

**Eulogy for the Sydney Memorial Service of RADM the Hon.
Alwynne Rowlands AO KC RFD RAN**

Royal Sydney Golf Club – 16 June 2023

To achieve excellence in one honourable profession can take a lifetime of devotion to one's craft. But to achieve excellence in two honourable professions signals a transcending commitment to the professional ideal.

Yet Alwynne achieved just that: he won the highest honours that both the Law and Navy may confer upon a single person, for he was a distinguished member of two honourable professions, the profession of arms and the profession of law. And in doing so, Alwynne won a singular Australian distinction. Her late Majesty Queen Elizabeth II entrusted him with five of her commissions: the first as an officer in the Royal Australian Navy, another as Queen's Counsel, a third as a judge of the County Court of Victoria, a fourth as a judge of the Family Court of Australia and the fifth as Judge Advocate General of the Australian Defence Force.

I wish to tell you briefly the rich story of Alwynne's 44 years in Navy between 1956 and 1999 and his 43 years in the law between 1962 and 2005.

And in doing so I will surely echo something that you already know, that of those multiple commissions the one perhaps closest to Alwynne's heart was Her Majesty's first commission to him as a naval officer, given to him as a 19-year-old Sub Lieutenant in 1956.

Navy remembers and supports all who have seen Naval service and Alwynne served Navy with the greatest distinction. Chief of Navy, Vice-Admiral Mark Hammond AO RAN has asked me to represent him and Navy here today. A vale message was recently sent to all ADF legal officers to honour and remember Alwynne's exceptional service to the nation. I am honoured to speak here today on Chief of Navy's behalf and to celebrate Alwynne's singular achievements in his two professions.

Alwynne's Navy career was almost inevitable. His remarkable father, Eustace Alwynne Rowlands (or just "EA" as the family called him) set a high bar. EA had given exceptional service as Surgeon Commander in the RAN on HMAS Perth in the Mediterranean, in the darkest days of World War II. And later in the early 1970s, when EA had retired from medicine, he deployed those vast reserves of Rowlands energy that we all know and was elected Lord Mayor of Melbourne. Alwynne admired him greatly and penned an enchanting biography of EA entitled, "Voyage around My Father".

Alwynne was keen to join Navy from the first. But EA was cautious about the idea, advising Alwynne, "I don't think you should go straight in". Alwynne took his father's advice, by joining the Navy reserve, rather than the permanent service.

He immediately embarked on a much-loved life of sea adventures well before going to the Bar in 1963. Whilst a law student, Alwynne joined the RAN Reserve at the lowest officer rank of Midshipman in 1956. Navy had so few legal officers in those days that there was no category for them, so he joined as

a supply officer, or “purser”. He was promoted Sub Lieutenant in 1957 and Lieutenant in 1960, whilst still a law student.

After graduating in law in 1962 Alwynne was admitted to the Victorian Bar in 1963. After admission he joked with his father, EA that their two professions had much in common: because both surgery and litigation were “a last resort”.

Then commenced a decade of dual adventures for Alwynne. He thrived both as a junior Navy officer and a junior barrister. It is hard to know which he loved more. At the Bar he was a common lawyer with a strong interest in Admiralty, town planning and ultimately national industrial relations. In Navy he was a criminal lawyer with specialist navigation expertise.

Alwynne’s natural talent for speaking to civil and criminal juries quickly sparkled at the common law Bar. He soon became a regular travelling on the Western Districts circuit sittings at Warrnambool and Hamilton. He defended the full range of criminal charges of manslaughter, rape, perjury and larceny, followed by a mix of divorce cases often sitting into the

evenings. And then he would enjoy the social life of circuit dinners in which he was often the central raconteur. Alwynne fondly remembered his daughter Rosalind being mystified by his country travels away from home on circuit. She would describe to anyone who asked her that “daddy is on circus”. She wasn’t wrong.

But coming from a medical family Alwynne was grateful for the chancy opportunities that came his way in the law. Reflecting the sectarian divides of the 1960s, Alwynne was greatly amused that as an Anglican that his most dependable and regular early briefs came from a Catholic solicitor by the name of Joseph Xavier Mulcahy, the son of a busy publican whose customers were always getting into scrapes.

In Navy Alwynne appeared for and against sailors accused of petty crimes. But he also appeared in the great Navy trials of his era. One of Alwynne’s consummate skills as a Navy lawyer was to manage the aftermath of Navy’s public disasters – and regrettably there were plenty of them. Counterintuitively this

often involved publicly criticising Navy practices to show that Navy was open and accountable.

Three examples will suffice. Tragically in June 1969 HMAS Melbourne collided with the destroyer the USS Frank E Evans killing 74 American sailors. Naval custom in those days was to court-martial the captain of a ship after a disaster, just to clear the air. But the US ship was largely responsible for the collision. As one of the prosecutors, Alwynne witnessed the historic honourable acquittal of Melbourne's commanding officer, CAPT John Stevenson.

