

## Obituary

**John Patrick Slattery**  
**AO, KGCSG, QC**  
**Born into life:**  
**1 August, 1918**  
**Born into eternal life:**  
**29 August, 2014**

But I am sure we all have one image of John in common: it is what happened when he met each one of us. He would light up and he would ask and talk about us, about our lives, our families, our careers, and our interests. He always wanted to know more about us and to celebrate the milestones in our lives, before we could ever ask about his. His natural gener-

By the time of his death John was a remarkably modern 96-year-old. He could use email, internet banking and accessed his favourite old movies on Apple TV. But the Hunter Valley of John's birth was a very different place. He rode his horse from home to a one-room primary school at Stanhope two miles away. He studied by kerosene lamp until electricity was locally connected during his primary school years. But he loved the land and people of the Hunter and constantly returned there throughout his life to be with them and later to administer justice to them. And John was

But Alice's older sister was right. John lived with his aunt Lily in Bondi Junction and attended school at Waverley, where he flourished as a

Between 1948 and 1956 Margaret and John had us four children: Catherine, Helen, Susan and me. We each have our own early childhood memories. Mine are of enduring happiness within a disciplined 1950s and early 1960s household. Whatever his work obligations were, John always managed to juggle everything to be home for dinner, to take Margaret to the races on Saturday, and then on Sunday take the family to Mass, have a family BBQ and play games. And he was always calm and focused on the family.



PHOTO: DAVID OLIVER

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John dwelt upon one case from his years as a barrister, *Mace v Murray*, which stands as a testament both to his generosity and tenacity. Joan Murray was a bus conductress who had a son out of wedlock and was pressured by adoption authorities to consent to adopt out child to the Maces. Joan could not afford a lawyer,

My father's faith and weekly religious practice were a main-spring of his life. He loved the Church and he loved this church where he and Margaret attended Mass and prayed for 38 years and where many of their grandchildren were baptised. He helped lead the liturgy here, took the Eucharist to the sick and served on parish pastoral councils, as he had done in his and Margaret's previous parishes. of



# justice, family and Church



John Slattery with family.

Chatswood and Wahroonga.

He was a proud founding member of the St Thomas More Society of Catholic lawyers. He was the last surviving attendee of its first meeting in August 1945. He served as its president throughout the 1970s and provided leadership to the society for years afterwards. He attended virtually every Red Mass from the early 1940s, the last being earlier this year, with his grandsons William and Edward.

1970 was a remarkable year for Margaret and John. When he went to the bench the family had almost all left school. John wanted Margaret's extraordinary talent to shine too. So, with his clear encouragement, Margaret launched her own public career, promoting through the Australian Parents Council the rights of children attending Independent Schools and the rights and well-being of women through the Women's Action Alliance. She met prime ministers, education ministers and opposition leaders while he happily made Dennis Thatcher jokes about himself. But behind the scenes he helped her with advice, for example, to tweak proposed legislative amendments, including one which added the well-known words "contribution in the capacity of homemaker and parent" to section 79 of the Family Law Act, so as to ensure that stay-at-home parents were fairly treated in divorce financial settlements.

John flourished as a judge, especially in the criminal law. Most Fridays from 1974 to 1988 he could be seen sitting with his good friend Sir Laurence Street in the Court of Criminal Appeal. Together they delivered *ex tempore* oral judgments, disposing of the lists within the day, something that is almost unthinkable now. But his forte was in trial work and with juries.

John's judicial style was simple: he applied a veritable force field of courtesy and reason to subdue the anger, the greed, and the various forms of barbarism and negligence that bring people into courtrooms.

One of John's murder trials stood out. After he returned to the court as an acting judge,

he tried the two murderers of Dr Victor Chang. Getting this trial right worried him and he discussed the facts of the case with family, so at the end he could explain it all to the jury with complete clarity. Like all judges he was troubled by both the loss of talented human life in such cases but equally anxious to ensure a fair trial for the accused, which in that trial he certainly achieved.

How does humility show itself in one who rose as high as John? The answer is: in extraordinary ways. In 1984, the position of Chief Judge at Common Law fell vacant and the then Labor Government wanted to appoint John ahead of another more senior judge,

**'He knew his cleaners and the names and ages of their children'**

Jack Lee. John did not want to accept any appointment that would cause rancour within the court, so he went to Jack Lee and asked did he mind the appointment. Jack Lee waved him forward graciously. No one was happier than John when on his retirement in 1988 Jack replaced him as Chief Judge.

The other example of John's humility is the way he treated everyone who worked with him. In the 1970s and 80s he knew both by face and name all the court's many Associates, Tipstaves and Sheriff's Officers. He knew the names of his court cleaners, and their spouses and the names and ages of their children. And he celebrated in his chambers the admission to legal practice of their children. He did all of this simply because of his affection for people, his affection for us. He turned his prodigious memory to that end. And prodigious it was. There is nothing quite like being reminded by a 95-year-old of something you have forgotten.

