defray the costs of the funeral.

In the same vein, I acknowledge a generous gesture by Keith Rewell SC and the members of Jack Shand Chambers in providing the venue and refreshments for the wake at Tattersalls Club following this service.

On behalf of the family, I received an email from Christopher Quinlan QC, the chairman of the judicial panel of World Rugby. He concluded his generous remarks with these words.

'I first met him before the RWC 2007. I was new; he was not. He was welcoming, supportive and wise. When I was in Sydney subsequently, I enjoyed his generous hospitality and warm company.

Typical of him was the 'good luck' message he sent to all the RWC 2019 teams before the tournament started, when he had much more pressing and personal concerns. I will remember Terry as having the best of qualities: industrious, brave, fun, judicious, generous of his time and spirit, a free thinker who knew his own mind, but one who always supported the team.

He was a bloody good bloke'.

It could not have been said better.

**Dennis Wheelahan**