

BOOKS

QC's novel explores hope for one good egg

WAYNE HARRINGTON talks to Tom Percy QC about his recently-released novel, *The Curate's Egg*, and the role Albany plays in the cautionary tale.



LEGEND has it that an ambitious young curate was once asked to have breakfast with the Bishop. The Bishop noticed that the curate was having difficulty eating his boiled egg (which was in fact rotten) and inquired of the curate as to whether anything was wrong with it.

The curate responded by saying that there wasn't, and that it was in fact "quite good in parts".

It was with this parable in mind that Tom Percy QC set about writing his debut novel, "The Curate's Egg", and exploring the notion of the inherent flaws in even the best of people.

After nearly four decades practising criminal law, there are few as well qualified to comment.

Percy was elected to the WA Bar Association in 1984 and was appointed Queen's Counsel in 1997.

In 2007 he was awarded the WA Civil Justice Award by the Australian Lawyers Alliance and in 2013 he was awarded the WA Law Society's Lawyer of the Year Award.

Along the way, he has learned much about human nature and this, combined with the various quirks of the WA Legal System, provides ample fodder for a novel.

Given Percy's other interests as a newspaper and magazine columnist, musician and sporting administrator, it begs the question as to how there was still the creative space left for writing a book.

"I've challenged most of the other

things," Percy explains during a brief time-out from his work at Wolf Chamber's in Perth's CBD.

"I've written for the papers for a long time, I've written articles in magazines, I've written and released a lot of music and I just felt that I had a message to put – which didn't really translate into any of those forms.

"I thought I should actually do it in the form of a story and there were a few issues that I thought fitted comfortably together and it could be dealt with in the form of a novel, so it was just a natural progression for me.

"All I had to do was find the time, and that was probably the biggest problem."

The entire process played out over the best part of five years and, somewhat thankfully, began when West Australians were able to spend vast amounts of time in airplanes flying between here and the Eastern States.

"I didn't fit the writing into the day, I'd fit it into the night," he says.

"I'm a night worker because if you're in court all day you don't get any chance to prepare anything, write opinions or read things that you need to because your whole day is taken up on your feet.

"So, any barrister with a busy practice like me obviously works at night. So you go home, you have an hour to chill out and watch the news, then you start working again.

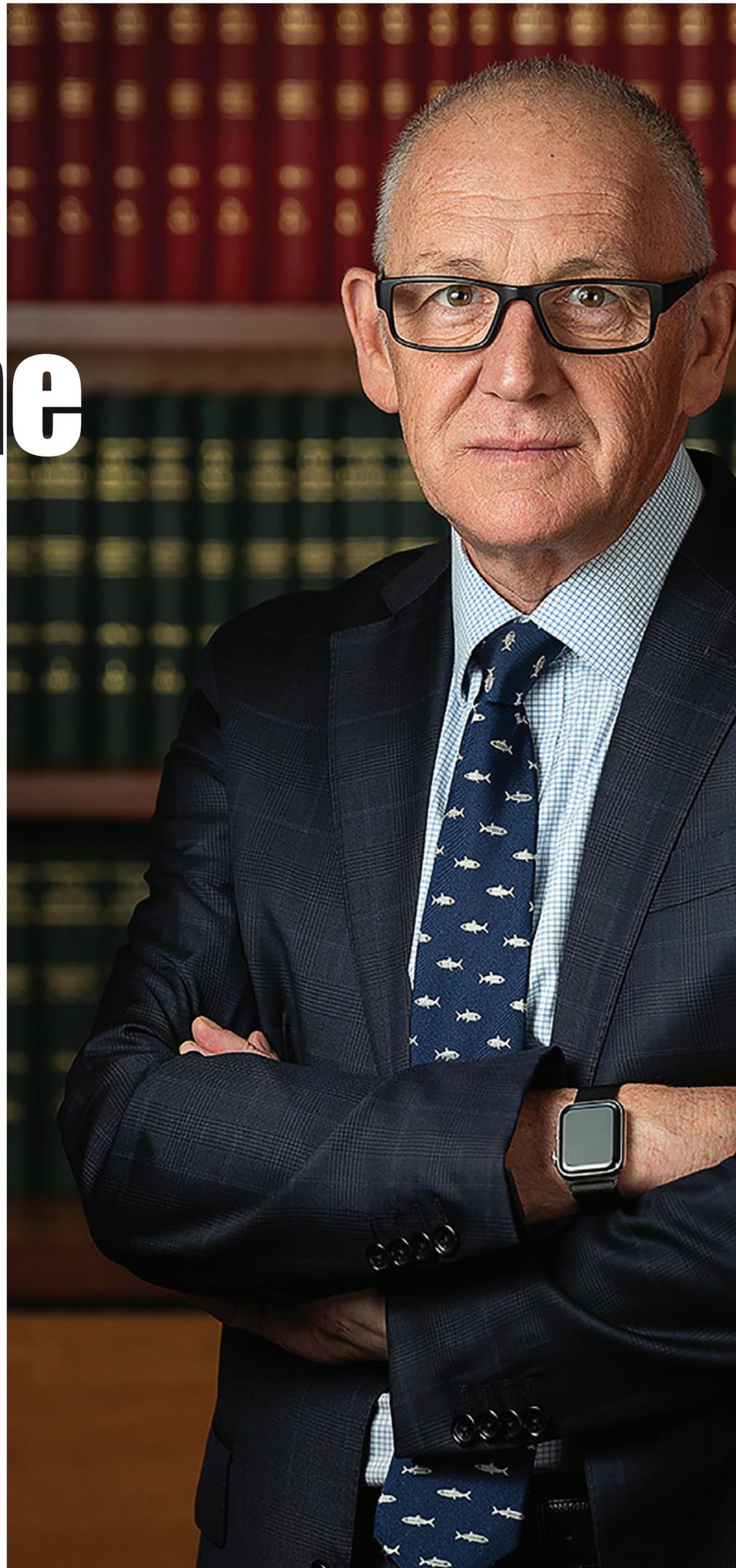
"On days where I didn't have too much work to do, I started writing the

