



## **THE HON DAVID MAYER SELBY AM ED QC – FORMER DEPUTY CHANCELLOR (1971–86)**

The Hon David Mayer Selby AM ED QC was a Fellow of Senate of the University of Sydney elected by the graduates from 1964 to 1989, during which time he was elected Deputy Chancellor from 1971 to 1986.

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### **PROFILE**

(1906 - 2002)

AM ED QC, BA LLB *Sydney*

**Fellow of Senate 1964 - 1989, including election by Senate as  
– Deputy Chancellor 1971 - 1986**

### **His background**

David Selby was born on 13 March 1906.

He graduated from the University of Sydney in 1927 with an arts/law degree, was admitted to the Bar in 1931, became Queen's Counsel in 1960, was appointed a judge of the Supreme Court of NSW in 1962 and judge in divorce (as it was then known) in 1964.

Much of his long career was devoted to reforming and simplifying the 1959 Matrimonial Causes Act which outlined 14 grounds for divorce. He wanted to ensure equal rights for both parents, more attention to be paid to the welfare and custody of children, and that the commonwealth provided legal aid in certain divorce cases. His work in the area of family law was instrumental in the creation of the Family Law Act, which ultimately replaced the Matrimonial Causes Act in 1975. It introduced a single ground for divorce - irretrievable breakdown of marriage.

He spent 6 months as acting judge of the Supreme Court of Papua New Guinea in 1961-1962, his cases often involving sorcery and murder.

It was not his first time in the territories. In World War II he commanded an anti-aircraft battery in Rabaul when it fell to the Japanese in 1942. Refusing to surrender, he and a group of men escaped into the mountains and jungle. The group of 54 survivors was ultimately rescued from a deserted plantation and taken to Port Moresby.

Following his retirement in 1976, he was appointed to the Parliamentary Remuneration Tribunal.

David Selby died on 16 September 2002, aged 96.

## His membership of Senate

He had a long association with the University of Sydney - as an arts/law graduate in 1927, as Fellow of Senate from 1964 to 1989, and as Deputy Chancellor for 15 years from 1971 to 1986. Former Vice-Chancellor Professor Sir Bruce Williams said he relied on Selby's legal advice during the anti-Vietnam demonstrations in the 1970s. Former Chancellor Emeritus Professor Dame Leonie Kramer said that her outstanding impression of him was his commitment to the University.

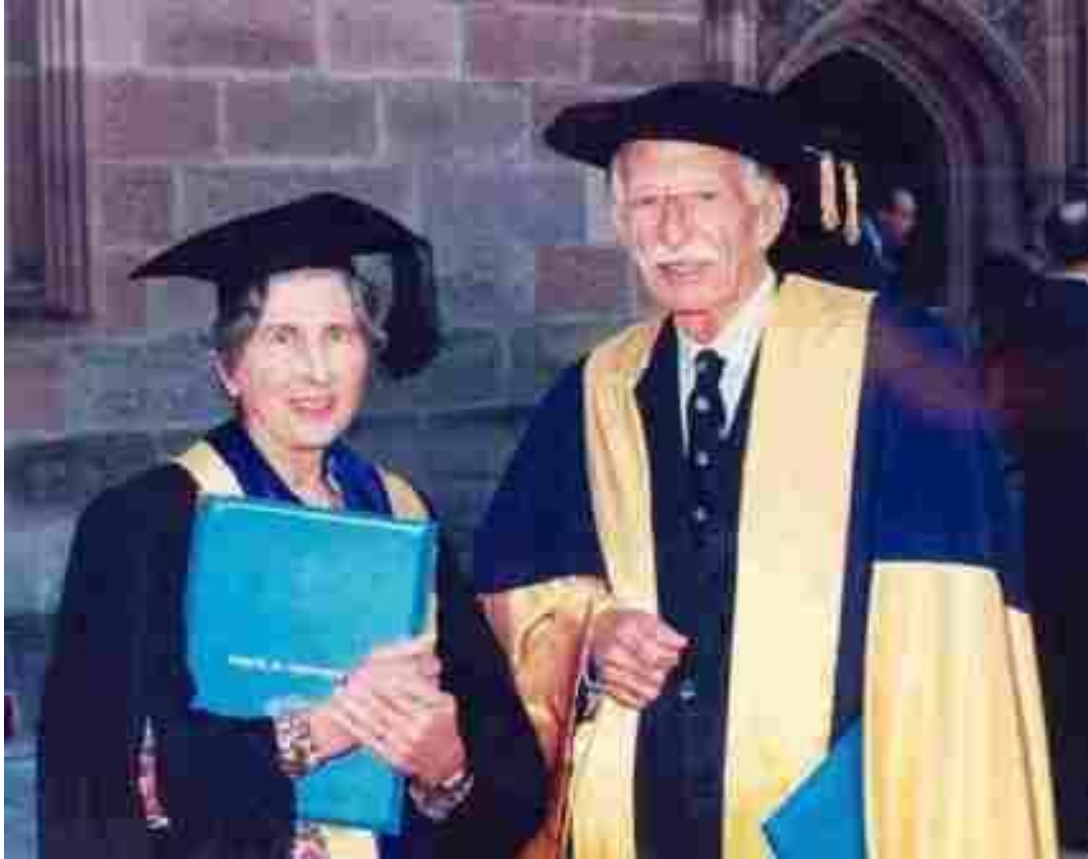
*Information from an obituary in The Australian, 8 October 2002*



