



PRIME MINISTER

RT HON SIR GARFIELD BARWICK AK, GCMG

Today we mark the death of a fine Australian nationalist.

Supreme intellect, persuasive advocate, determined Attorney General and External Affairs Minister as well as a genuinely skilful Chief Justice of the High Court, Sir Garfield Barwick contributed much to the civility and freedoms of the Australian nation.

Sir Garfield towered as a lawyer. He felt passionately about his country, about the fabric of its Constitution and about the freedoms it provided to its citizenry. He defended those liberties with erudition, vigour and aplomb.

Through a string of cases before the High Court in the 1940's, most notably the Airways case and the Bank Nationalisation case Sir Garfield asserted the rights of private enterprise against the state.

It was tribute to his reputation as a lawyer that his election to the Federal Parliament was acknowledged by both sides of the House as the elevation of one who probably had no equal in this country and no superior in the English speaking world.

He ably served the Menzies Government as External Affairs Minister and his reformist reputation during these years is perhaps best reflected in his tenure as Attorney General where he pioneered national legislation in the areas of matrimony, national security, crime and trade practices.

He was a powerful advocate of the Australian national interest. Sir Garfield Barwick was the longest serving Chief Justice of Australia and the abolition of appeals to the Privy Council from all Australian courts so far as the federal jurisdiction and decisions of the High Court is concerned was significant and historic. His honourable commitment to service and duty was demonstrable.

Yet his achievements say as much about Australia as they do about the man. Sir Garfield's success as an advocate, parliamentarian and judge is an example of the immense opportunity provided in a country such as Australia.

From humble if not deprived roots, Sir Garfield used the bounty of remarkable skill and determination to fulfil his goals. It is a tribute to his resourcefulness as a scholar as well as the generosity of his country that Sir Garfield educated himself with the assistance of bursaries, reached the bar, the Ministry and the bench. But that he did so leaving such a remarkable legacy belongs solely to him and the depth of his intellect.

Sir Garfield was more. He maintained a deep attachment to conserving Australia's natural wealth by serving as trustee of the Kosciusko State Park for twenty years and as president of the Australian Conservation Foundation for five years. His compassion for his fellow Australians was evidenced by

his service as patron of the Australian National Council for the Blind and president of the Royal NSW Institute of Deaf and Blind Children.

For over 20 years Sir Garfield Barwick endured vicious personal attacks from his former political opponents and critics for the tenor of the advice he tendered to the late Sir John Kerr in November 1975.

The vitriol of this sustained attack went far beyond the prolonged robustness of normal political exchange in Australia. It evinced a meanness of spirit which said more of those who hurled the abuse than of the person against whom it was directed. To many Australians such a campaign was devoid of any grace or dignity.

Australia has lost a talented and erudite man who made an immense contribution to our nation. To his widow, Lady Barwick, his son Ross, and his daughter Diane, I extend my sympathy and that of the Australian government.

Sir Garfield's family has indicated that it will accept the offer of a State Memorial Service in honour of the former Chief Justice on a date to be announced.

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