

## **NAMING OF THE PETER O'CALLAGHAN QC GALLERY**

**MELBOURNE, 8 OCTOBER 2014**

**Susan Crennan**

Your Excellency, the Governor of Victoria the Honourable Alex Chernov and Mrs Elizabeth Chernov, Chief Justice of Victoria, the Honourable Marilyn Warren, Senator, the Honourable George Brandis, Attorney General of the Commonwealth and Minister for the Arts, Peter O'Callaghan and friends and family of Peter O'Callaghan.

May I start by thanking Will Alstergren, Chair of the Victorian Bar, for an opportunity to speak on this occasion, the naming of the "Peter O'Callaghan QC" Gallery in Owen Dixon Chambers West.

Peter signed the Victorian Bar Roll on 1 February 1961. His Bar Roll Number is 622. Peter was appointed as one of her Majesty's Counsel on 12 November 1974, and has been in practice and kept chambers for over half a century. He has been an occupant of the 18th floor for as long as I can remember. Had he cared to invoke his seniority to move to the 24th floor that would have been a lay down misere.

Peter was Chairman of the Standing Committee of the Bar Council with the responsibility for constructing Owen Dixon

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Chambers West. The only reason I refrain from naming the other members of that Committee is that Peter is likely to recall them more accurately. Describing the magnitude of that Committee's task, and some subsequent hard times, would take much longer than I have tonight. It is enough to say that it is a great moment for those who lived through the hard times, as Peter so conspicuously did, for the Victorian Bar now to own this building.

Peter O'Callaghan's life in the law at the Victorian Bar is outstanding by any measure. I thought it might be possible to give those present tonight just a glimpse of Peter's tremendous contribution to the Victorian Bar by recollecting a few things he has done over the years.

First, he enlarged my vocabulary. Until I heard Peter say "hornswoggle" at a long Barristers Chambers Limited meeting, in the dark days when a former owner of this building seemed to hold us to ransom over increasing rents, I had never heard the word. I had to "ask" Sir James Murray what it meant.

Something else I had never come across until I met Peter was a joke about confession. When I say "confession" I mean the sacrament — not what criminals do to shorten their trials. A chap who worked in a lumber yard for 40 years used to sneak home a few planks of wood every day after work. On his retirement, he received a farewell present from his employer, which pricked his

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conscience. He went to what was then called confession: "bless me Father for I have sinned ...". He confessed that he had regularly stolen a few planks of wood for nearly 40 years and taken them home. The priest said, "That's terrible. I'm not sure what penance I can give you." The priest thought for a while then said: "Can you make a novena?" — "Can I make a novena? If you've got the plans, Father, I've got the wood."

Peter O'Callaghan is famous not only for his wit, but also for his court craft. He always conferred with juniors about strategy even phoning at 7am before they had finished their morning ablutions. To those who heard me tell the following story at the Bar Dinner a couple of years ago I will need to apologise, but it is worth retelling. Once, another member of the Victorian Bar, the recently deceased Dr John Emerson, gave evidence in a particular case on behalf of a client of Peter's. The cross-examiner elicited Dr Emerson's qualifications, which went well beyond the law and included a doctorate in particle physics, a subject about which John had published a significant text. As you might expect, John Emerson's evidence was careful and comprehensive. During cross-examination by Ron Meldrum, John was moved to describe Heisenberg's "Uncertainty Principle". When John's cross-examination was finished Peter turned to his junior, before rising to re-examine, and whispered: "Not much I can ask him." That junior, Tony Howard, trained in the arts (or is it the mysteries) of the criminal law, said: "Ask him to spell Heisenberg".

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On another occasion when I was cross-examining one of Peter's witnesses, Peter rose to object but prefaced the objection with an apparent compliment to his learned friend, Mrs Crennan. This was always a soothing overture to a submission that some evidence, helpful to my side which had emerged during my cross-examination, should be completely disregarded because it was inadmissible on several counts. I must confess that when this happened the word "blarney" used to cross my mind but it never crossed my lips. How delightful it is after all to be treated by an opponent with good humour, even if it is for their own wily purposes, rather than receiving a metaphorical "kick in the head" — which, in less enlightened times, was thought to be good advocacy.

One Friday, Peter was late returning to a hearing after the luncheon adjournment. This was about 24 years ago. The Bar Table was very crowded - indeed the entire hearing room was very crowded. A person sitting on the Bench, the Chairman of a Royal Commission, mildly asked Peter's junior of his whereabouts. "Here any second" came the reply. Minutes ticked by, the Royal Commissioners checked their watches, then they checked the clock on the wall, then they strained to see the door through which Peter was expected to come. Slight frowns appeared on their foreheads. Storm clouds seemed to be gathering. I distinctly heard an impertinent and rather callow junior say: "How will he get out of this? Everyone knows he's with Villeneuve Smith and McPhee and Hedigan and Myers — they must be flat out up at the Latin today."

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Finally, Peter came through the door, hair tousled, tie flying, the cynosure of 30 pairs of eyes. He went to his place at the Bar table. He did not apologise immediately. Everyone waited. After catching his breath, Peter said "My wife contacted me during the luncheon adjournment because a new granddaughter arrived just 10 minutes beforehand." Then he apologised to smiles all round. There you catch a glimpse of the essential Peter O'Callaghan – advocate, husband, father and grandfather.

Probably I've said enough to illustrate the personal qualities which make Peter O'Callaghan a truly great barrister and to remind everyone what a pleasure it was to work with or against Peter. His fund of good humour never seems to desert him.

Peter has been described by Allan Myers as "a superior human being" and by Jeff Gleeson as "one of the most decent men [Jeff has] ever met". Jeff also said of Peter: "He is kind, he is compassionate, he is wise, he is fair and he is just." It is a privilege to speak at an occasion like this because it gives me an opportunity to concur with both Allan and Jeff.

On behalf of all of us, I thank the Art and Collections Committee, and especially Peter Jopling, for this Gallery and the collection it contains of portraits of contributors to public life and the law, all with some connection to Victoria. Many portraits are of Peter O'Callaghan's colleagues and friends.

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The Irish poet, W B Yeats, wrote a poem about visiting a gallery in which hung portraits of many of the friends of his youth and mature years. It contains Yeats' reflection on those friends:

"Think where man's glory most begins and ends,  
And say my glory was I had such friends."

May I conclude by noting how just and fitting it is to name this lovely gallery space, through which working barristers will daily pass, after Peter O'Callaghan — a person who has shown so many of us how it should be done. It is now my happy duty to officially name this space the "Peter O'Callaghan QC Gallery".