

# Bill Raby, OBE, or Gray's Inn, barrister-at-law

By Alasdair McGregor

**Bill Raby died on 4 March 2005. He was once a large part of our legal scene.**

The former Crown Law Officer and Director of Law was born Walter Arnold Raby at Barrow-in-Furness in modern Cumbria, in May 1917. His father was in the Merchant Navy, but had been torpedoed and was a prisoner-of-war when Bill arrived. After the war, his father was Master of a ship in the Scottish coastal trade. Bill went into insurance when he left school, and for a hobby became a glider pilot.

The day after WW2 was declared Bill went confidently to enlist in the RAF, to find there was no demand for colour-blind glider pilots. So he joined the Army and served in India.

After demobilisation Bill joined the Colonial Police, serving first in Cyrenaica in northern Libya. (Great Britain and France were administering Libya after the fall of Italy.) With King Idris I established on the Libyan throne in 1951, Bill was posted to the Colonial Police in Singapore. He was variously in charge of major crime, commercial crime, and the Special Branch. In Singapore he met Janet, a RAF nurse, and they married in 1954.

As the movement grew to replace expatriates with locals, Bill transferred to British North Borneo

(Sabah), stationed in Jesselton (Kota Kinabalu).

In 1960, during his period there, Edwina Countess Mountbatten of Burma, wife of Lord Louis, died at Government House on a Red Cross visit. Bill was Assistant Commissioner of Police (Administration), and on occasion acting as Commissioner.

Bill was awarded the Order of the British Empire for his work in "confrontasi" – the confrontation begun in 1963 between Indonesia and Malaya, Singapore, Sabah and Sarawak caused when President Soekarno sent troops from Kalimantan into Sabah and Sarawak trying to prevent the formation of Malaysia.

Bill was granted a year's leave in England to prepare for the Bar exams. He completed his studies in six months, passed the exams, and was admitted a barrister of Gray's Inn. He returned to Sabah. The process of "malayanisation" continued.

There was no DPP in those far off Commonwealth days, and Bill came to Darwin as Senior Legal Officer (SLO) in 1968, to perform the function of Assistant Crown Prosecutor. Peter Massie was the Crown Prosecutor and Jim Williams the Crown Law Officer and Draftsman. Many of us still wore shirt, shorts and

long socks to work: Bill wore trousers and a cravat! Raised up in his Haflinger, that was a vision splendid. Soon it was learned that "the Cravat Kid" wore a sarong at home. He was clearly different, but no one mentioned the sarong.

Bill became the Crown Prosecutor in 1969 and for a while his entire staff was the new SLO (me), a Secretary and a CA4. In return for his tutelage I was required to show an interest in orchids. We undertook all prosecutions and appeals in the Supreme Court, as well as appeals against sentence in the High Court. We administered legal aid.\* It was a matter of honour to be ready, and we rarely sought a remanet. Commit a man on Friday and we would have difficulty arraigning on Monday, and so we got the 14 day rule, but we would do the impossible if we could.

Notable, as it seems to me, were the trial of Jose Manuel da Costa for a grisly murder on the Barkly Highway and the retrials of Wran and Thompson for a series of breaking offences. (Younger readers must understand that all breaking, entering and stealing was regarded by our Canberra masters as far too serious to be dealt with by a magistrate, so (except for matters about which we did not officially hear) we prosecuted them all before a red Judge and jury.)

In da Costa we depended on interstate banking records to establish a circumstantial case. Some might have thought such a case – based on interstate bank Johnnies - a bit chancy before a Darwin jury.

Wran and Thompson were two safe-breakers who came here from the eastern states, expecting a pretty naïve Police force. They were surprised by the quality of the scientific work of largely self-taught detectives. Bill encouraged police initiative, building on what they had

## TRENERRY INVESTIGATIONS

Process Service \* Investigations \* Inquiries

Rob Trenerry

PO Box 430, Parap NT 0804

Tel: (08) 8941-5550

Fax: (08) 8941-5551

Mobile: 0416 191 063

Email: rob32@ozemail.com.au

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done, and police specialists in Darwin and Alice Springs responded positively despite little support from Headquarters. He fought for a Crown Law Liaison Officer in the Police Force.

In court, Bill was a large man with a commanding presence. Our office was in the Law Courts building, so he could sweep down the stairs with file and a couple of books through the public area. If Archbold didn't have the law, Hannan usually did. I cannot imagine him pulling one of those wire trolleys full of reports.