In 1976 Alwynne prosecuted a 19-year-old sailor, who admitted that whilst on guard duty at the Naval Air Station in Nowra he had burned down a hanger containing two squadrons of aircraft. Under questioning, the sailor gave a rather novel explanation, "Sir, I told my command that the hangar was insecure, but they wouldn't listen, so I tried to show them how a fire could be started." Despite Alwynne's prosecuting industry the sailor was acquitted...on the grounds of insanity.

In 1978 Alwynne was right in the thick of Navy embarrassment. He defended the chief engineer of a patrol boat, HMAS Adroit, who was charged with armed robbery on the high seas. The patrol boat crew had boarded Taiwanese fishing vessels and engaged in acts of petty larceny at gunpoint. The press colourfully captured these events under the headline “RAN Piracy – Crew Runs Amok”. There is perhaps no lonelier place in Navy than being publicly accused of being a pirate. But that is where Alwynne’s courage and skill were at their finest. Despite Alwynne’s engineering officer client admitting guilt to the prosecutor, Alwynne magically secured an acquittal. By 1979 his naval career was so successful he had been promoted to the rank of Commander.

Alwynne loved, as he described it, “the Edwardian element of Navy”. He flourished in Navy’s world of style and etiquette. He experienced the only courtrooms in Australia in which prosecuting and defence counsel wore a sword as they addressed the jury and proceedings were started with a blast

from the Court martial cannon that even Horatio Nelson would recognise.

Meanwhile, Alwynne was immersed, literally at times, in life at sea. As a Midshipman and young officer doing National Service, he sampled everything Navy had to offer from sunbaking on the deck of the aircraft carrier HMAS Sydney between Fiji and Sydney, tasting Navy's duty-free alcohol, to laying buoys from a Navy vessel in Port Phillip Bay for the 1956 Melbourne Olympics yacht races. Later in service as JAG and as a judge he still hungered for a thrill at sea, and that is the right word, because in the early 1990s he cruised the Tasman Sea in a submarine and mid ocean was winched from the submarine's heaving deck by helicopter cable onto a nearby frigate. Naturally, Alwynne shared this story – often.

At the Bar Alwynne had developed a generalist's practice of extraordinary versatility. Upon his retirement the Victorian Bar News rightly described him as "The last of the legal all-rounders". Apart from common law and crime he developed extensive town planning and industrial practices. He was

briefed by the Federal Government in as many as 12 national wage cases.

Complementing his Navy service, he appeared in the most prominent civilian boards of marine enquiry of the time, including such heartrending disasters as the sinking of the Blythe Star off the West Coast of Tasmania 1973 and the 1975 severing of the Tasman Bridge in Hobart by the vessel the Lake Illawarra.

Alwynne's talent led to his appointment as Queen's Counsel in 1982 and soon after as a Judge of the County Court of Victoria in 1983. The following year he received an appointment that was to show his character and courage at its best. Between 1984 and 1987 he served as the Foundation President of the Administrative Appeals Tribunal of Victoria.

This ground-breaking appointment turned out to be what bureaucrats would call "exciting". The Victorian Parliament had just passed its first *Freedom of Information Act* which conferred FOI decision-making power on the Tribunal. To the delight of

the press and the public, deploying his signature tight, readable, courteous but orthodox judgments, Alwynne began to prise open some of the uglier workings of Victorian government. His FOI reach into government archives was so deep and so feared that in 1985 it was reported that Victoria Police had secretly begun to destroy their surveillance files on political figures, on the rather flimsy basis that they “had no historical value”.

Meanwhile in 1987 he was promoted to the rank of Commodore and appointed as Judge Marshal of the Royal Australian Navy and later Deputy Judge Advocate-General of the ADF.

He was elevated to the Family Court of Australia in 1988 and made a member of the AAT. Because of his renowned efficiency Alwynne served as the Family Court’s judge administrator until his retirement in 2005. Alwynne loved his work on the Family Court. He was fascinated by the Family Court’s exercise of that most human of jurisdictions, dealing as he himself described it, with the subject matters of “love, children and personal wealth”. His capacity for work as a

Family Court Judge was prodigious, his judicial style was unflappably courteous and his disposition perennially compassionate. He sat in innumerable trials and appeals and spoke at international conferences. And he did not shy away from the hard cases, including trying to place a value on Brett Whiteley's future artistic genius in his property settlement with his former wife and muse Wendy.

Alwynne listened well, that first quality of a judge and was renowned for short judgments that came to the point quickly. He had no time for the "hero Judge" type, saying at one conference of judges, "Proving one's own theory is a pleasurable but a dangerous human indulgence. Allowing a case to unfold reduces the risk of a judge jumping to a conclusion – a classical judicial sin".