Deputy Chancellor the Hon Mr Justice David Mayer Selby in 1980, *photo, University of Sydney Archives.*

## Doctor of the University

In 1991, the honorary degree of Doctor of the University was conferred upon Hon Mr Justice David Mayer Selby, and the title of Honorary Fellow was conferred upon Mrs Barbara Selby.



Mrs Barbara Selby and the Hon Mr Justice David Mayer Selby, after the conferring of the title of Honorary Fellow and the honorary degree of Doctor of the University respectively in 1991, *photo reproduced with the kind permission of Mrs Alison Rosenberg.*

## Tribute by the Chancellor, the Hon Justice Kim Santow

*The Chancellor, the Hon Justice Kim Santow, gave the following tribute at the Memorial Ceremony for the Hon David Mayer Selby AM QC (1906-2002), Deputy Chancellor of the University of Sydney 1971-1986, held in the Great Hall of the University on 25 November 2002:*

On behalf of the University and Senate, I welcome you all to this ceremony to celebrate the life and achievements of David Mayer Selby, distinguished jurist and former Deputy Chancellor of the University. I particularly want to join in expressing our collective sorrow to his beloved wife Barbara, and family here today.

We are gathered both to mourn and celebrate the passing of a brave, loyal and dedicated man. I have my own vivid memory of seeing him almost unchanged, humorous and quizzical, at a gathering of alumni last year.

In his 25 years of devoted service to the Senate of this University, 15 as Deputy Chancellor, notably under Sir Hermann Black's chancellorship, David Selby saw the passing of a world whose problems were resolved in polite debate with civility and decency. It changed to a more conflictual world, one where authority is challenged at every turn. Throughout that period he is remembered as a person of infinite courtesy, thoughtful, loyal, even-tempered, one who never spoke harshly or emotionally, and a person who conducted himself with dignity and humanity. His humour and gentle courtesy were a model for any aspiring judge.

David Selby was the product of a generation that had seen unparalleled conflict. Two world wars and a bitter and prolonged Depression. To that generation living through those horrors, the University must have seemed a place of repose; a sanctuary for reflection and ordered progress. David Selby knew full well the consequences of abandoning civilized behaviour.

I simply want to express, particularly on behalf of the Senate, our profound respect and affection for David Selby and our gratitude for what he gave to this university, as well as to the wider community. Tributes of a more personal nature will be delivered by Emeritus Professor Michael Taylor, David Selby's daughter Mrs Alison Rosenberg, beloved of St Paul's College, and Mr Robert Stitt QC. This will be followed by a musical interlude featuring the 'Largo' from Handel's Xerxes. It is performed by the University Organist Amy Johansen, whose participation is so valued at an occasion such as this.

Further tributes will then follow from Mr Graham de Graaff and Emeritus Professor Rex Butterfield. The Vice-Chancellor Professor Gavin Brown will deliver the final tribute.

### **Tribute by Mrs Alison Rosenberg**

*Mr Selby's daughter Mrs Alison Rosenberg gave the following family tribute at the memorial ceremony (reproduced with the kind permission of Mrs Rosenberg):*

Chancellor, Vice-Chancellor, distinguished guests, friends

On 16 September this year, David Mayer Selby, my father, died. He was 96 years old, but the measure of his life was not its length, but what he did with it - what he achieved and how he used those achievements to put back all and more than he had been given.

In his address at Dad's funeral, Rabbi Raymond Apple spoke of my father as a man of many parts - "lawyer, judge, soldier, author, public figure, eminent citizen and exemplary patriot". He went on to say "He was also a thorough gentleman; a scholar of great erudition and dignified bearing; a cultured man of broad mind and constant courtesy; a man of courage and compassion; a wise, sound-thinking counsellor - and a loved husband, father, grandfather and great-grandfather".

He was, indeed, a man of many parts and he excelled in all of them.

Others will speak this morning of Dad's achievements in the fields of law and education. I want to talk about his military service, and, briefly, about the man behind the public face.

When my father set sail for Rabaul, New Britain in 1941 he had under his command a small force of men, most of them younger than the majority of the freshers who this week are sitting

their first year examinations at this university. Dad was twice their age, probably close to the upper age limit for active service, and he had already proved that he had a remarkable gift for leadership.

To these 52 men, equipped with old-fashioned guns and an obsolete ring-sighted telescope, was entrusted the anti-aircraft defence of New Britain, where it was thought that the first attacks on Australian territory would come.

