

**THE UNVEILING OF HONOUR BOARDS RECORDING THE NAMES
OF THE PRESIDENTS & LIFE MEMBERS OF THE TASMANIAN BAR
ASSOCIATION BY THE HONOURABLE PETER UNDERWOOD AC,
GOVERNOR OF TASMANIA
FRIDAY 6TH JULY 2012**

As you know we have gathered here this afternoon to unveil honour boards that list the names of past Presidents and Life Members of the Tasmanian Bar Association. In one sense this is a sad occasion, for the Roll Call is complete and no more names will be added to these Boards, because the Tasmanian Bar Association is to wind up. However, this does not mean the end of a Tasmanian Bar. Nor does it mean an end to the principles and values that the Bar Association used to espouse. Indeed, the demise of the Tasmanian Bar Association has seen the rise of the Independent Bar in this State and the continued support of those values and principles by the 50 plus members of the Independent Bar and their incorporated association that is a constituent member of the Australian Bar Association.

During the 60 years that the Tasmanian Bar Association was in existence its membership was open to everybody who had been admitted as a practitioner of the Supreme Court of Tasmania. However, its constitution provided as a primary aim the representation of the interests of those legal practitioners who are primarily involved in litigation. Accordingly its membership consisted of people who were primarily involved in litigation.

I joined the Association in the late sixties when Bob Baker, former Professor of Law was President. Principally its work was to provide input and advice with respect to proposed legislation, keep watch on the Rules of Court, promote law reform and maintain the great traditions of the Bar. When I joined the Bar Association the membership was quite small and members took it in turn

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to host meetings in their living rooms. Tradition had it that the host for the evening had to supply the refreshments and accordingly the amount of serious business that was done at each meeting was in inverse proportion to the largesse of each host.

The Bar Association was also very good at having fun and social occasions. Frequently there were dinners and the Annual Bar Association weekends were legendary. Although there was a serious side to these weekends with sessions on advocacy, law reform and so on, fun loomed large on the agenda. The Saturday night dinner was the highlight at which there always was an entertainment, the chief object of which was, by song and drama, to lampoon the judges. I well recall the piece entitled Under Peterwood which regrettably was rather shakily recorded for posterity onto a DVD by a cameraman with the extraordinary name of Steady Cam McTaggart. Looking at the names on the Board that I am about to unveil I see many who produced verse and song to the discomfort of the judges but who, in the fullness of time, were appointed to the Bench and became themselves the butt of that verse and song.

But for many the important contribution made by the Tasmanian Bar Association was firstly the promotion of the collegiality of the Bar where help and guidance was freely given to those who sought it, and secondly the maintenance of those great values and principles that have been developed over the centuries by the Inns of Court; traditional values and principles that govern the practice of those at the Bar; traditional values and principles that govern the relationship between Bench and Bar; traditional values without which the proper administration of justice and the rule of law would founder. As the great Lord Denning said:

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"... As an advocate a barrister is a minister of justice equally with the judge. He has a monopoly of audience in the higher courts." Denning was of course speaking in the days when there were no women at the Bar. He continued, "No one save he can address the judge, unless it be a litigant in person. This carries with it a corresponding responsibility. A barrister cannot pick or choose his clients. He is bound to accept a brief for any man who comes before the courts. No matter how great a rascal the man may be. No matter how given to complaining. No matter how undeserving or unpopular his cause. The barrister must defend him to the end. Provided only that he is paid a proper fee he must accept the brief and do all he honourably can on behalf of his client. I say 'all he *honourably* can' because his duty is not only to his client. He has a duty to the court which is paramount. It is a mistake to suppose that he is the mouthpiece of his client to say what he wants: or his tool to do what he directs. He is none of these things. He owes allegiance to a higher cause. It is the cause of truth and justice. He must not consciously misstate the facts. He must not knowingly conceal the truth. He must not unjustly make a charge of fraud, that is, without evidence to support it. He must produce all the relevant authorities, even those that are against him. He must see that his client discloses, if ordered, the relevant documents, even those that are fatal to his case. He must disregard the most specific instructions of his client, if they conflict with his duty to the court. The code which requires a barrister to do all this is not a code of law. It is a code of honour. If he breaks it, he is offending against the rules of the profession and is subject to its discipline ...".¹

¹ Rondel v Worsley (1966) 3 WLR 950.

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They were principles that those whose names are on these boards held dear and who used their office as President of the Tasmanian Bar Association to make sure that all who practised at the Bar in this State knew, valued and adhered to those principles.

The torch will pass to the Independent Bar but the Tasmanian Bar Association has an important place in the history of the legal profession in this State and I thank the Council of the Law Society for putting up these honour boards for they will serve to remind practitioners of the Tasmanian Bar Association and its contribution to the practice of the law in this State.