Apart from his trial work John became a constant figure helping to investigate and solve this State's occasional

political, criminal and corruption problems. He sat as the State's court of disputed returns for all its electoral disputes between 1971 and 1991. He headed a special commission of inquiry into allegations of corruption against Rex Jackson a corrective services minister, which led to Jackson's later conviction. His 1991 Royal Commission report laid to rest public anger about the psychiatric treatment of deep sleep therapy at Chelmsford Private Hospital, and which led to sweeping reforms to the practice of psychiatry in Australia. He found there was no reason to disturb Andrew Kalezich's conviction for the murder of his wife, Megan. Amazingly he heard his last public inquiry at the age of 85, an ICAC inquiry into corruption at Liverpool Council.

But behind all his judicial gravitas John was having plenty of family fun. The children all married, and John and Margaret soon had 14 grandchildren and two great grandchildren. As they grew up he amazed them in different ways. They all delighted when he winked and waved at them as he left the bench.

His grandson David Francis remembers visiting him and being invited into chambers during an adjournment for flavoured milk and games.

His granddaughter Philippa Sjoquist remembers John piper-like leading a procession of little grandchildren up to the local school with their tricycles, and playing on the swings and, when she asked a question, he seated the little group of elves in a circle and carefully explained to them the difference between the mental elements in the crimes of murder and manslaughter.

John was always used to doing extra work in his career. During his judicial years he served on as chairman of the Parole Board and was a director of the Langton Clinic Rehabilitation Centre for Victims of Drug Abuse.

Finally, although Margaret and John carried such things fairly lightly, they each hold high honours or commissions through the Australian and the papal honours systems, and from Her Majesty the

Queen, an achievement as a couple that is perhaps unique in Australia. This simple observation is perhaps its own testament to the inclusiveness and creativity of their great partnership.

John's good health was legendary. He was born at home. He had no childhood ailments or surgery. His first overnight stay in hospital was in 2011 at the age of 93. His cholesterol level was so low that doctors checked results for computer error. He attended every Bench and Bar dinner until he was 94. We were all perhaps tempted to think he would always be here with us. So well known was his good health within the profession that when I was appointed to the court in 2009 the then Chief Justice quipped to his fellow judges: "The Government has just appointed Slattery to the court – Michael, not Jack."

John was born in the same year and only two weeks after Nelson Mandela. In John's later years he watched the tolling of that great man's years with his own. But in recent months John had increasing weakness of the heart. Fortunately, until only days before his death his great mind was entirely unaffected.

He was conscious of death. But, just as you would expect, he joked about it. Typically, using sporting analogies, he described his outlook in re-

cent years as being "in the nervous 90s". And when his knees began to swell in hospital, he looked down at them and said: "Oh well, I suppose they'll put me in the forwards now."

But he was thinking of Margaret right until the end. By sheer force of will he maintained his health long enough to be discharged from Royal North Shore Hospital, so they

**'John was born for friendship, like Thomas More, a saint he admired'**

could both settle into an aged care facility.

Like the saint he so much admired, Thomas More, John was born for friendship. With our mother Margaret he made a rare contribution to Australian public life. But for us most of all he was a wonderful husband, father, grandfather, great-grandfather, brother, uncle and friend. He graced our history. And for those of us who knew and loved him, he graced our lives.

*This is an edited version of the eulogy given by Justice Michael Slattery at his father's funeral at St Mary's Church, North Sydney, on 5 September.*

**In Brief**

**PARAGUAY**

**Bishop protests removal by pope**

Bishop Rogelio Ricardo Livieres Plano, who was removed from his post in Paraguay, has issued a bitter complaint, charging that other bishops conspired against him and saying that Pope Francis "must answer to God" for his removal. The deposed bishop, in a letter to Cardinal Marc Ouellet, the prefect of the Congregation for Bishops, said that he was being "persecuted" for his orthodoxy, and complained that he had not been given an opportunity to defend himself. The bishop's letter, which was leaked to the media in Paraguay, said that the action against him was "unfounded and arbitrary." He angrily charged that although Pope Francis has spoken often about "dialogue, mercy, openness, decentralisation, and respect for authority of the local churches," he did not give Bishop Livieres a chance to "clarify any doubts" about his ministry. Father Federico Lombardi, the director of the Vatican press office, observed that the bishop's letter was "a very violent reaction." He remarked to reporters: "Maybe it is easier to understand why there was a problem." Father Lombardi had earlier said that Bishop Livieres had been removed from office because of his discordant relations with the other bishops of Paraguay. Most observers have agreed that the case pivoted on the bishop's decision to promote a priest who had been characterised by an American diocese (Scranton, Pennsylvania) as a danger to children. - CWN

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