

Obituary: J David Barrett

David Barrett died in Sydney on ANZAC Day.

For those who remember David, you will remember his royalist leanings so ANZAC Day is all the more appropriate.

In fact, I should shy away from debate with him on Paul Keating's stance on the Australian flag -- I can hear his insistence that the Union Jack must remain.

After all, there is no question that the Westminster system be overturned!

David's long association with the law in the Northern Territory began in 1979 after he had left the Jesuit ranks to study law in New Zealand.

His faith remained strong; faith and caring family support were a source of strength to him in the past months. David began his law career as a legal clerk in the NT Department of Law and soon developed his love of Trust

by JAN MacPHERSON

law as a legal officer in the Public Trustee's office.

This ultimately led to his becoming the author of the Trusts chapter in Halsbury's.

After some successful years with the Public Trustee and the development of the first will drafting manual, David turned his head to Constitutional and Administrative law and, particularly in later years, to the new area of Aboriginal land claims.

Those of us starting out in Land Claims will recall that David's zeal for natural justice (and breaches thereof), freedom of information (and applications thereof) and crown privilege (where applicable) became a J-curve learning process.

His belief in the Northern Territory

and his support for its self-determination were admirable.

The Federal and High Courts became familiar territory and David proved a successful Crown Counsel where he remained until he ventured into private practice in 1989.

After considerable success in both his Darwin and Sydney branch offices, David became ill and ceased to practice although he remained a ready source of information and inspiration until his death.

Throughout his life David was a gentleman and a teacher ready to argue through the most complex situations and willing to impart his knowledge to his colleagues.

We shall miss his smile, his beautiful procelain teapots and his Italian water jug.

But most of all, we shall miss his friendship.

We give thanks to the Victorian Bar (Verbatim column, Vic Bar News, Autumn 1992) because it reassures us that stupidity and absent-mindedness is not an antipodean disease, but a nationwide phenomena. Check this:

Counsel: Does Your Honour's copy of the trial transcript have pages 1877A to ZZ prior to page 1978?

His Honour: My copy has page 1877 to page 1878 which is what I have come to expect over the years.

His Honour: Yes, Mr Merkel?

Mr Merkel: Your Honour, the little light I told Your Honour about last night at the end of the tunnel did bear some fruit.

Ms Bazzani: Your Worship, there is a problem. My client is a paranoid schizophrenic. He arrived at court a few minutes ago but has run away. I cannot find him.

His Worship: Do you know where they've gone?

His Honour: The trouble is, Mr Hammond, companies like your cli-

ent's are dropping like flies at the moment.

Mr Hammond: That might be so, Your Honour, but that's no reason for the Court letting the other side swat us while we're still flying.

An extract from interrogatories:

1. What was the deceased's date of birth?
2. (a) What was the date of the deceased's death?
(b) What was the cause of the deceased's birth?

An extract from an affidavit:

The defendant is the brother of the deceased and has been in possession of the property during the lifetime of the deceased, with the consent of the deceased.

However, the deceased's consent has since been revoked.

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