They did not have long to wait. On January 4, 1942, in a prelude to the expected invasion, 18 heavy long-range enemy bombers, flew over Rabaul and a little bit of history was made. Dad's gunners fired the first shots in Australian defence on Australian territory.

A week later 20,000 enemy troops landed, covered by 50 modern zero aircraft. The Australian ground force numbered just over 1,000, their air defence ten antiquated Wirraways. Within minutes the Wirraways were shot out of the sky and in a few hours it became obvious that, hopelessly outnumbered, New Britain was lost. In one of the disgraceful episodes of the war, the order went out "Every man for himself". This was not an order which my father interpreted as meaning he no longer had responsibility for his men or that he need stop fighting. His guns continued firing till the last, in fact beyond the last. The following day the Japanese, thinking they had completely silenced all resistance staged a victory parade in the air. Heavy bombers, dive bombers and fighters lined up and came over the town in mass formation.

They had failed to take into account my father's battery, and to their astonishment they found themselves under fire. In the absence of direction and range-finding equipment, Dad was standing in front of the guns directing fire by estimating the height of the Japanese aircraft, calling to his men "Up 1500, down 2000" and so on.

Within seconds one heavy bomber was shot down and the others scattered in all directions.

Needless to say, having thus called attention to their position and made themselves vulnerable to vicious retaliation, it was imperative that they decamp immediately. Reluctantly they destroyed their guns and vehicles and took to the jungle. Here they joined up with other units from the escaping Australian ground forces. Some of the men and officers elected to give themselves up, realising that the chance of escape was minimal. Of those who surrendered, none survived.

For three terrible months Dad and two other officers led their men through jungle, over wild mountains, across deep and fast-flowing crocodile infested rivers, battling mud, exhaustion, malaria, tropical ulcers, dysentery and starvation and, of course, the ever-present threat from enemy troops. They finally reached a plantation on the south coast of New Britain, from whence they were eventually rescued and repatriated to Australia.

To those men who survived, my father was a hero, a word not then debased nor lightly used. They had no doubt that they owed their lives to the leadership, courage, endurance and intelligence of Dad and his fellow officers. They were qualities that were the hallmark of his long life.

My father was a man of unwavering integrity and the highest possible standards and he was also a wonderfully funny man. He had a marvellous sense of humour, a quick eye for the ridiculous and a trenchant turn of phrase with which he regularly debunked the pomposity,

pretentiousness and conceit. Unfortunately most of his descriptions were too defamatory to be repeated in public, but we retain much of the witty verse which he used to toss off and modestly referred to as doggerel, and many of the short, pithy and amusing letters he wrote throughout his life.

"*Gaudeamus igitur, juvenes dum sumus*" we sang as we entered this Hall. "Let us therefore rejoice while we are young". An inappropriate choice of words for a man who, after all, was 96 years old? I don't think so. For one thing, Dad didn't really know he was old. Until the bad fall that caused him so many problems in the last six months of his life, he remained active, adventurous, upright in carriage, elegant in dress and, above all, he retained his intellectual curiosity and rigour, the mark of a much younger man.

The song is ineradicably associated with the University, and, thinking about today, I reflected on the number of Dad's achievements that had their genesis or their flowering in this University.

It was here that his military career began when, as an undergraduate, he joined the Sydney University Scouts, later to become the Sydney University Regiment.

I think that his love of books came from his mother, but his primary and secondary education was unsatisfactory and, for the some of it unhappy, and it was not until he arrived at this university that he understood and participated in the multitude of activities that go towards a liberal education. As an undergraduate he joined several clubs and societies, wrote for *Hermes*, edited *Blackacre* and wrote much of it, debated, acted with SUDS and wrote some of their plays and played tennis for the Arts Faculty. And it was here that, under the tutelage of such lecturers and professors as the legendary Tas Lovell, Jacko Peden and Archie Charteris, he acquired the love of learning which never left him, right to the end of his life.

It was for the Law School of this University that he lectured, to the Senate of this University that he was elected in 1964 and of this University that he served as Deputy Chancellor for 15 years, a role he thoroughly enjoyed, particularly following his retirement from the Supreme Court bench, when he was able to devote considerable amounts of time to attending Faculty and Foundation meetings and visiting the University farm.

He loved this place. It was not only his alma mater, but also that of his wife, his sister and three brothers, his two daughters, his son-in-law and three of his grandchildren.

No tribute to my father could be complete, as his life was not complete, without the inclusion of his wife, Barbara, my mother. He loved her deeply, and throughout the 63 years of their marriage she was his companion, his friend, his lover, his support, his inspiration, his lodestar. How fitting, how totally fitting, that on the same day that this University honoured my father by conferring upon him an honorary doctorate of the University, it also made my mother an honorary Fellow of the Senate. It was the first, and as far as I know, the only time that you have so honoured a husband and wife together.

*Gaudeamus igitur* - let us therefore rejoice, for David Selby, whose life was full and rich, who reached pinnacles of excellence in all he did and who gave so much to his family, his university, his community and his country.