

GERRY NASH QC, Victorian Bar 1959- Roll no. 604

1. It was sixty years ago **today** that P.G.Nash signed the Roll of counsel. Having served long articles with the Commonwealth Crown, he had been admitted on 3 March 1958.
2. Gerry made arrangements to read with Murray McInerney. But Murray took silk. As a consequence, Gerry read in the chambers of Kevin Anderson, who later took silk. Later still, Kevin was appointed to the Supreme Court where he sat as a judge with Murray McInerney. Both McInerney and Anderson had served as Chairmen of this Bar.
3. There is no practising member of the Bar who has been at the Bar as long as Gerry. It is *he* who is the tribal elder. Not just of this list. But of the entire Victorian Bar.
4. Even the late Brian Bourke came to the Bar later than Gerry.
5. Patrick Gerard Nash was born in the Royal Women's Hospital, Carlton on 10 July 1933.
6. He attended CBC St Kilda, one of Melbourne's oldest schools, founded in 1878. He enrolled at the University of Melbourne, where he took out an LL.B. with honours. Later, he obtained an LL.M. from the University of Tasmania.
7. In 1963, he taught for two and a half years in the Commerce faculty of the University of Melbourne, teaching commercial law. In 1963, he left full-time practice.
8. In 1965 while David Derham was the first Dean of the Monash Law School, Gerry was appointed a senior lecturer of the school. Shortly after, Sir John Minogue wished to set up a law school at the University of Papua New Guinea. P.G.Nash was the best candidate. So it was that he was appointed the inaugural Dean of the University of PNG.

9. For four years, Gerry served as Dean of the PNG law school, living in Waigani, just outside Port Moresby.
10. In 1966, the PNG law school's first intake was of about 20 students. The father of one of the students practised cannibalism. In the PNG milieu, this consists in eating the liver of an admired foe, from which consumption the eater draws the strength of his foe. Years later, the student in question became the Secretary-General of the Commonwealth, with whom Gerry once dined in London. Not for want of admiration on the part of his former student, Gerry left table that evening with his liver intact.
11. In an era where murder was a capital offence, albeit not a mandatory one, Gerry appeared, with success, for accused in murder trials in PNG. In PNG Gerry never saw a trial judge pass the death sentence on anyone convicted of murder.
12. His PNG experience proved to be formative. On his return to Australia, Gerry saw the law as being about people and practice, not about law reports. He was ahead of his time.
13. In 1970, back at Monash, Gerry was appointed a professor of law. From 1970 to 1980 he taught all of the basic subjects except real property. From 1977-1980 Gerry served as the fifth Dean of the Monash law school. While Dean, he still managed to accept briefs to appear. In 1980, he returned full-time to the Bar.
14. There are many marks of distinction in Gerry's career as counsel. I will mention one. In 1983, he was briefed as junior counsel to appear for the State of Victoria, as an intervener, in the *Tasmanian Dams* case. The Solicitor-General for Victoria was to lead him. In the event, Gerry addressed the Full High Court on his own. He did so in a

forensic context where, by force of politics, his instructions changed between handing up his outline of argument and concluding his oral submissions. Later, one of the judges who formed part of the majority, Tony Mason, told Gerry that he, Gerry, had done a great job.

15. Gerry took silk in 1987. He has been in work as a silk for 32 years.
16. His most interesting case was when he acted for criminal lawyer, Zarah Garde-Wilson, who was charged with contempt for refusing to answer a question as a witness. David Harper tried the matter. He found Nash's client guilty of contempt but, for the reasons Gerry had advanced, his Honour imposed no penalty. The Crown appealed to the Court of Appeal on sentence. Gerry's client cross-appealed against conviction. The court of appeal dismissed the appeal against sentence. After fair warning from the Bench, Gerry received instructions to abandon the appeal against conviction. The Crown applied for special leave to appeal against sentence. The presiding judge, Michael Kirby, said after hearing from the Crown, 'Much as we enjoy hearing from you, Mr Nash, on this occasion the court will not trouble you.' Special leave was refused.
17. Ms Garde-Wilson was struck off. But, thanks to Gerry, she was later reinstated on the Roll. She continues to practise law in this State.
18. In his working life as a barrister, the single-most quality of use to Gerry's clients has been **logic**. One tip he proffers to barristers is : read the section of the Act. Read any authorities on the section. Then go back to the words of the section. Another is : wherever possible, before the hearing, conduct a **view** of the alleged crime-scene or place of accident.

19. One thing that impresses Gerry about our clerk, Anna Svenson, is this. ‘Anna is really concerned about her ducklings and she wants them to be the **best** ducklings.’
20. For Anna’s part, when she began as clerk, as she progressively met the silks on our list, she was struck by how many of them told her how much they looked to Gerry Nash as the silk most worthy of emulation. Perhaps they, like me, covet Gerry’s liver.
21. **Gerry Nash QC** : you are a learned author with many publications to your name. For years, *Nash on the Magistrates’ Court* has been a junior barrister’s bible. You are a former editor of the *Bar News*. You are a rigorous lawyer ; a tenacious cross-examiner ; and a forceful and passionate advocate. In 2003 you were one of the second group to be inducted as a living legend of the Bar. You, Gerry, are a barrister of unbending integrity. Thus it has been for the past 60 years. Among your learned friends, no member of this Bar commands more respect, admiration and affection than you.
22. May you stay forever young.
23. Please charge your glasses and join with me in a toast to Gerry Nash’s attainment of 60 years at the Bar.
24. **To Gerry Nash!**

Nicholas Green
Owen Dixon Chambers
6 August 2019