One criminal practitioner was significantly shorter even than I. Bill could take out his handkerchief, red with white spots, and without more put the short man completely off his stroke. Knowing all eyes were on Bill, he would wait in mid-question for Bill to blow, or wipe, or whatever, and would grow visibly cranky. Cough drops produced a similar effect. Bill was pretty good with a jury and he took the view that his job was to prosecute the tough'uns while the junior staff got to do the more straightforward. His juniors got real experience. And so I won my first two murders.

A major case whose upshot I truly forget began for me when Bill and Inspector Neil Plumb called me in and Bill passed me a paperback opened at some underlining. I was asked to read two passages and give an opinion. To gain an idea of the context I tried to read beyond the underlining, but my grin caused Bill to demand the book back. I never did learn the story behind the milk bottle or the liver and my opinion as a member of the public was no longer required. Chris Nathaniel was duly prosecuted (not by me) for offering an obscene (or maybe indecent) book *Portnoy's Complaint* for sale. Conviction would mean a declaration that he was a rogue and vagabond, a dire consequence for an alderman.

After Clem O'Sullivan (Crown Law Officer) and Bill in particular had explained to Canberra that Darwin was not alone in the Top End and we

had criminals to arraign from Katherine, Gove and Groote Eylandt, the Crown Law Office got back on its feet very early in 1975 [after cyclone Tracy]. Bill ran daily staff meetings from at least 2 January. It was pleasant to go to Alice Springs and shower in hot water.

Bill and Janet were able to fix their home early, but some of us were in digs for a long time. Clem moved to Perth and Bill became Crown Law Officer and also Director of Law. I was now Crown Prosecutor and I shall always be grateful that Bill pushed for a proper - i.e. nailed back together - house for my family. Four and a cot in a caravan was not fun.

By now we had an Alice Springs office manned by Peter Tiffin, and Bruce McCormack, Donald McGregor and I were in Darwin. Pat Loftus was around somewhere. (Some of this is approximate. #)

Then Attorney-General Kep Enderby MP determined to replace police prosecutors in the Territories with lawyers - at once. Bill and I calculated that we needed thirteen wet-behind-the-ears solicitors to replace three 3<sup>rd</sup> class sergeants. We got nine, then had a long wait for their supervising officer to come from PNG. Suddenly Prosecutions was the major part of the Crown Law Office. We trained some good young fellows, some now prominent in the profession. But at the time it was chaotic as we learned the hard way the faults in the first breathalyser laws. I got out. Loftus came back. Others must speak of Bill's final months as Director. He retired in 1977.

They abolished the Licensing Court and gave an enjoyable jurisdiction to a new Commission. Middle-aged practitioners may only remember Bill from the Commission, and they must tell the tales.

Bill went into private practice with Pat Loftus as 'Loftus and Cameron' (popular young prosecutor Peter Cameron having died between the idea and its fruition) and for a while Bill continued a well-known figure

about the courts.

Bill was a practical man. The six foot cyclone fence around his house in Ludmilla was the first such domestic fence in Darwin, where three foot mesh and pig wire kept nothing in or out. He and Janet had learned a bit about orchids in Singapore and Sabah, and they devised ways of bringing plants successfully into Darwin through Australian Quarantine. Of course they brought Janet's plants here despite the received wisdom that orchids could not be grown in our climate! Behind their fence of exotic creepers he helped Janet build a magnificent garden.

During Tracy Bill took advantage of the lull as the eye passed over to drill holes in his floorboards to drain water away and lessen damage.

His love affairs with a succession of cars called Lulu (NT100.100) and several motor bikes are well known. Two weeks before he died he drove a quad bike from home to RDH and back. As I write a taxi driver has reminisced about being on one of Bill's juries, of the grey Rover Lulu, and of the straight-backed Bill on his scooter. He did not recall the Haflinger "Huffie" on which we whizzed to the Darwin Club for lunch during trials.

Bill was an early member of the Law Society and its Council; a founding member of the Orchid Society of the NT and the Diabetics Association; a Ulysses biker. He did good works without fanfare.

### Endnotes

\* I mention this because it is true, not because it was right. Stranger things have happened at sea.

# I was taught by Bill to take full public responsibility for errors in the brief, and kick butt later. Any here are my own. The name of the short man is not forgotten, simply omitted.①