

# Retirement of the Hon John Sackar

## from the Supreme Court of New South Wales



**The Hon T F Bathurst AC KC**  
Chief Justice of the Supreme Court of New South Wales (2011–22)

On 16 February 2024, Justice John Sackar was farewelled as a judge of the Supreme Court of New South Wales in a packed Court 12D, one of the largest courts in the Supreme Court. Glowing tributes were paid to his career by the President of the Bar Association among others, and he gave a gracious response. The only problem was that the court’s microphones were not working.

John was a wonderful judge. Upon his appointment in 2011, he was assigned to the Equity Division and participated in all of the work of that division and more. He conducted the Equity Division’s Expedition List for years, and the efficiency and courtesy with which he conducted that list, along with the speed and quality of his judgments, made it the go-to list for many practitioners.

His work was not confined to the Expedition List. He participated in all the work of the division, in every case showing deep compassion and empathy for litigants. This

was particularly so in his work in the Adoption List, one of the most sensitive and important areas of the Court’s work. I should add that in addition to his work in the Equity Division, he assisted the Court by conducting the Defamation List for a number of years.

Prior to his retirement in February 2024, he conducted the Special Commission of Inquiry into a number of alleged unsolved homicides in the LGBTIQ+ community, on behalf of the New South Wales government. There is little doubt his contribution as commissioner of that inquiry will have a long-lasting impact on the families and friends of those alleged victims, as well as on the LGBTIQ+ community, well into the future.

It does not seem to me particularly helpful to refer to a number of cases which could be described as highlights of his career. However, having regard to John’s interests in art and artefacts, one of his favourite cases was the case involving Kathleen Howard-Olsen, the deceased wife of the iconic artist, John Olsen (*Olsen v Mentink* [2019] NSWSC 1299). One of the particular attractions was that he was able to sit in the Southern Highlands in the historic Moss Vale Courthouse. His request that it be designated his permanent court was refused.

John was ideally equipped to be a judge. He had a distinguished career at the Bar commencing in 1975 and practised not only in commercial law, for which he was renowned, but also defamation and, in his early career, industrial law. He was appointed Queen’s Counsel in 1987 and was a member of the Sixth Floor Selborne Wentworth Chambers

for nearly his whole career at the Bar. He had an international practice, regularly appearing in courts in Brunei and in the Privy Council in London. In 2006, he was called to Middle Temple, with chambers in Gray’s Inn Square.

Blessed with an inquisitive and logical mind, he was an outstanding cross-examiner. He occasionally used that ability as a judge, asking gently probing but sometimes devastating questions of unsuspecting witnesses. It also must be said that from time to time he cross-examined me as to whether particular persons were to be appointed to the Bench. I confess that I was probably an evasive and unsatisfactory witness.

His skills as a barrister were not limited to oral advocacy but extended also to written work. That skill was honed during his 13 years on the Bench; his judgments were always delivered clearly and efficiently. It was ultimately turned to use in the art of judicial biography: his work on Lord Devlin was published in July 2022 and, although a work of diligent and balanced scholarship, it also remains fundamentally readable.

There are two other matters that define John. The first is his collegiality. Both at the Bar and at the Court, John was always on hand to help his colleagues and staff, no matter how junior, with any problems they had. He loves dropping into other people’s chambers for a chat for a few minutes (or a few hours); he loves gossip, particularly if it is salacious, and is a superb mimic. Being in his company is always entertaining.

The other matter is John’s love of books, art and artefacts (some of a grotesque kind). He loves nothing better than to browse through art galleries and bookshops, making purchases. His return to the Sixth Floor has certainly brightened up one of its corridors.

John was a great judge and a great barrister, and more importantly, a wonderful human being. He is not a loss to the law, having returned to Sixth Floor Selborne Wentworth Chambers as a mediator and arbitrator. As always, it is a pleasure to have him around. **BN**

Photos: Murray Harris, Bar News Autumn 2011

