

## Sir William Forster (1921 - 1997)

In June 1971 when William Edward Stanley Forster had his commission as the sole resident judge of the Northern Territory read in court there were about 42 practitioners in the whole of the Territory spread over the Crown Law Office and private practice. There was then no legal aid nor an independent bar. The average age of practitioners was in the late twenties and, if one excluded Dick Ward, Ron Withnall and George Dickenson the average fell even further. Brian Martin and Ian Barker had been around Alice Springs a while but it is fair to say that the bulk of the profession was not long on experience. The small group from the court ceremony were invited to Justice Forster's chambers and his Honour long remembered being offered sherry which was not only indifferent in quality but warm as well. He took this as some sort of omen and since I was the first practitioner he had met in Darwin he often reminded me of the event and surmised that things had gone downhill since.

363 practitioners are resident here today and a further 79 visit. The development of the profession, the harnessing of the raw energy and enthusiasm which the young brought to court, the considerable thought and effort that went into shaping the procedure and practice of the Court, indeed growing up the legal community fell to him and he did it. He combined wisdom and fairness with practical commonsense. His statements could sometimes be described as blunt, even stern but never ambiguous or unclear. He did not sit Sphinx-like when listening to unsustainable propositions. From the distance one heard "Oh yeah", the words unuttered approximating "Do you expect me to swallow that?" With sentencing in the criminal court you felt your heart sink when hearing these words: "Your counsel has skilfully and very ably said everything that could be

said on your behalf, however..." Some of us described this as "the Fossie send-off", when asked what happened to so-and-so. "He got the Fossie send-off and 5 years." A firm, fair, greatly respected judge, for a while he instructed juries on their first adjournment that one of the duties to be performed was to select a foreman or woman which could be done by any democratic means short of violence. I was unhappy to see it dropped when he thought it was no longer funny because the loosening-up effect upon the juries was most noticeable.

Before coming to Darwin from Adelaide, "Bill" was educated at St Peter's College and Adelaide University and had served in the RAAF during WWII. He married after the war and when qualified was magistrate 1959-61, Deputy Master 1961-66 and Master 1966-71. He was the lone resident judge here from 1971 to the appointment of Jim Muirhead in 1974. In 1977 he was appointed Chief Judge and, after self-government and the passage of the *Supreme Court Act*, he became the Chief Justice. He retired from that position in 1985 but continued to sit in the Federal Court until 1987. His extracurricular activities were extensive. He was frequently Acting Administrator by reason of the dormant commission he held. He was the President of the NT division of the Red Cross 1973-85, Chancellor of the Anglican Diocese 1975-85, Chairman of the Parole Board 1976-85 and Chairman of the Museums and Art Galleries Board from 1975-85. This last position he enjoyed immensely and he was a powerful influence post-Tracy in the design and commissioning of the Museum at Bullocky Point which was the first approved public works of the post self-government Everingham government. He was rightly proud of the many achievements of that board and

its staff.

For some, Sir William's sense of humour was too subtle and asides meant in fun were perceived otherwise. He often told tales against himself and I now feel free to tell this one. Staying with the Forsters was the flamboyant and theatrical head of the Australian Ballet, Dame Peggy Von Praagh. Wishing to see "Bill" at work she went to arraignment day and there, in red and black, he sat moving along a cast of thousands. Going home for lunch he was met at the door by the good Dame, who gushed, "Bill, what a performance ... and I love your costume." He found this very amusing.

He loved the Territory very much and his last visit here involved him returning to the Museum. He enquired about a Frank Hodgkinson portrait of him done as Chairman of Museums and Art Galleries. "I don't like it," he said, "Too much yellow. Makes me look like I have beri-beri." He asked me not to hang it in the Museum during his lifetime and I agreed. Within days it was on its way to the Court where it does him honour on Level 4.

Sir William had the unique distinction of being knighted for service to the law in the Northern Territory and his investiture as a knight in 1982 was, and will remain, the only one performed in the Northern Territory.

Sir William was a splendid man and the right judge in the right place at a time when his wisdom, forthrightness and energy were much needed. He leaves his widow, Lady Johanna Forster and three children. The opening and naming of William Forster Chambers in his presence was and is a fitting recognition and reminder of his services to the law.

— Tom Pauling, QC