

David Ross QC

in memorium

John Lawrence,
President, CLANT



One would have thought 2009 was a sad enough year for the legal profession with the unexpected and premature deaths of Tony Fitzgerald in February and then Ian Morris in July. All of which was grossly compounded by the terrible, terrible, tragedy of the loss of Lex Sylvester and Joanne Van Os' beautiful daughter Ali, likewise in February 2009.

Nevertheless CLANT's opening column for 2010 has to be yet another obituary, this time for Mr David Ross QC who sadly passed away in Melbourne on Christmas Eve 2009.

mentor and teacher. He was also a substantial contributor to criminal law as a writer, whether it be learned articles published in law journals over many, many years, or in his text books on criminal law, being "Advocacy" and "Ross on Crime" now in its fourth edition and affectionately known as "The Golden Words". He was well-known, admired and respected in all jurisdictions of Australia.

The Northern Territory was blessed since the 80's with his regular appearances in all of our criminal courts, in the main representing Indigenous men and women.

performances at The Cricketer's Arms on Grand Final Day.

Like all good lawyers he had a vocabulary the size of Brazil. The Oxford English Dictionary was truly his toolbox and he was a man that truly loved research and learning in many fields of life.

Overriding all of that, Rossy had a pervading and wicked sense of humour. Humour to Rossy was integral to the condition and it emerged at most junctures in his professional and personal life. He clearly appreciated its importance and value. Conversations with Rossy invariably involved gags, wisecracks, quips and puns. One needed a dictionary to keep up with his witticisms.

Rossy was an advocate that excelled in all forums. Whether it be cross-examining police officers in front of a jury; or addressing the same; or telling Courts of Appeal what law applied and what the authorities and principles were.

Rossy had practiced criminal law for 42 years, 20 as a silk. He was admitted to practice in Melbourne on 1 March 1967 and signed the Victorian Bar Roll on 13 April 1967. He was appointed QC in 1988. He founded the John Starke Chambers in 1995.

He taught advocacy at the Victorian Bar and abroad: Bangladesh and the West Indies. Our former DPP Mr Rex Wild QC was his first reader. His contribution to the

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Due homage needs to be paid to a man who has made a great contribution to criminal law generally including a significant legacy here in the Northern Territory.

David Ross QC was a giant criminal lawyer and advocate. He was more than an advocate. He was an educator and arguably his preeminence was as a learned

He was not just a lawyer, but a man of many talents and interests. The fact of the matter is Rossy was larger than life. He was into all kinds of things; surfing, canoeing, jazz and Australian Rules Football. "Into" meaning participate and being an expert. He played the didgeridoo; he smoked a pipe and drank strong Turkish coffee. He played in the jazz band "The Sweet Nutcrackers" renowned for their

jurisprudence of the Territory was significant. For over 20 years he came up to the Territory and in the main represented Indigenous men and women in our criminal courts. He will be remembered not only for his great learning in the law but also for his tenacity as an advocate. He was truly a fighter.

The Indigenous people of the Northern Territory have undoubtedly benefited greatly from his direct representation and the way he has passed on unreservedly his skills and knowledge to generations of Aboriginal Legal Aid lawyers. He truly did set an example and to work with him as an instructor or junior was extremely instructive and a privilege.

Sadly, early last year he was diagnosed with motor-neurone syndrome. It's a ghastly disease. Rossy was lined up to present a paper at last year's CLANT's Bali conference, the subject of which was the importance of committal proceedings, how to conduct these and the need for their retention.

He informed the Committee shortly after his diagnosis that sadly he would be unable to attend. At the concluding dinner of the said conference, knowing of the gravity of his condition, a standing toast was dedicated to David Ross QC, the criminal advocate.

CLANT acknowledges David Ross

QC's massive contribution to the Territory's criminal justice system and in particular his representation of our grossly disadvantaged and vulnerable Indigenous population. Sadly his likes will probably never be seen again. It would be a good thing if we could all learn from his fine example. }

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David Ross QC; requiescat in pace.

SOCRATES SAID MANY YEARS AGO THAT 'ALL THINGS BELONG TO THE GOOD JUDGE, TO HEAR COURTEOUSLY, TO ANSWER WISELY, TO CONSIDER SOBERLY AND TO DECIDE IMPARTIALLY.'