

## SIR DOUGLAS MENZIES—A PERSONAL RECOLLECTION

Sir Douglas Menzies, Chancellor of this University since 1968, died suddenly on 29th November, 1974, at the age of sixty-seven. I had known him, and counted him as a friend, since 1927, when he became a resident student at Queen's College. He was then in the third year of the law course, and demonstrated his ability by carrying off all the available exhibitions in that year and the next one.

We went to the Bar in the same year; he had been admitted to practice a year earlier, but spent an extra year in the office of the firm in which he served his articles. We shared the hopes and disappointments (more frequently the latter) of the worst years of the depression. He was making a name for himself as a junior of great promise when he accepted appointment in 1941 as Secretary of the Defence Committee and of the Chiefs of Staff Committee in the Department of Defence, whose Permanent Head was then Mr (later Sir Frederick) Shedden. Early in 1942 my quest for some capacity in which I could be useful led me to Victoria Barracks and to my surprise I found myself assisting Douglas in the Defence Committee section. I served there for some weeks until Douglas, with typical generosity, spoke a little too enthusiastically of his new recruit, whereupon I was whisked upstairs to the staff of the Permanent Head. Nevertheless, we still saw much of each other throughout the war, and I was in a position to observe the outstanding contribution he made to the war effort. He had the complete confidence of the Chiefs of Staff, and his legal training enabled him to formulate their submissions for War Cabinet and the Advisory War Council in a way which evoked their warmest praise.

In 1945 we returned to the Bar, where his progress was so rapid that by 1948 he had taken silk. In the meantime, he had appeared in the *Bank Nationalisation Case*, in which he appeared for the State of Victoria, and was the only junior chosen to go to London for the Privy Council appeal. From 1948 until 1958 he was in great demand in constitutional cases, tax cases, and company matters of all kinds. He was co-author of the standard text on the Victorian Companies Acts, and his capacity to sum up a complicated situation involving corporation law and to give instant advice was tremendously impressive. We were on opposite sides in the *Boiler-makers Case*, at least at the High Court stage—my clients did not consider it worthwhile to send me to London for the Privy Council appeal in 1957; but shortly afterwards, in *Charles Marshall Pty Ltd v. Collins*, we were in London on the same side. Again with characteristic generosity, he made sure that I, as his junior, could present the argument in reply in that case;

leaders are not always so accommodating. Incidentally, after the *Boilermakers Case* we were invited to, and did, re-argue the case (but not at such length) before an audience of law students at Melbourne University.

In the following year, we were opposed again in *Newton v. Federal Commissioner of Taxation*, the leading case on section 260 of the *Income Tax Assessment Act*. I managed to get the ear of the trial judge, but on appeal to the Full High Court, and subsequently to the Privy Council, his analysis of the evidence was devastating, and we could not hold the judgment. It was while we were in London immediately after the conclusion of this appeal that he told me that he had accepted appointment to the High Court. I was able to tell him, with complete sincerity, that I knew of no one better qualified for the post.

I appeared before him from time to time in the Full High Court, and also when he sat as a single judge in *Prince v. Commissioner of Taxation*, a long case which involved the examination of some ten years of the taxpayer's affairs, and in which an assessment amounting to £180,000 was unsuccessfully attacked. Both as a single judge and as a member of the Full Court his even temper and invariable good humour were notable, and his ready grasp of complicated issues impressed as it had when he was at the Bar.

His later years were saddened by the loss of his wife, and made more difficult by recurrent heart trouble. He told me in July of 1973 that he was finding his work more than usually tiring, but he carried on without any change that would be apparent to the outside observer. He was in Sydney for a sitting of the High Court on the day of his death.

It is not my intention in this memoir to attempt to assess his achievement as a lawyer, nor to catalogue the wide range of his activities, which included, for example, the presidency of the Medico-Legal Society and of the National Heart Foundation, and of course the Chancellorship of Monash. In this latter capacity he took a keen interest in all the affairs of the Faculty of Law. I shall remember him as a man of the highest professional standards, and as a warm friend, generous and hospitable, and with an inexhaustible fund of good humour. He was a man that the nation, and in particular this University, could ill afford to lose.

SIR RICHARD EGGLESTON