

Anthony Parker (1948-2006)

By Mark Austin



On Tuesday, 30 May 2006 Anthony Ian Parker passed away after a lengthy struggle with cancer. He was a lawyer who dedicated his working life to quality and at times courageous representation of the outcasts in Australian society. He will be sorely missed by his friends and colleagues in the Public Defenders Office and at the wider New South Wales Bar. He is survived by his daughters Catherine, Susan and Frances, their mother Lenore and his partner Anne Healey. His story is pivotal in the development of representation for Aboriginal people in New South Wales particularly in areas west of the Great Dividing Range.

Tony Parker graduated in law from Sydney University in 1969 and after a period as an articled clerk in Sydney was admitted as a solicitor on 31 July 1970. From 1971 to 1974 he was employed in private practice in Cowra with a firm that had its head office in Sydney. During this period he became acutely aware of the unfavourable treatment Aboriginal people faced in their dealings with a legal system, particularly in western New South Wales. In 1975 he began employment with the Aboriginal Legal Service (NSW) Ltd working in the Grafton office. During this period he developed his skills as a fine advocate and was willing to

confront abuses of police power by challenging evidence in the courts. At the time this was a courageous position for any member of the legal profession. Magistrates and judges frequently made it clear to practitioners that challenging the honesty of evidence given by police officers was frowned upon by the bench and no way to advance a legal career.

In 1978 Tony was approached to assist in the formation of the Western Aboriginal Legal Service and in April 1978 he became the new service's founding principal solicitor. He travelled constantly from one court sittings to another in western New South Wales appearing in multiple hearing matters on any given day as well as representing the bulk of defendants in the local court lists. He would travel to courts as far-flung as Wentworth on the Victorian border and Broken Hill in the northwest. The legal service was based in Dubbo as it still is today but much of its work was undertaken in the river towns of Brewarrina, Bourke and Wilcannia. Relations between the police and the Aboriginal communities of western New South Wales were particularly difficult in this period. Many Aboriginal people had become committed to self-determination and this inflamed a conflict with the large local police forces that had traditionally seen their role as controlling the lives of Aboriginal people. Much of this struggle was played out in the courts. Tony Parker played what can only be described as a heroic role in his tireless representation of his Aboriginal clients under unbelievably difficult conditions.

Tony put in place systems within the office which promoted high-quality representation of Aboriginal clients. He always believed that his clients had a right to expect the best from their legal representatives. To this end Tony became, in his own laconic way, a great

teacher to a generation of mostly young, recently-graduated lawyers. A proponent of social justice and Aboriginal self-determination Tony instilled a sense of commitment and purpose in those who were lucky enough to work with him. At one stage, with the other solicitors employed by the Western Aboriginal Legal Service, he worked for months without pay to ensure the survival of the legal service. They were simply unwilling to allow a crisis in funding to leave Aboriginal people once again dealing with a criminal justice system without legal representation.

From June 1980 until July 1981 Tony was employed in private practice in Cooma. After this break he returned to the position of principal solicitor with the Western Aboriginal Legal Service Ltd until December 1988 making him the longest serving principal solicitor in the history of the organisation. From 1989 until 1993 he was employed as a solicitor and barrister in Adelaide with a private firm. During this period he continued to represent Aboriginal people working with former Aboriginal Legal Rights Movement solicitors within the firm and appearing in trial matters for Aboriginal clients in the city as well as in country regions. He also became involved in a number of significant cases before the Royal Commission into Aboriginal Deaths in Custody.

In 1993 he returned to New South Wales and was employed by the Legal Aid Commission as the solicitor advocate at Parramatta District Court. On 21 February 1994 he was admitted to the New South Wales Bar and on 23 February 1994 he was appointed a public defender. Alongside Martin Sides then senior public defender he was instrumental in reintroducing an arrangement through which Aboriginal legal services in this state were able to gain access to the services of the public defenders office. Since then he has continued to represent Aboriginal clients in the city and particularly at the Tamworth District

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Brian Francis Murray QC (1934-2006)

By Phil Doherty SC

Nearly 35 years ago when I first started in the District Court section of the GIO, I had a case where the plaintiff seemed a bit of a shonk. A little guy who had the most infectious laugh I have ever heard worked on the other side of the partition. So I leaned over and asked him 'Who is the best cross-examiner?' He didn't even look up. 'Brian Murray' he said.

