

Kriewaldt J – some memories

By popular acclaim, following are some excerpts from the transcript of John Withnall's reminiscences from his time as associate to Mr Justice Kriewaldt.

When I first joined the judge I was only 16.

In fact, I had filled in over a Christmas before that when I was only 15. And being an associate at 16, at that time, with that judge, produced a specific problem which His Honour solved in a way which is revealing of the way he enjoyed being "the judge" up here.

The problem was this: the judge had a very peripatetic routine whereby he would visit every Darwin hostelry and club in sequence, no more than one per night, on available nights, but he'd go on these "royal visits", as it were, to the clubs and hold court socially, in effect.

It was very much like a royal visit. The associate would run interference because, of course, the judge bought for everybody while the judge was in attendance, and the judge did not bother with the commercial details of actually ordering and paying and fetching. So it did not work without an associate, and at 16 I wasn't promising to be terribly much help because the age of majority was 21. You had to be 21 to be able to legally breast the bar in licensed premises.

Now, what Kriewaldt did to solve that was very typical. He wrote a memo and sent it off to every hotel and every club and advised them all that at all times, on their premises, when Withnall was in the company of His Honour, Withnall would be deemed to be 21 years of age.

It really is very revealing of the sort of man he was because he could have just made a few funny phone calls, to be later denied or made light of, but no, it was a memo. It was a light-hearted memo, but for all of that, they all knew where they stood.

In a similar vein, there was the incident where the judge was reviewing a passing-out parade at the police barracks. There was a line of new policemen, they'd been marching, saluting. The judge climbed up on the viewing stand and gave them a talk. He said that as a new policeman, just graduating into the Northern Territory Police Force, the first thing they had to learn was his

number plate.

You know, it got a laugh, as I recall, but it was an uneasy laugh because everybody knew where they stood. He meant it. He was the Judge. There were no visiting judges. There was no appeal, except direct to the High Court. Everybody knew he was the Judge.

That applied to the profession too, albeit a fairly small profession. Apart from the Commonwealth Crown Law Office, which comprised at the time my father and Vic Ryan and one other, initially the profession was two people and they were Tiger Lyons and Dick Ward, which, let me say made it pretty simple if you had a civil action and you got a writ. You had one lawyer to go and talk to; he had the other one.

But the judge ruled the profession in the same way. One morning there was a trial, a criminal matter. 10 o'clock came and John Lyons was to appear for the defendant. He was not there at 10; he was not there at 5 past. Back then Tiger Lyons was the mayor as well and he used to operate from the council chambers rather than out of his own chambers. The judge said, "Ring the Council Chambers and see what's happened to Lyons". Right, ring the council. The girl says, "Oh, the Mayor can't come to the phone, he's in a very important meeting. He's the mayor, you know".

I duly reported back to the judge and he said, "Well, ring them back again, leave a message with the girl and the message is this, that Mr Lyons has 15 minutes with which to elect to be a practitioner of the court".

It worked. He was there in 10, complete with wig on - a little crookedly as always - and a belt that had no buckle and his robe flying, full of holes.

I might just mention the old courthouse because we operated all the time I was an associate out of the old courthouse, which was a tin-roofed building hard up against the hostel - where the Transit Centre now is. It was a building without proper ceiling lining, parts of it were just bare tin roof. There were louvres all around the outside; it didn't

have proper walls, just open, transparent louvres, Darwin-style for the bottom two-thirds of a metre or so. While court was on they were always open. If it was an Aboriginal defendant, there was a second audience that would sit all around outside the louvres. It was hot. Air-conditioning hadn't been invented.

If it rained, if there was any sort of a downpour, we had to adjourn the court because you simply couldn't hear the proceedings. Sweat would dribble down Kriewaldt J's face from under his wig, but he'd never give in by saying, "Let's dispense with the wigs, fellows".

Every day it was the same. He'd come into court with his wig on, counsel would breast the Bar table, they'd have wigs on. Sweat would run down their cheeks for an hour, an hour and a half, and finally the judge couldn't take it any more and he'd whip his wig off and drop it down in front of him and then, with a sigh of relief, all counsel at the Bar table would take their wigs off and drop them at the same time. But they all went through the routine hearing after hearing.

