

# The Newcastle Bar

By Terry Ower and Andrew Bell

There are 40 barristers based in Newcastle, including seven crown prosecutors and two full-time public defenders. Simon Harben SC is the only current silk. His appointment last year marked the first time that a local practising barrister was so elevated.

The preponderance of practitioners can be found in Church Street, directly opposite the court complex. A few others, including the most senior junior, Warren Chipchase, are located around the corner in Bolton Street. Most occupy fashionable terrace houses which have been lovingly restored. Newcastle Chambers, established in 1988, has ten members and is the only grouping to operate as a traditional chambers with a full-time clerk, library and integrated computer network. Although the balance of practitioners operate as individuals or smaller groups below the 'critical mass' necessary for traditional chambers, the overheads are still a fraction of those experienced by those in the Sydney CBD.

## A brief history

Charles Hibble was the first barrister recorded as practising in Newcastle, doing so between 1904 and 1916. By 1959 there were nine barristers practising in the local area. John Williams had returned to Sydney practice by this time and was later to take silk and be appointed as a judge of the Workers Compensation Commission. Judge Williams was a regular visitor to the area on circuit and, like most visiting judges, chose to stay at the salubrious Newcastle Club. One of the many anecdotes regarding this sometimes eccentric figure involved him leaving the club at an ungodly hour to research a point of law. Unfortunately, his books were in Sydney. His progress was impeded by a disbelieving stationmaster at Newcastle station

who was somewhat skeptical when confronted with a man in pyjamas brandishing a gold pass!

Other prominent names associated with Newcastle and the Newcastle Bar are, of course, Justice McHugh of the High Court and Justice Lindgren of the Federal Court.

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Justice McHugh practised out of chambers in Newcastle between March 1962 and June 1964, having read in Sydney in 1961 with John Williams and John Kearney. He returned to Sydney in July 1964. During his time in Newcastle, McHugh kept chambers on the first floor of 22 Church Street, a terrace house opposite the building in which the Supreme Court and the District Court were housed and which he shared with a medical specialist on the ground floor and a tenant on the third floor. He had no clerk and paid the doctor's secretary £1 a week to take telephone messages. At that time, there were seven barristers in practice in Newcastle including Joe Braun, the senior practitioner, Eric George, Harold Bond, Joe Fergus, John Tuckfield, Jim Reeves and Malcolm Britts. Two judges were generally allotted to the District Court sittings in Newcastle and there were Courts of Petty Sessions in Church Street and at Belmont and Wallsend.

Reflecting on his time at the Newcastle Bar, Justice McHugh recalled that it was a period where he acquired, and was forced



Newcastle Harbour with the Newcastle-to-Stockton ferry.  
Photo: Robert McKell. News Image Library.

to acquire, an all-round knowledge of all areas of law. He was enticed back to Sydney by J W Smyth QC who was leading him in a criminal trial in the Quarter Sessions at Newcastle in May 1964 and, from July that year, moved to University Chambers. He maintains his link with the Newcastle Bar through his position as patron of the Newcastle Bar Association whose dinners he attends as often as he can and through the eponymous McHugh Chambers in Church Street.

Upon leaving secondary school, Justice Lindgren became an articled law clerk, and, following his admission as a solicitor, a partner, in the Newcastle firm of solicitors now called Harris Wheeler. As a solicitor, he briefed members of the Newcastle Bar, and, in Supreme Court personal injury cases, regularly briefed the duo of Athol Moffitt and Colin Allen. He left private practice in 1969 to take up an academic position at the University of Newcastle.

From the start of his university career, he developed in parallel an advisory practice on briefs from solicitors, transferring from the roll of solicitors to the roll of barristers on 1 August 1975 (when the annual practising certificate fee for solicitors reached \$175.00 and there was none for barristers). In about 1979, he established chambers on the first floor of 12 Church Street, Newcastle, another of the terrace buildings on the opposite side of Church Street to the court buildings. Richard Taperell maintained chambers on the ground floor in the same building. In the same year, he became a member of the New South Wales Bar Association (on the nomination of Rogers QC and McHugh QC). The annual membership subscription of the Bar Association was then \$50.00 for 'country members'. Until about 1980, his work consisted of an advisory practice, chiefly for Newcastle firms, and was characterised by conferences in his chambers in Church Street with solicitors in the early morning or evening, and written opinions; a *modus operandi* which did not intrude on his work on campus. Because his practice was predominantly in equity and commercial cases, that work inevitably led to appearance work in Sydney rather than Newcastle, and after undertaking a small number of cases in the Supreme Court in Sydney in the early 1980s, he commenced practice full-time there in 1984.

The Bar in Newcastle did not substantially increase until the mid-1980s when it grew to 20 and then to 30 by the mid- 1990s.

In the early 1980s the Newcastle Bar Association was officially formed with Harold Bond as the first president. It is currently more active than it once was due largely to the increase in members since that time. The association organises annual dinners, conferences and regular meetings. It is the main point of liaison with the Bar Council.

In recent times Ralph Coolahan was appointed to the District Court (1999), John Connors was appointed to the Bench of the High Court in Fiji (2003) and Giles Coakes was appointed as a federal magistrate in 2004.



Customs House building, Newcastle.  
Photo: Rob McKell. News Image Library.

### The courts

In Newcastle, the Family Court, District Court (Crime) and Local Court sit full-time. The other jurisdictions have sittings on circuit during the year. The court complex in Church Street has a full-time registry for the Supreme, District and Local courts. On occasion, the AAT, IRC and DDT also sit in Newcastle. The local Bar is well placed to service circuit courts in the greater Hunter region, central and north coast.

The change of jurisdictional limits in the District Court has led to the virtual demise of the once busy Supreme Court civil lists. Fifteen years ago the Supreme Court civil jury sittings were listed three to four times per year for three weeks a time. In each sitting approximately 90 matters were listed. The non-jury lists were even more frequent. Last year only one matter was heard in the Common Law Division of the Supreme Court in Newcastle.

Paradoxically, the local Bar has grown over the same period. It would be safe to conclude that the downturn of Newcastle Supreme Court work, though a sore loss to the local community, had more an effect upon the Sydney Bar than the Newcastle Bar.

Recent legislative changes to personal injury litigation may have a more dramatic effect. For a number of years the Compensation Court in Newcastle was effectively sitting full-time with at least two judges (and sometimes a commissioner) presiding in rotation every week. The court listed up to ten matters per day per judge. With the abolition of the court, this busy jurisdiction came to an abrupt end. It is still too early to gauge the effect this change will have upon the local Bar.