

Court mourns the passing of Justice Phillip Rice

The legal fraternity gathered in Darwin and Alice Springs earlier this month to mourn the passing of a former judge of the Supreme Court, Phillip Rice QC.

Justice Rice was forced to retire in March owing to ill health.

He died in Adelaide early this month after his health deteriorated rapidly. Addressing the special sitting of the Supreme Court on June 11, the Attorney-General, Daryl Manzie, said it was only a few short months ago he had risen in the Legislative Assembly to farewell the late judge and his family on the occasion of his premature retirement.

"He was an esteemed jurist who brought to the Territory and this honourable court, in March 1985, a wealth of experience in the law.

"On behalf of the Government of the Northern Territory, the Department of Law and my own family, I extend my condolences to Prudence and the children in their period of bereavement," he said.

Dean Mildren QC, as he then was, spoke on behalf of the profession.

"As a judge he had special expertise in the law of evidence, an area which many judges avoid giving decisive rulings about, but his rulings on admissibility of evidence were always clear and decisive and given immediately the point was raised by counsel," Mr Mildren said.

"As far as I know he was never found to be wrong on any ruling of law that he ever gave on matters of evidence.

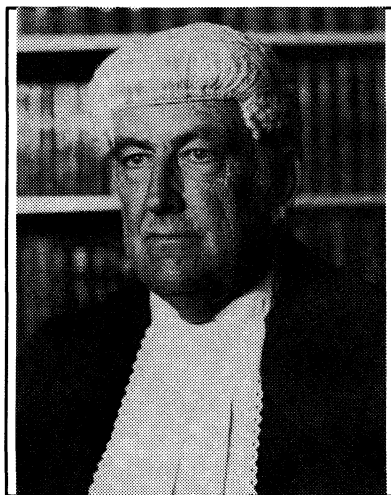
"As a man he loved life and he lived it to the full.

"Every year or so the Army held a legal conference for reserve legal officers.

"Some senior RAAF and Naval legal

officers would also attend and Commander Rice, as he was then known, never missed one of these conferences.

"Now the highlight of the conferences was always, of course, the camaraderie which participation in good eating and good drinking usually provided. His Honour, of course, excelled in both departments, always staying sober but at the same time the life of the party.



"Who could forget his marvellous impersonation of Franklin D Roosevelt at the 1989 Northern Territory Criminal Law Conference?

"In Julius Caesar, Mark Antony said of Julius: 'The evil that men do lives after them; the good is oft interred with the bones.' That is not the way the Honourable Phillip Rice QC will be remembered," Mr Mildren said.

The Director of Public Prosecutions, Len Flanagan QC, addressed the court. "Although only recently a practitioner in this Territory, my acquaintance of him and friendship with him extended over a quarter of a century," Mr Flanagan said.

"As a barrister he was much sought after for his sound grasp of legal principle and his advocacy.

"He made a valuable contribution to the profession by reason of his leadership of it and his great enthusiasm.

"The presence of so many at his funeral in Adelaide last week and here today testify to the respect in which he was held and the loss we all feel at his passing.

"Among us he was held in the highest esteem and affection as a barrister, judge and a friend," he said.

Chief Justice Asche said the late judge was a cheerful person.

"He was a great raconteur and I will myself miss the times when we have sat together after court listening to Phil telling us one of his inimitable stories," Justice Asche said.

"That cheerfulness was also courageous.

"In his last few months, when he was very ill indeed, not only when I saw him in hospital but when myself and my brother judges telephoned him from time to time when he was in Adelaide, I don't think we ever found a note of depression in his voice and he was always pleased to hear us.

"And, although he must have been from time to time suffering great pain and discomfort, he never revealed that to us.

"It was sadly clear to some of us that the end was coming and, for many of us and I am sure for His Honour himself, it would have come as a relief.

"We on the bench, every one of us, have lost a great friend; one whose loss we will ever regret but whose memory we will ever cherish and whose kindness we will always try to emulate."