But refreshingly to all who met him around the Court he always projected the calm demeanour of someone who had just returned from a holiday. When he advised people to work hard but to relax and "get the sand between your toes", you knew just what he meant.

But this appointment to a Federal Superior Court brought another precious benefit for him. It qualified him, once just a Midshipman doing National Service, to be appointed as the Judge Advocate General of the ADF on promotion to the rank Rear Admiral. He flourished in this role from 1992 to 1996 and was still active within Navy until 1999. He was honoured as an Officer in the Order of Australia in 1994 for his service as JAG.

The JAG uniquely stands at a single point of intersection between the military and legal worlds: the office involves ensuring that ADF discipline trials are strictly conducted in accordance with the highest Australian civilian standards.

Alwynne was dynamic in the role: meeting the CDF and defence ministers, reporting on law reform to the National Parliament, husbanding amendments to discipline legislation through the Parliament. His JAG reports to Parliament are a rich trove of policy ideas. And on top of this he made extraordinary efforts to get around the country and meet all the junior legal officers across three services.

Indeed, that is how I first met him in 1995 in my earliest years in Navy. He made an unforgettable impression on me. I remember after my long day listening to Law of the Sea lectures at RAAF Williamtown north of Newcastle going to a mess dinner at which Alwynne kept us thoroughly entertained with a cascade of jokes and stories about Navy service.

But after that dinner was just as important for Alwynne, as it was for us. He came around and met every young legal officer there, shook our hands, asked us about our careers, gave us encouragement and offered us a listening ear. I recall concluding at the end of that night that I had definitely joined the right service.

I never dreamt that night I would obtain Alwynne's rank. But when I too was appointed JAG in 2014, I modelled my own work and visits around Australia on just what I had seen Alwynne do.

Ever since the time of Admiral Horatio Nelson Navy officers have gathered around cramped wardroom tables. Bonding

through storytelling over dinner is as much a hallmark of fine naval officers as navigation and warfare skills. And as we know Alwynne excelled at this art. Alwynne had more unusual stories to tell around a table than most, including one about his legal deployment to Somalia, where he vividly described being driven around in a tank.

Although the law is replete with ceremony, Navy is unbeatable. Yes, the Courts swears in and farewells judges, but Navy performs the diplomatic service of port visits, ships salute one another by seniority of CO in the service, and Navy ceremonially commissions and decommissions ships. In retirement Alwynne loved nothing more than taking Marelle with him around Australia to see several of Her late Majesty's Australian Ships's being commissioned or decommissioned.

And Alwynne loved Navy places. The service has some of the best. He took family members to functions at HMAS Watson on South Head when they were in town. He and Marelle were married at the magnificent chapel there looking down Sydney Harbour.

And Naval ceremony had a positive effect on the family. As JAG Alwynne was regularly invited to HMAS Kuttabul to see the Admiral commanding the Australian Fleet. That meant arriving at Naval Headquarters in a flagged staff car, being saluted, whistled aboard, and taken on a tour before morning tea. As a wide-eyed teenager Rebecca still remembers one of these journeys with her father. At the end of it she said she felt “just like Princess Diana”. But she equally well remembers his instructions to her beforehand, “Shake hands firmly”, and “Look people in the eye”, good lessons both for young Naval officers and for teenagers.

Diana too occasionally accompanied her father to mess dinners and ADFA graduations in Canberra, where she could see that Alwynne could take in the whole room and entertain and engage the officers from the most senior to the most junior.

When Alwynne retired from the Family Court he gave that great gift that retired judges can, of offering his time and expertise to the community in higher causes freely, honourably, and generously. He lectured and commented in the field of family

law; he studied theology at Moore College, and he pursued his earlier studies in naval architecture and marine resources. He had little interest in accumulating worldly possessions but rather continuing to do his duty and being close to his family.

Alwynne was never idle. Near retirement from the Bench in 2003 he volunteered as a board member and until 2017 served as chairman of the Royal Humane Society, which recommends bravery awards for those who risk their lives to save others.

Inside each one of us we carry an image of Alwynne. Every one of those images is subtly different. But I am sure we all have one image of Alwynne in common: it is what happened when he met each one of us. He would light up and he would ask and talk about us, about our lives, our families, our careers, and our interests. He always wanted to know more about us and to celebrate the milestones in our lives before we could ever ask about his. His natural generosity of spirit was always uplifting. He made us feel better about ourselves.

On behalf of Chief of Navy, I salute Alwynne's service to Australia in Navy. I join you in thanking Marelle and all Alwynne's family for supporting his service. Together today, we celebrate his service to the law and to Navy and we honour the memory of Rear Admiral the Hon. Alwynne Rowlands RAN.