

**Eulogy by RADM Slattery AM RAN on behalf of Chief of  
Navy for CAPT the Hon. Murray Tobias AM, RFD, QC**

**Uniting Church, Paddington – 16 March 2023**

There is another chapter to Murray's story, for he was a member of two honourable professions, the profession of law and the profession of arms. Indeed, 10 years before Murray received the first of his three commissions in the law, as Queen's Counsel, as a Supreme Court judge and as a judge of appeal, Her late Majesty Queen Elizabeth II had, entrusted him with a commission as an officer in the Royal Australian Navy. The story of his 30 years distinguished naval service, as CAPT Murray Tobias RAN, is as rich as that of his primary profession.

Navy supports all who have seen Naval service. Chief of Navy, Vice-Admiral Mark Hammond AM RAN has asked me to represent him and Navy here today. Yesterday Chief of Navy authorised a Vale signal to be sent to all Australian ships at sea

and all Navy shore establishments to honour and remember Murray's exceptional service to the nation. I am honoured to speak on Chief of Navy's behalf.

Murray had no experience in Navy before 1969. His service career started in a surprising way that year. One morning Justice Laurence Street, later Sir Laurence Street and Chief Justice of New South Wales, called Murray and a fellow barrister, Terry Cole, into his judges' chambers.

Sir Laurence invited them both to join what was then the Royal Australian Naval Volunteer Reserve. They both responded, "We know nothing about the Navy." Sir Laurence countered, "You don't need to. Navy just wants very good lawyers. You'll pick up the rest later."

They each joined as a supply officer or "purser", as there was no category for lawyers then. They were the first two legal officers ever to join the RAN without prior sea service as

navigators, warfare, or supply officers. They were the pioneers of what became a highly successful experiment, introducing practising lawyers as reserve legal officers in Navy. After experiencing the shattering first Melbourne – Voyager Royal Commission, the Chief of Naval Staff, Vice Admiral Harrington, cautiously backed the experiment assisted by Sir Laurence and the DNLS, CAPT David Robertson.

Admiral Harrington need not have worried. Sir Laurence had gathered the very best for Navy. His first call had been to Harold Glass, who was later made Navy JAG and promoted to Rear Admiral. Harold Glass, Murray, and Terry Cole were all later elevated to the Appeal Division of the Supreme Court.

But Murray had to find his sea legs. Navy requires every reservist to undertake sea training. Murray spent a week sea-riding on HMAS Hobart, when she was working up to deploy to Vietnam. Every senior officer's career is haunted by some clutz-like moment under training. Murray was no exception.

After a gruelling first three days aboard, he keenly but rashly volunteered to learn course plotting, whilst watchkeeping as second officer throughout the middle watch, from midnight till 4.00 am. Murray himself often joked that at about 2:30 am inquiries from the bridge found him already asleep in his bunk.

The volunteer reserve Murray had just joined was “volunteer” in more ways than one. Navy made Murray’s prodigious talents available to sailors and officers alike without any charge to them. Murray was entitled to remuneration from Navy at a fraction of his fees in the private bar, but he gave much of his service on a pro bono basis.

Murray quickly became a popular officer. One marker of a senior officer admired by sailors and fellow officers is the acquisition of a nickname...that is fit to publish. Murray succeeded handsomely here. In that Australian way, shaving off a spare syllable and ending in a vowel-like sound, Murray

was affectionately known in Navy as “Toby”, as he was to close friends at the Bar.

Murray took to the criminal law, prosecuting and defending courts-martial, and running inquiries, often in the aftermath of Navy’s very public disasters. Let me give you just two examples.

In 1976 he defended 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 novel explanation, “Sir, I told my command that the hangar was insecure, but they wouldn’t listen, so I tried to show them.” Murray realised he was acting for potentially the loneliest sailor in Navy. But that was where Murray’s support was at its finest. He defended the sailor with his usual vigour, industry, and imagination, securing an acquittal, on the grounds of insanity.

By 1987 Murray had become the counsel of first choice for Service Chiefs. That year Chief of Navy chose Murray to represent him in the coronial enquiry into the tragic deaths of two sailors who had drowned, when left outside a submerging submarine, HMAS Otama. In a masterclass of persuasive court craft Murray successfully had the coroner hold that so many systemic failures had occurred on board that individual sailors and officers should not be blamed. The matrix Murray developed for the coroner, listing the multiple human errors leading to the tragedy, is still embedded in the framework of the RAN's current submarine operating safety protocols.

Murray was appointed a Navy Judge Advocate by the early 1980's and as a tri-service advocate in 1985, instructing juries of officers like a civilian judge.

He excelled in the role, including undertaking mesmerising navigation trials after mastering Admiralty Manual of Navigation. Being a JA in a navigation trial but without prior

navigation experience is a feat of consummate legal skill, not least because it requires a summing up to a jury of expert navigators whilst you are buried in charts.

But as a judge advocate, he faced more exotic challenges than a civilian judge. Surprising as it may seem, principal among these was managing unruly legal officers.

Naval swords are usually worn in the first and last half day of a court-martial. One legal officer surprised Murray by objecting to the order to remove his sword at lunchtime on the first day.

Murray enquired the reason for the objection, to which he received a perplexing answer from the officer, “because it will help me cross examine the witness”. Murray’s rejection of the submission was swift and decisive.

On promotion to captain, Murray led the New South Wales Naval Reserve Legal Panel from 1988 to 1993. I had the privilege to serve under him as member of the panel. It was

plain sailing under Murray. In my limited experience of life at sea, the ship's company will do anything for a Commanding Officer that they know cares about them.

Murray was such a CO. He was ever looking for ways to advance your career. He seamlessly connected service people to service opportunities. He saw possibilities in you that you didn't see yourself. He relentlessly scoured the Bar for potential Navy talent. He pushed Navy to take the recruits he recommended. He argued with Navy doctors to get medical eyesight waivers, saying to them, "well this lawyer won't be driving a ship, will he?".

And there was the young naval officer who had just left Navy and was coming to the Bar. Murray said to a fellow Bar counsellor, "She doesn't know anyone at the Bar yet, so will you come down to the common room and meet her." The pair became lifelong friends.

I am profoundly indebted to Murray. I owe my Navy career to his intercession. After he invited me to join Navy, I came up against an entry selection board that, may I say, was not very lawyer friendly. Dispirited, I wrote a letter withdrawing my application. Murray rang the Director of Naval Legal Services and said "Tear up Slattery's letter. I'll make sure he changes his mind". He did.

A little trio of letters stands proudly among Murray's post nominals. Those letters, "RFD", represent Murray's 1994 Reserve Forces Decoration. Behind his RFD lies a family juggling act for which Colleen and Murray and all Murray's family jointly deserve our gratitude. The decoration means that for each of the 15 years before 1994, Murray managed to squeeze up to 20 full days of efficient service to Navy into his professional life, by finding gaps between his cases at the Bar.

Murray transferred onto the inactive list in 1993, when he became Bar President. But across the informal service network

he had built he was still there for the service he loved, attracting a submariner, CAPT Tim Duchesne to be Registrar of the Bar Association, advising the first IGADF, CAPT Geoff Earley and CN.

Murray's service for Navy was often helping officers and sailors facing trials and inquiries. But at a higher-level his professional work as a trusted custodian of the ADF's discipline system ensured that the ADF and its members, whilst authorised to deploy lethal force, are nevertheless accountable under the rule of law.

On behalf of Chief of Navy, I salute Murray's service to Australia in Navy. I join you all in thanking Murray's family for supporting his service. Together today, we celebrate the memory of Captain Murray Tobias RAN.