So I briefed this Brian Murray and by the time he'd finished cross-examining, the victim took my miserable offer. Shortly after that I had my first meal with Brian Francis Murray.

It was this same ruthless cross-examiner who, some years later, wanted to sell his little Lexus. He happily gave the prospective purchaser a test drive on his own. The proposed purchaser waved to Muz (standing there on the side of the road) as he drove off. Neither car nor purchaser was ever seen again.

You know the chronology. Brian Murray came to the Bar when he was not quite 26 years of age. To put that in context, the Vietnam War was hotting up. 'Tie me Kangaroo Down Sport' had just been displaced from number 1 on the Top 40 by that all time classic, 'Itsy Bitsy Teeny Weeny Yellow Polka Dot Bikini'. Heady days.

He worked hard. He wanted to provide for his family in a way his own dad had struggled to do. He became a very good barrister.

He became queen's counsel in 1981. His skills were always in demand. Later he was as an acting Supreme Court justice

and, more recently, an acting District Court judge. Behind the scenes, he sat on umpteen committees. He was head of chambers on 8th Floor Wentworth and 11th Floor Garfield Barwick Chambers.

With all this, you'd expect a touch of arrogance. But not a sniff of it. The hallmarks of his life in the law were compassion, simplicity and friendship. He was universally liked and respected. He was so dedicated to his clients. I saw it scores of times – the rapport with uncomplicated country folk and the genuine empathy he felt for injured people.

Of course there was a right way of going about things. He seemed to preside over a courtroom, even from the Bar table. Never yet have I seen a better first instance persuader in a big case.

When sitting as an acting judge, he ran a quiet, pleasant and respectful court. No anger. No angst. There was always due decorum – even when he was dripping with yellow paint thrown over him by a litigant in person. That chap obviously didn't know what a good draw he had.

He brought out the best in counsel because he genuinely wanted to hear their submissions. At one stage, there were nearly 70 District and Supreme court venues in New South Wales. Brian Murray would have been to nearly every one of them. Peter Brennan will tell you that the people of Grafton thought he was a local.

He even developed an international practice doing cases in England, Ireland

and the United States. He certainly had a love of travelling to new places and meeting new people.

A couple of years ago Patrick Joseph Heath and I were returning from a case in India when we were forced to stop in Singapore. I sent Muz an SMS message: 'We are in the Long Bar at Raffles Hotel in Singapore, where Rudyard Kipling wrote Kim. Have you ever been here?'

His reply: 'Is Fred still the barman there?'

He didn't just preside over a court room. He presided over meals. That psalm about the Lord being my shepherd tells of setting a table in sight of your foes. Well, they'll be in for a long one because Muzza won't be coming to eat, he'll be coming to dine.

It's hard to believe you're lying there Muzza. But you are. Your wonderful life has come to an end. We're so glad that you'll be judged as you judged.

From all your friends who are here and those who are not here, from all those who have loved you over the years and from the thousands of people who benefitted from your knowledge, determination and compassion – thank you for your life.

Without exception, you were regarded as a gentleman in the law. I'm sure you chose to die on St Paddy's Day so that we will forever raise a pint to your memory and say: 'To Muzza – what a great man'.

Go on now Muz, the Lord is setting a table for you.

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Court. Tony has an understanding of the situation faced by Aboriginal people within the criminal justice system, which lawyers from more traditional legal backgrounds could never achieve.

His work as a public defender was as significant as his earlier work with the Western Aboriginal Legal Service. For

over a decade he provided high-quality representation as a barrister working for those charged with serious criminal offences. It is timely to reflect upon this work and the context in which it was carried out. At a time when the motives of criminal defence lawyers were under constant attack mostly from ill informed commentators all those who sought to

pursue personal ambition Anthony Parker worked tirelessly to provide the highest quality legal representation to the indigent.

At the memorial service at St James Church he was described in these terms which remained fitting 'Anthony Parker was a champion. We will not see his like again'.