

PHILIP ALAN SELTH OAM

1949-2020

Philip Selth died on 3rd May 2020, from an inexorable pancreatic cancer. He bore its pains and terrors, vain hopes and terrible disappointments, with impressive spirit. He remained, characteristically, more concerned about others than himself.

In the midst of the COVID-19 pandemic, we could not show our sorrow for his death, our regard for his character and our thanks for his service by attending a large funeral, as surely would have otherwise happened. This is a belated reflection on a very good friend and a professional companion. He was a special contributor to the welfare of our profession, both in New South Wales and Australia, and to the advancement of the legal profession in all its branches as well as the Bar in particular.

The Bar Association was very fortunate to obtain his services as its Executive Director in November 1997, given the breadth, depth and excellence of his administrative and policy experience beforehand.

From his early graduate clerkship after honours in his BA (1971) from the Australian National University, Philip progressed through the Attorney-General's Department (1973-1977) to Principal Investigation Officer with the Commonwealth Ombudsman (1977-1980). This may explain some of his lasting lack of deference to official pretension, and his attachment to thorough investigation.

Judging from his wry but always properly discreet discussions in later years, Philip's work as Assistant Secretary and First Assistant Secretary in the Department of Prime Minister and Cabinet (1981-1987) was very important in cementing his values of institutional loyalty, utterly reliable discretion and a somewhat quizzical view of the great (if not, the good). There is no doubt that we all benefitted from the perspectives this experience gave him into the processes of law-making and executive government.

After service in Queensland as Director for Queensland and the Northern Territory of the Department of Social Security (1987-1990) and as the Director (Review) of the Queensland Public Sector Management Commission (1990-1991), Philip became the Pro-Vice Chancellor (Planning and Administration) of his alma mater (1992-1997). He had, meanwhile, graduated LLB (1984) from ANU.

The experience, the variety and the high level of responsibility Philip Selth's previous career brought to the Bar Association continued as a substantial resource for our benefit throughout his holding of office, until October 2016. His overall contribution in this role was formally recognised by his medal in the Order of Australia (Australia Day, 2006), and by admission as a Fellow of the Australian Academy of Law (2015). And, he told me, he prized greatly the life membership of the Bar Association granted him as he left office.

The period 1997-2016 was not a leisurely interval for anyone involved in the governance of the legal profession. In New South Wales, the modernized system of co-regulation under the 1994 version of the 1987 statute underwent further reform in 2004. The demands of formal, efficient, transparent and public-interest regulation of the Bar were not always smoothly coherent with each other. Philip's care for detail, appreciation of the scheme as a whole and firm adherence to principle cannot be underestimated in the work he did during these times to optimize a properly accountable and genuinely independent governance and regulation of the Bar. It is an unfinished project, and must remain so. His contribution is immanent in the current legislation, as a result of extraordinarily laborious iterative drafting and policy discussions around the country with practitioners, courts, administrators and politicians.

In many ways, the *Legal Profession Uniform Law* enacted in 2014, covering most Australian lawyers, is the result of co-operative work across jurisdictions involving all branches of the profession, in which Philip Selth played a sustained and leading role.

Intrinsic to Philip's deep involvement in the project of producing a truly Australian legal profession, including the ideal of an Australian Bar, was his sometimes puzzling enthusiasm to attend and assist at innumerable occasions of discussion involving exposition, persuasion and compromise. His doggedness was remarkable, and his successes well deserved. (His pungent commentaries on the occasional failures were appropriately private, and not, for the most part, at all bitter.)

Philip was justifiably proud of the opportunities taken by the New South Wales Bar, from time to time, to further this project. It led him, without complaint at what was at times a massive workload, to assist at the centre of the affairs of the Law Council of Australia and the Australian Bar Association. A coda to his legal governance career was as Chief Executive Officer of the ABA, of which he was also made a life member.

On his home turf, Philip Selth was far more than an architect and assistant in structural reform. Across the board, his solicitude for individuals in difficult circumstances was constant. Of its nature, it cannot be recounted in any detail. But, I am sure like my fellow Presidents during Philip's time as Executive Director, there abides for me strong memories of the pastoral care and plain humanity he practised in the interests of individual barristers, some of whom would not have known of his interventions on their behalf.

Accompanying this warmth, not really by way of contrast, but different nonetheless, was Philip Selth's notable engagement in favour of clear ethical edicts and consistent firm enforcement of them. A tolerance of foibles was one thing, but laxity in the observance of principled standards was always resisted by him.

The organised legal profession was not the only object of the thoughtful administration and policy skills possessed by Philip Selth. Other applications of his talents included advisory roles for the Centre for Australian Public Sector Management at Griffith University, for the ACT Government Reform Advisory Group and on the board of the Justice Health and Forensic Mental Health Network.

Philip's infectious love of history, mainly Australian but across many other fields, was obvious to all of us who enjoyed conversation with him. He fought a losing battle against the rising tide of books needing to be read – touching encounters in his last months included pleas to find good homes for favourite volumes. Professionally and personally, he exemplified the mutual reinforcement of busy engagement in human affairs on the one hand and wide and constant reading on the other hand.

Enthusiasm for biography was not limited to reading, for Philip. His own original work includes biographical entries and extended treatments on figures such as Eric Miller QC and Kevin Murray QC. It is to be hoped that there will be further publications of his writings of this kind, through the Bar.

Throughout his life, his family remained central for Philip. A loving and admiring son, he continued to gain much from his father's example, some of which had been provided as headmaster of the Launceston Church Grammar School which the young Philip attended. He was devoted to his wife Fran, and they together to their son Alex, of whom Philip spoke with great love, in his last days.

His friends will miss Philip, especially when Phillip Street and the other barrister vicinities in town open up again to chance meetings and street conversations. During and

after his time as our Executive Director, much of Philip's charm was the casual encounters, the warm greetings and mischievous conversations, traversing many topics from politics to serious literature. And, every now and again, just a little bit of gossip.

Partial consolation upon the death of Philip Selth is to recall how much evident satisfaction he obtained from not only the work but also the people with whom he became so close, during his years as Executive Director. He enjoyed our diversity, smiled at our quirks and frankly enjoyed our successes. The deep esteem he had for the Chief Justice, for example, gave him real satisfaction. The reward, mutually, of the friendship and regard that Philip felt and received during his lifetime does him lasting credit.

Bret Walker

3rd July 2020