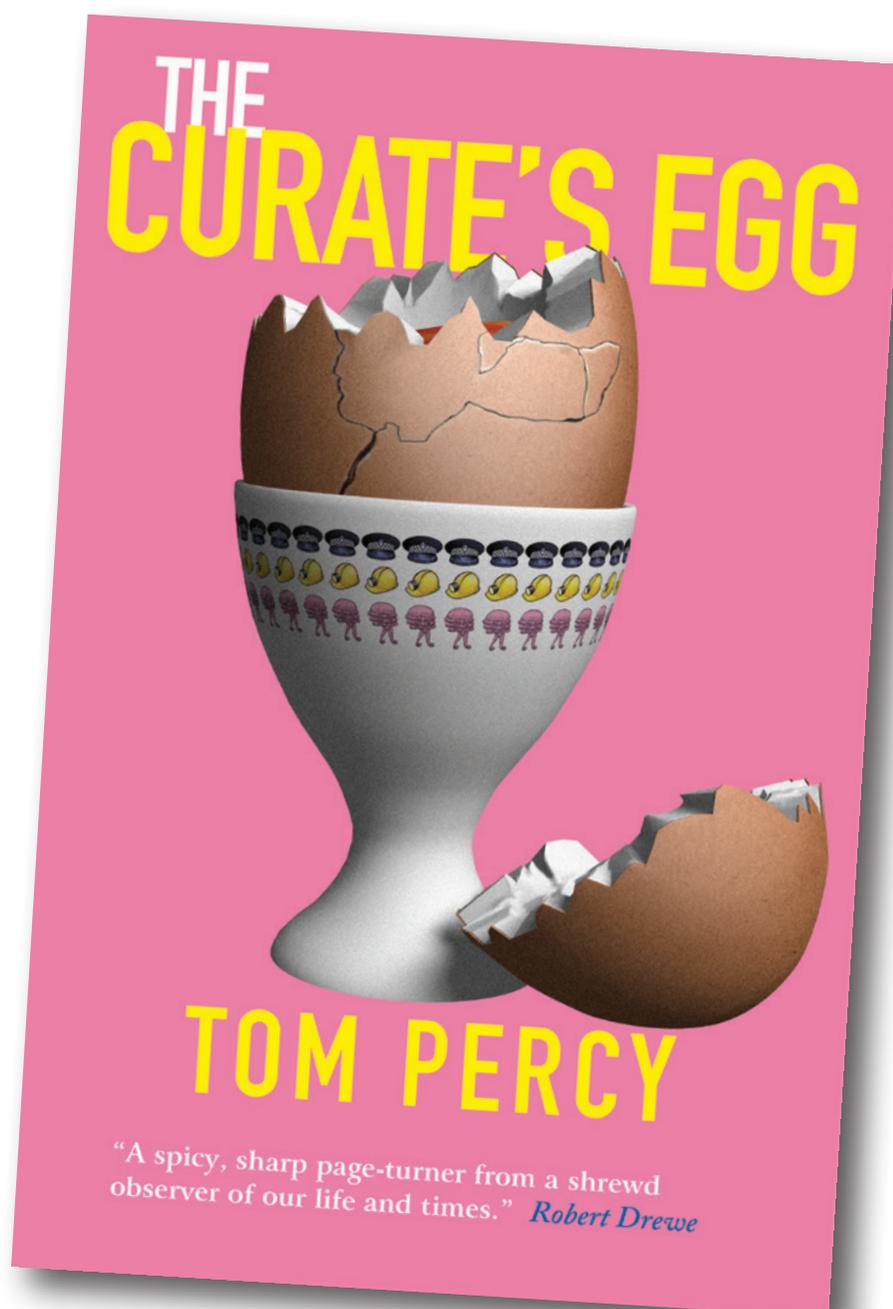
book. I also wrote the book on aircrafts. A lot of that book was written at 33,000 feet.

