

Robert Anthony Gray (1942-2007)

judges who played a key role in laying the foundations of industrial justice... I hope I, in my own way, have lived up to at least some of those precepts.

With the passing of time, it will become apparent that his Honour did indeed live up to the precepts of his predecessors.

Justice Boland

Following upon the retirement of the Hon Lance Wright on 19 April 2008, the Hon Justice Boland was sworn in as the eleventh president of the Industrial Court of New South Wales and the Industrial Relations Commission of New South Wales. His Honour was admitted to the Bar in 1984, however took up practice as an industrial advocate with the Metal Trades Industry Association of Australia, which later became the Australian Industry Group of which his Honour became a director. In March 2000, his Honour was appointed as deputy president of the Industrial Relations Commission and a judicial member of the Industrial Court of New South Wales. His Honour has regularly been a member of the full bench of the Industrial Court in appeals and has contributed significantly to the development of appellate and other principles within the jurisdiction of the Industrial Court, particularly in relation to unfair work arrangements and occupational health and safety. His Honour's elevation was welcomed by all sides of politics. The Bar Association congratulates Justice Boland upon his appointment as president.



Family and friends of Robert – I have been asked to speak about Robert's professional life as a barrister. My only qualification for this is that Robert and I had adjoining rooms on the Eleventh Floor for 20 years and have been friends and colleagues for over 30 years.

Nothing I could say would do justice to Robert's 35 year career at the Bar, so I won't even try. What I would like to do is to share with you some of my memories of him.

Robert was larger than life. Let's be honest, he could be quite overpowering. His distinctive laugh and voice could often be heard on the Eleventh Floor. When he was away from his room there was never any doubt about where Robert was. It was no accident that Poulos somewhat unkindly gave him the nickname 'Foghorn Leghorn'.

But despite what could be a rather overpowering presence, there was a softer and very considerate side to Robert. He always had a kind word for the non-professional staff. At any Eleventh Floor function he would always speak to the secretaries and support staff to make them feel welcome. His banter with some of our receptionists became famous. I simply refer to Debbie and in more recent years, Melinda.

When I first joined the Eleventh Floor as a reader in 1976, Robert was very senior, or at least he appeared so to me. He had been a barrister for almost 4 years. When I first met him I didn't know what to make of him, it was like being hit with a whirlwind. He

could have ignored me completely which is often the fate of readers, but he didn't. He took me aside and gave me a wickedly humorous description of some of the senior barristers on the floor and their foibles. It took me a couple of years to realise just how accurate those descriptions were. He also gave me a friendly and very useful warning about which barristers paid readers for chamber work and which did not.

That was one of Robert's great skills – the ability to accurately assess people and situations. He could look at situations and always find something amusing in them. He would then summarise it all with an amusing phrase. Some of his descriptions of such situations were bitingly funny and very much to the point. The laws of defamation prevent me from going into too much detail, but I do remember one incident some years ago. A senior silk and a young female barrister were in a somewhat volatile relationship. During one of their disagreements, he ejected her from his chambers. As you can imagine, this caused quite a stir on the floor. Robert dismissed the whole thing with the comment 'Hell hath no fury like an old silk scorned'.

There was something very distinctive about Robert's chambers which separated them from all other chambers. There were very few books. Robert worked on the basis – why should he clutter his chambers with books when there were plenty of books in other chambers. While this was a wise financial decision, it did cause some problems. The basic rule for many years on the Eleventh Floor was if you were missing a book you went to Collins' chambers, and if the book wasn't there it was certainly in Robert's.

There was a certain book of mine – *NSW Workers Compensation Practice* – it was always missing and mostly ended up in Robert's room. To stop this I marked it with a large yellow sticker 'Do not remove'. It had no effect on Robert at all. Robert simply took it as a challenge. When I took him to task about it on one occasion he explained that by keeping the practice in his room, it made sure that no-one else would borrow it and I would always know where it was. There was no answer to that logic.

Robert never seemed to panic or appear under pressure. I was not sure whether this was a true reflection of how he felt or whether it was like the duck on the pond – serene on top and legs moving furiously underneath. No matter what happened, he maintained this calm demeanour. I remember quite a few years ago when there was a problem with a bank involving investment in Swiss francs. It all looked terribly serious to me. Robert's response was typical 'When things are going badly, there's only one thing to do – throw a party' – and that's exactly what he did.

Of course when it came to throwing parties, Beatrice and Robert were legendary. Every aspect was carefully planned – the guests, the food and the occasion. They operated like a well-oiled military machine. They were wonderful hosts. In April 1985 I was going to a ball and told Robert I couldn't attend one of his cocktail parties. But as we all know when Robert wanted you to attend something he wouldn't take no for an answer. As it turns out, I met my wife at that party so I became a great fan of parties at the Gray's.

As most of the older Eleventh Floor members would know, for almost 15 years Robert used those same organisational skills to arrange the Eleventh Floor functions. Meticulous care went into the selection of the venue, the selection of the menu and most importantly when members of the Bench, both retired and active, were involved, seating the right people next to each other. The wrong seating plan could produce disastrous results. Despite the amount of time involved (which was often considerable) he maintained his high standards over all those years. I think

it would be fair to say that the functions organised by Robert for the Eleventh Floor were spectacularly successful.

One can't say anything about Robert without also talking about Beatrice. They had a strong and loving marriage and together they formed a formidable team. The remarkable thing was the way their two powerful personalities blended so well together. In all the years that I knew him, I never heard Robert once make a disparaging remark about Beatrice. The strength of that relationship was demonstrated, if any demonstration was needed, over the last 12 months. Without being obvious, Beatrice supported Robert in every possible way particularly over the last six weeks when Robert was hospitalised.

Robert was a good friend. He had that wonderful ability to be able to listen. There were many on the Eleventh Floor who were grateful for Robert's robust common sense and advice on a number of personal issues. Of course it helped that he was the only barrister on the floor who knew anything about the Family Law Act. On other occasions it was just good to sit down in his room and get stuck into some good old-fashioned gossip. Robert seemed to know almost everyone in Sydney and he certainly knew what most of them were doing.

Professionally Robert was a courageous advocate. He had a reputation as a very effective cross-examiner. I say he had a reputation because oddly enough, despite our years together at the Bar, I only ever appeared in a case with Robert once. We were both representing defendants in a personal injuries action. The thing which

impressed me in that matter was not only Robert's ability as a cross-examiner but the fearless way in which he dealt with the Judge. It would be fair to say that the particular Judge was leaning heavily towards the plaintiff. Not an unusual situation you might think. Robert without being offensive and in a rather humorous way put it fairly and squarely to the Judge that the playing field was not level. It was an impressive performance.

Not only was Robert a courageous advocate – he was courageous as a man. It is difficult to imagine a greater test of one's moral courage and strength than what Robert had to endure over the last 12 months. Although he knew that he was living on borrowed time, there was no complaint about the unfairness of his situation and no indication of self-pity. On the contrary, he made a heroic effort to see all his friends, go to lunch with them and to give the impression that all was well and under control. It was only when one made inquiry of Beatrice or the boys, that you realised that after the simple activity of going to lunch, he was likely to spend the next two or three days in bed recovering. He went to great lengths not to let people know how sick he really was. Throughout it all he maintained his wonderful sense of humour, albeit with a significant touch of gallows humour just to remind you that you were still dealing with the old Robert.

Today we say farewell to a man who was larger than life, who was completely unique. We loved him. We will miss him greatly.

By the Hon Justice CRR Hoeben