Obituary

The Honourable Alan H Goldberg AO QC

Born: 7 August 1940
Died: 23 July 2016

It is not possible in a few words to do justice to Alan Goldberg’s outstanding life. A life he left after nearly 76 years.

In truth, Alan had two lives. There is the private life of a loved and loving husband, father, grandfather and friend.

And there is Alan’s, perhaps better known, public life, which reached its highest point in the law – but also travelled down the paths of the arts, music, civil liberties, and, most important of all, the affairs of the Jewish community.

Alan never sought recognition for his activities. But he received many:

- An Order of Australia;
- Scholarships in his name – one at his old Law School at Melbourne University and another at the Melbourne Symphony Orchestra;
- An Honorary degree of Doctor of Laws from Swinburne University;
- Lifetime membership of the Melbourne Symphony Orchestra, an honour he proudly shared with only one other person, Sir Elton John.

In whatever arena he moved, Alan was a brave and tender man, a friend to all, and most loyal.

All of those who knew Alan have been enriched by his presence and role in their lives.
Alan’s parents on both sides had deep roots in Melbourne’s Anglo-Saxon Jewish history from the early 19th Century. Harold Cashmore, an ancestor from his mother’s side, founded the Melbourne Hebrew Congregation in South Yarra in 1837 – a congregation that Alan was asked to lead between 1983 and 1985 and, characteristically, which he rescued from financial collapse.

Alan married Rachel Rynderman in 1967. Rachel’s background was a polar opposite to that of Alan’s. Her Polish Jewish family survived the Second World War in Russia before coming to Australia. Rachel and Alan’s symbiotic relationship has provided so much enrichment and benefit to their family and friends. Rachel was always a source of inspiration and strength to Alan and their family.

Alan and Rachel have two children Anthony and Caitlin. Alan’s family was his greatest pride and the source of his greatest happiness. His children’s partners Mitchell and Larissa and Rachel and Alan’s beautiful grandchildren, Tessa, Ella, Nathan, Gideon and Guy have all been a source of love and support to Alan, particularly in recent times.

Throughout his career he never ceased to be humble. In many speeches Alan referred to Golda Meir’s observation to Moshe Dayan – “Don’t be so humble you’re not that good”. Not surprisingly to those who knew him well, Alan was both humble and “that good”.

From school, which included being a star Latin student, and onwards Alan’s future career had the stamp of an outstanding barrister written all over it. And so it was.

Alan was a brilliant law student under the mentorship of Sir Zelman Cowen. When he completed his degree, Sir Zelman arranged for Alan to undertake post graduate studies at Yale University in the United States.
His time in the US was a critical period for his political (in Alan’s word “intellectual”) awakening, which he described as an “awakening to the horrors of racism and the very large number of people in the world in need of help”. He was touched by Kennedy’s assassination, Martin Luther King’s assassination, the march on Washington and the effect on US society of the war in Vietnam.

Those events had a dramatic impact on him. In a recorded oral history, Alan said they affected his sense of justice and fairness.

On his return to Australia he decided to become politically active so that he could bring about some change in the attitude of Australians.

He joined the Liberal Party and stood for pre-selection. No one can know what effect he would have had on the Australian way of life if he had been successful in his attempt to join the political system. Instead he had a profound effect on the legal system of which he then became a part. Although he never quite lost his political desire. Alan and Rachel’s “Don’s Party” Election Night soirées were well known and regularly held at their home for each State and Federal election.

Alan was a brilliant barrister beginning his career reading with Sir Daryl Dawson. Some of the cases in which Alan appeared are legendary.

- He acted for Holmes-a-court in the attempted takeover of BHP, then Australia’s largest company.

- He acted for the Liberal Party in the famous Chook Raffle election case where the electoral officer awarded the seat of Nunawading to Labor when, after a tied vote, the two candidates’ names were put into a hat and the winner’s name was drawn out.
• He acted for Dollar Sweets in its successful crushing of a union blockade; a case in which Peter Costello was his junior.

• And, proudly, he acted for Mr Croon in the challenge to Tasmania’s anti-homosexuality laws, a challenge which led to their repeal.

In the 1980s Alan developed a new idea for barristers’ chambers which became the model for the rest of the Bar. In the main it involved the sharing of space and facilities. The chambers he organised and led became legendary. Its occupants were Alan, Ron Merkel, Ron Castan, Ray Finkelstein, Cliff Pannam and John Middleton.

Alan’s natural competitiveness resulted in him leading the bar in introducing high tech into his practice – he was the first barrister to have a fax machine and the first to own a mobile phone.

Alan was inherently likeable. During his long career in the law, and also in settling numerous disputes outside the law in Alan’s various roles in relation to the Melbourne Symphony Orchestra, the Jewish community and elsewhere, he had the remarkable achievement of never offending or entering into a strained relationship with anybody – that is no easy task in a profession that is by its nature adversarial.

Alan’s life as a barrister came to an end in 1997 when he was appointed to the Federal Court of Australia. When elevated to the Federal Court bench the Bar News observed that the Bar was “… enormously gratified at the elevation of one of its universally popular and best-loved colleagues” – an accolade few receive.
What a judicial career!

- As a judge he was fearless and wise. He did not shrink from making a finding that a High Court judge, had as a barrister, engaged in conduct which was an abuse of process;
- One newspaper referred to him as “having the wisdom of Solomon”;
- Another newspaper described him as having “reformed administrative law”.

At his Federal Court farewell, six years ago, the Chief Justice Patrick Keane, now a High Court Judge said:

“Alan’s combination of legal learning, energy, imaginative insight, sense of duty, wisdom and fundamental decency is such that I teeter on the edge of despair at the thought of the difficulty of finding a replacement. This combination of qualities is such as to make him, I fear, virtually irreplaceable.”

And all the while Alan was involved in numerous other activities:

- He was the Deputy Chairperson of the Committee that advised the Victorian Attorney-General on Racial Vilification;
- He delivered dozens of papers on a broad range of legal issues;
- He was President of the Victorian Council for Civil Liberties;
- He gave classes to law students;
- He often spoke at his grandchildren’s school, Bialik College;
- He sat on the board of the TarraWarra Museum of Art;
- He was on the board of the Melbourne Symphony Orchestra;
- He was, as his great, great grandfather had been, President of the Melbourne Hebrew Congregation;
- He and Rachel gave generously to many philanthropic causes in which they believed.
More than anything else Alan had a hatred of split infinitives. He corrected others on many occasions. We hope we have not split any infinitives today. If we have then, Alan, we apologise.

When Alan was first diagnosed with his Parkinson’s disease, he made sure it did not affect his life significantly and he was not fearful of it. In an interview last December, after Alan’s Parkinson’s disease had progressed significantly, Alan said he found the loss of independence difficult to deal with but something he just had to accept. He said:

“When you’ve got a wonderful family around you and people who can help you, either professionally or otherwise, it makes it easier for you but harder for them. So you’ve got to strike a balance, and striking that balance is awesomely difficult.”

Alan struck that balance until last Saturday, when his fortitude, resilience and giant spirit was finally overcome. At the end of the interview Alan was asked how he would like to be remembered. His response was that “I’m just happy to be remembered as someone who was able to help others.”

We no longer have Alan, but we have the memory of him that he left for us as his legacy.

We will miss you, the Honourable Dr Alan Henry Goldberg AO QC.

Ron Merkel (QC)
Ray Finkelstein (AO QC)