"Obviously that doesn't happen much these days, but those days, I used to go to the Eastern States for work quite

a lot. I don't watch TV or sitcoms or anything like that on planes. I think that's stupid. So on interstate and overseas trips I found myself writing the book."

The *Curate's Egg* centres on





A series of events seemingly out of his control sees McKenna's life turned upside down by insider trading charges.

At the same time, events very much within his control see his personal life reduced to utter turmoil.

At various times he seeks the help of an Albany lawyer and private investigator and travels around Western Australia and to Indonesia in a desperate bid to clear his name.

Percy may not have started with the exact ending in mind, but certainly began with a clear idea.

"I wanted to canvas a few ideas and scenarios, but no I did not have the ending clear," he says.

"That only materialised, in my mind, about three-quarters of the way through the book."

A crucial element of the plot was his thinly veiled commentary about the failings of the legal system.

"Look, I'm driven by the failings in the legal system generally," he says.

"I'm not an apologist for the legal system. I don't believe that the system generally delivers justice in the vast majority of cases and, unfortunately, my daily life is trying to salvage what I can in terms of just results for people who have fallen foul of the system.

"I wasn't surprised at where the plot

took me because, for me, there are no surprises in the legal system.

"Just trying to conjure up systems which were demonstrative of the problems that I have perceived wasn't difficult."

Percy says the writing process has prompted a certain level of introspection and reconsideration of many of the cases he has handled over the years.

"You're only human if you sit down and read the papers and think, 'Oh my god, this guy is guilty as sin'," he says.

"Then you go and have a meeting with him and you kind of put your tongue in your cheek and say, 'Yeah, yeah, oh yeah sure, it happened like that'.

"You're just sceptical as all hell, but when you get further into the case, sometimes it's not until someone cross-examines the witnesses that you start to think, 'You know what? This bloke is not guilty and what he has told me is the gospel truth'.

"So then you form the other view. I have, over the years, learned not to be too judgmental at first meetings and on first reading of the prosecution brief.

"It's like the people who read something in the newspaper. They just form a view about it and now that person's probably guilty, they've been charged by the police, arrested and

put on trial. Why wouldn't he be guilty? He's gotten this far.

"And that's the usual problem that we have with jurors: trying to convince them that they should have an open mind about these things and act on the evidence rather than on the presumption that the bloke sitting on the dock is guilty.

"A couple of police officers and a prosecutor have formed a view that he's guilty. Otherwise we wouldn't be here all dressed up in wigs and gowns in front of a judge in robes if he wasn't guilty.

"I mean, why would we be there if he wasn't?

"So you're starting up a long way back behind the eight ball, and that's the sort of difficulty that I explore in the book through the main protagonist."

Conversely, Percy says there has only been occasional times when the pendulum of credibility has swung the other way.

"Sometimes you find it the case that the trial is a bit stronger than what you would have hoped, but I don't think that you ever approach a case by saying this guy is absolutely not guilty," he says.

"If it's that blindingly obvious, the prosecution would have come to that view and the cops would have come to that view. So you know you rarely get that kind of client where you sit down and you think, 'Oh my god, this guy is completely innocent'.

"What you do sometimes is write to the prosecutor and say, 'Have a look at this. I challenge you to have another look at this. It's probably not in anyone's interest that this one goes to trial'.

"So, no, you rarely ever find that a case develops in a way that destroys the initial impression that you had that the bloke was innocent, but you certainly do find that it develops in the opposite direction."