I'm asked what sort of a person Kriewaldt J was. The memory I have is of a very precise man, a very meticulous man with a very orderly approach to everything he did, in every aspect and every endeavour.

My father used to have a go at him in relation to his sentencing. The criticism was that he was always a bit heavy, comparatively, on property offences and comparatively light on offences against the person. This was an ongoing thing between them and it stopped with a case which was fairly notorious at the time, where a young bloke, his fiancée and his best mate were driving down the track, in the night. The vehicle ran out of petrol and the owner of the car picked up a jerry-can and trudged off into the dark to the nearest petrol station, miles and miles away, leaving his best mate and his fiancée in the car.

He got back about dawn, after trudging all night with the petrol, to discover

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JEANNY'S

FINE WINES AND SPIRITS

WA Wines from Plantagenet

This month we feature a range of wines from Plantagenet Wines, Mount Barker, WA.

1995 Fine Red

A great everyday drinking red that has generous fresh berry fruit flavours. A blend of shiraz, cabernet franc and pinot from 12 months maturation in French oak barrels. The softness and berry fruit flavours make it an ideal wine for a variety of dishes. The winemaker says, "try it with your next barbecue".

1995 Omrah Merlot/ Cabernet

The increasing demand for easy drinking fruit-driven styles of red has prompted Plantagenet to release a new blend of 55% merlot and 45% cabernet franc. This has resulted in a wine that is packed with concentrated fruit flavours. The winemaker says, "try it with veal and pasta".

1993 Cabernet Sauvignon

Great southern cabernet has a refinement and elegance that cabernets from many other regions do not. The '93 vintage is no exception to this statement with lots of fine grained tanins. The winemaker says, "try it with rack of lamb".

1994 Shiraz

One of the driest summers on record has produced a wine that is big in style, the palate full, rich and rounded with a

good depth of fruit. This wine is drinkable now, but will reward those who can hang on for a good 10 to 15 years. The '94 shiraz won a gold medal at the UK International Wine Challenge of 1996. The winemaker says, "try it with chargrilled kangaroo or any rich game dish".

1996 Mount Barker Riesling

Cool ripening conditions allowed the fruit to be picked in impeccable conditions. Enjoy now as a young, crisp style or cellar for several years. The winemaker says, "aperitif or delicately flavoured seafood dishes".

1994 Mount Barker Chardonnay

1994 was an excellent year for chardonnay, producing a rich, full flavoured and complex style of chardonnay. This wine will also develop with a further 2-5 years in the bottle. The winemaker says, "serve with any well-flavoured meal".

1996 Omrah Chardonnay (unoaked)

A cool moderate growing season produced chardonnay fruit full of intense tropical fruit flavours. Colour—brilliant pale straw. The winemaker says, "seafood and pasta dishes".

All the wines are available at Jeanny's Fine Wines at your special members price.

Kriewaldt J

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a distraught fiancée accusing the best mate of having forced himself upon her. The mate was duly convicted of something appropriate and duly clobbered, properly clobbered. I honestly don't remember the sentence, but at the time it was thought to be pretty heavy. I wasn't privy to the conversation, but Dad reported it to me later. He said he went around and raised with the judge the way he'd clobbered this guy and what a change it was in the judge's sentencing approach. The judge said, "Withnall, I would've thought you, of all people, would have understood the principle here. I treated the matter as a misdealing with trust property."

This really paints a shorthand picture of what sort of man and what sort of judge he was. He died quite suddenly, leaving a second young family. I know a lot of people were quite shocked and considered it then, as now, a great loss.

Copyright Breaches

The Managing Director of Legal and Accounting Management Seminars Pty Ltd, Mr Paul Cooper asks that the attention of the profession is drawn to what LAAMS feel may be a widespread breach of copyright within law firms.

He cites several instances of reproducing of seminar papers for distribution within firms when only one set of papers has been purchased.

Mr Cooper, whilst accepting that much of this illegal copying of such material may be done through ignorance, points out that the resulting loss to publishers is huge and suggests that it could contribute to the relatively high cost of published legal material.

He is concerned, however, that some of the breaches are committed merely in an attempt to avoid paying for multiple copies and asks that members of the profession are reminded of their obligations in relation to copyright.