

**Eulogy by RADM Slattery AM RAN on behalf of Chief of
Navy for the Hon. David Levine AO, RFD, QC**

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There is still more to David's story...in part because, he was a member of two honourable professions, the profession of law...and the profession of arms. Indeed, Her Majesty the Queen gave him a rare distinction, entrusting him with three of her permanent commissions, one as Queen's Counsel, one as a judge of the Supreme Court and one as a naval officer. The story of his 32 years distinguished naval service, as CMDR David Levine RAN, is as rich as that of his primary profession.

Navy supports all who have seen Naval service. Chief of Navy, Vice-Admiral Michael Noonan AO RAN has asked me to represent him and Navy here today to celebrate and remember

David's exceptional service to the nation and I am honoured to speak on his behalf.

David joined Navy in January 1972 as a lieutenant. Navy had so few legal officers then there was no category for them, so he joined as a supply officer, or "purser". He became a pioneering member of what was to become a highly successful Navy experiment. In 1964 after the disaster of the first Voyager Royal Commission, the then Chief of Navy commissioned Sir Laurence Street, and later Rear Admiral Justice Harold Glass to form a panel of part-time naval officers drawn from full-time barristers to provide Navy with expert advocacy. They invited only the promising members of Sydney's junior Bar to join. Of course, David was one of them. This started one of the great passions of David's life.

David quickly developed a busy court-martial and advisory practice in Navy. The remuneration was far lower than at the private bar, but to David it was an honour to do this work. Naval

ceremonial outshines even that of the law. At each court-martial David would wear a sword and cap just like the ones you see here today. As each court-martial convened David would hear the court-martial cannon fired as a stern warning to officers and sailors in the vicinity, a tradition that even Lord Horatio Nelson would have recognised.

By the 1980s David was appearing in the most exquisitely difficult roles in the most challenging courts martial of his era. We have perhaps forgotten now, but before GPS technology, ships quite frequently ran aground. One of David's consummate skills as a Navy lawyer was to help manage the aftermath of Navy's public disasters. Let me set the scene for just two of them.

In the late 1960s Australia ordered from the USA six of the most advanced warfare frigates, or FFGs, of that era. HMAS Adelaide was the first of them to be delivered, as its ship number 01 indicated. Within days of Adelaide's release from

Seattle shipyards for delivery sea trials, the officer in charge of her bridge, Lieutenant Commander Michael Harrison, allowed her to run aground on the edge of a nearby island. To say this was a national embarrassment hardly captures the mood.

One of the loneliest places in the Australian national psyche is being the officer in charge of one of Her Majesty Australian Ships that has just run aground. But that is just where David's support was at its finest.

Harrison needed a defence and David provided it at a RAN court martial held in San Diego in early 1981. Being defence counsel in a navigation trial first requires an astonishing feat of learning. David needed to teach himself Volume 1 of the thick Admiralty Manual of Navigation, even to be able to speak the language of the prosecution and the court martial panel, all of whom were expert navigators, one of whom went on to become Chief of Navy.

Some Navy wags chided Harrison, joking that his defence must be, “well the island moved didn’t it”. The Holy Grail for the defence in navigation trials is to find an uncharted rock to explain the grounding. Unfortunately for Harrison and for David no uncharted rock could be found, and he was convicted.

But David had performed so well he was asked to do the same thing again. In 1985 David was asked to defend LCDR Ian Gulliver, who was accused of running his patrol boat, HMAS Wollongong into Gabo Island just off the coast of Victoria, whilst taking shelter during heavy weather. This time Gulliver could even point to an uncharted rock. David, and Agnes who followed all David’s Navy trials, were very pleased to see Gulliver supported by the irrepressible good humour and optimism of our Navy’s sailors. As Agnes recalls, to cheer up their hapless CO, the crew of Wollongong, all pretended they were at a holiday resort and had T-shirts printed proudly boasting, “We were wrecked on Gabo Island”.

Despite that optimism the uncharted rock could not save Gulliver. He too was convicted and later lost on appeal. But having seen the trial arguments, I can say to you that both officers received the very finest defences available. And David and Agnes provided more subtle support to Harrison and Gulliver. They became friends with them both, entertaining them socially in the years that followed.

The Commonwealth Government introduced a tri-service discipline system for the first time in 1985. The Judge Advocate General of the day turned straight to David, appointing him, as one of the first Navy Judge Advocates and Defence Force Magistrates in the new discipline system. Thereafter David did judicial work within Navy, including as a court-martial reviewing officer. This prepared him for the civilian judiciary. He continued this reviewing work after becoming a judge.

A little trio of letters stands proudly among David's post nominals. Behind the three letters, "RFD" that you see before

you, representing the Reserve Forces Decoration, lies a family juggling act for which Agnes and David jointly deserve our special thanks. What the decoration means is that for each of 15 years before 1990 David had managed to fit up to 20 full days efficient service to Navy into his life, by finding gaps between his cases at the Bar.

After retiring from Navy in October 2004 and from the Bench in 2005, David was called back again to serve. At the request of the then CDF, Air Chief Marshal Angus Houston, he undertook commissions of enquiry into accidents and the deaths of ADF members. The most prominent of these was his enquiry into the tragic loss into the sea of a Black Hawke helicopter and its pilot from the flight deck of HMAS Kanimbla, when she was evacuating Australians from Fiji. David solved the causal riddles behind the crash and made recommendations that were widely praised for their practicality and which changed shipboard aviation procedures.

At one level, David's work for Navy was conspicuously helping individual officers and sailors facing trials and inquiries. But at a higher-level David was taking an active part in balancing one of the conundrums of keeping our open society free but safe. He was ensuring that the ADF, whilst authorised to deploy lethal force, is nevertheless accountable under the rule of law.

Navy has founded a tradition of presenting bereavement pins. I will shortly present them to Agnes and to the family. Initially these pins were given to the relatives of those who died in service. Now they are given to the relatives of all, like David, who have died having given service in Navy.

On behalf of Chief of Navy, I salute David's service to Australia in Navy. And I join you in thanking Agnes and all David's family for supporting his service. Together, we all celebrate the memory of Commander David Levine RAN.