It then begs the question that – after so many years in the profession and considering the name of the book – does Percy believe most people are mostly good?

"I think that there's parts of good in everyone," he says.

"I don't say mostly good – a lot of them have some serious issues and I think some of them are substantially flawed.

"It's not often that you find someone who is completely bereft of any good. I have to say I have met a couple who should never be released and have no redeeming features and nothing to contribute towards the community on any level whatsoever, but I'd say they're less than half of one per cent."

In structuring the story, Percy has hit upon a clever formula which will do book sales no harm. Having been released late last year, the Curate's Egg has already been snapped up and enjoyed by a broad church of readers including judges, lawyers, prosecutors, police officers and, of course, criminals.

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■ Tom Percy QC has been surprised at the reaction to his new book and has already started work on a sequel.

unassuming 34-year-old accountant turned mining analyst Declan McKenna whose thriving one-man business is sought out by numerous mining companies looking to float on the Stock Exchange.

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And the book's setting in various locations including Percy's hometown Kalgoorlie and "adopted home" Albany means it is sure to garner great interest here.

Percy has forged strong links with the Albany community not only through his work but also through a long association with the thoroughbred racing community.

He had great success with a string of horses trained by the now-retired John Askevold.

And he was not alone. In the high-flying 1980s and 1990s there were various lawyers involved in the racing industry.

"I'm not sure that there really is any specific association between lawyers and racehorses, but there certainly are a few who have been keen on the track over the years," he says.

"I would think that the interest in horses amongst the legal profession has dwindled as the profession became far more varied. Racing has lost popular appeal and generally speaking no one goes to the races anymore, other than me.

"Country people tend to have a more sound association with racing, like David Moss did and people like Brian Bradley from Albany obviously still does.

"I think that I was subjected to that because my father was a publican and all publicans had to know something about horse racing and they usually get put into a horse or two by their clients.

"I grew up with some sort of loose family involvement with them. I never rode horses or anything like that but it was inevitable, I think, that one day I would have an interest in horses – which I did by the time I was about 25.

"Forty years later, there I am, still in there."

Percy says Albany remains an important place to him, and it provided a rich vein of content for the book.

"For the best part of 20 years John Askevold and I had a lot of horses and we had a lot of fun," he says.

"He is retired now but those were some great days and I formed a very



■ Horse racing and legal injustice exist side-by-side in the plot of Tom Percy QC's novel, *The Curate's Egg*.

strong association with the Albany Racing Club and a lot of people down there of whom I'm still very fond in the Albany region.

"I learned a lot about the pubs and the restaurants – some of which feature in the book. In the early days we used to go to the Penny Post and Fiddler's Restaurant.

"I was always very fond of Dylan's Café. That has a significant part in the book, as does the Dog Rock and The Venice.

"Some wistful memories I have also included in the book are of the Esplanade Hotel which was a fabulous place to stay before it met an untimely end. That doesn't seem to have resurrected itself yet but one can only hope."

Several people from within the legal fraternity may already have seen something of themselves in the book, but this was not intentional.

"I haven't gone out of my way to disguise anyone, but I think a lot of

the characters – just for the sake of economy – had to be composites.

"So there were a couple of Queen's Counsels that I wanted aspects of in the book. They became the one person.

"There are aspects of some prosecutors which are combined – and not all favourable I have to say. Again, there are some police officers who are composites.

"So I've taken bits here and there and, as its says in the introduction of the book, this is a tapestry of my career in the law but no single person would be identifiable.

"And that's not because I wanted to anonymise anyone. It's because I felt that for a book like this, I couldn't go through and deal with every aspect of it in the kind of people that I'd found to amalgamate into the array of characters that I had."

That said, the Albany lawyer in the book is curiously named "Boots Wellington".

"Well, yes, he's not named after the Mayor of Albany or anything like that," Percy says.

"But I mean I've already had some elderly lawyers offering to play him in the film."

This is not as silly as it sounds, as Percy has indeed been in talks with a production company. Plus, work is well underway in the writing of the sequel.

In the meantime, Percy is enjoying hearing the variety of responses from diverse backgrounds.

"I've been surprised at the reaction of the book," he says.

"I've had some people like judges ring me and say they thought it was one of the best books they've ever read – really dry, high-brow people like that.

"Then I've had the people from my footy club in East Perth who can barely read and write who have said that they thought it was fantastic.

"So it has crossed the board right from the young ones who work for me to a whole pile of older people. I had hoped that it might bridge that gap, but you never know until you actually put it on the market and see what the public thinks." **S**

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