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A life anchored in humility,

Obituary

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

nside each one of us we carry an image, an image of my father, John. Every one of those images is subtly different. Some of our images are of his laughter, some reflect the warmth of his friendship with us, some convey his good judgment, courtesy and fairness on the Bench, some reveal his unforced humility and compassion for others. and some his extraordinary memory.

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 generosity of spirit was always uplifting. He made us feel better about ourselves.

The events that brought my father to legal Sydney would be impossible in some societies. But they are for us a recognisably Australian story: a story of a fair opportunity given which he turned to advantage by his good character, by his hard work and by his faith in God and man.

John Slattery was born at home in Lambs Valley on the Hunter River, near Lochinvar on 4 August, 1918. His father, John Thomas Slattery, a dairy farmer, and his mother Alice were both of Irish descent.

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 a special last link to that Irish heritage he so cherished.

Being born on a dairy farm is not the most obvious starting point to becoming the Supreme Court's Chief Judge in Common Law. But three remarkable steps changed the course of John's life to allow that to occur. The first occurred within his family. His mother and her twin sister Lily Moran were the last of a 19th century family of 13 children. The genius of this large family was that the older siblings took semi-parental responsibility for the younger ones. One of Alice's older sisters, Janet Tidy, was a teacher. She and her husband recognised that this boy born on the farm had a special intellect. So in John's late primary school years she persuaded John's mother Alice to allow him to go to Waverley College in Sydney. Alice's own generosity of spirit and her faith in the judgment of her older sister allowed her to let him go. Family folklore is that he hid under the bed and had to be prised out for the journey into his new life.

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

student and keen rugby and cricket player. But in order to earn a living he had to leave Waverley with only the Intermediate Certificate. At this moment he was given his second opportunity. The Christian Brothers at Waverley offered to coach him at night for the Leaving Certificate, while he worked during the day. He was grateful throughout his life to Br Lacey, whose personal coaching allowed him to matriculate. He always maintained his affection for the school. On matriculation he decided to study law.

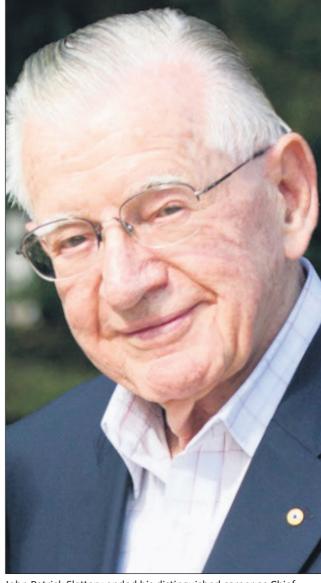
Then his third great career opportunity arrived. In 1942 a friend retired as the associate to the then Chief Justice, Sir Frederick Jordan. He recommended John as his replacement and Sir Frederick accepted him. But if John had any doubts about his career before 1942, the next three years spent watching Sir Frederick's Mozartian legal intelligence at work put any such doubts to rest. He had great affection for Sir Frederick.

But Sir Frederick was also Lieutenant Governor. In mid 1944 the then State Governor left Australia and was not replaced for about the last 15 months of the war. So Sir Frederick became acting Governor. Thus the boy from the Hunter dairy farm, as well as being an associate, was appointed as the principal private secretary to the Lieutenant-Governor of NSW.

His time at Government House changed John further. It gave him respect for protocol and ceremonial dignity that was evident throughout his whole judicial career. A remarkable feature of his career on the bench is that no one can ever recall him losing his composure. And he had absorbed from Sir Frederick a powerful sense of the independence of the judiciary, and judicial courage, so evident later in his life.

But more importantly this period also brought him to our mother Margaret. John and Margaret always remembered their introduction on a White City tennis court on a Sunday afternoon in 1944. They were married on the 9 May, 1946, founding an extraordinary partnership of love, demonstrable affection, powerful mutual respect and mutually reinforcing energy, a partnership that has benefited reached its 68th anniversary.

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.



John Patrick Slattery ended his distinguished career as Chief Judge at Common Law. PHOTO: DAVID OLIVER

But marriage coincided with another great change in 1946. John left Sir Frederick for the uncertainty of the Bar. He soon developed a wide common law practice. From 1946 to 1970 he practised from Chalfont Chambers and later from 3rd floor Wentworth Chambers. He maintained an enduring affection for jury trials. Not surprisingly, from what we know of him he related naturally to juries, both as a barrister and then later as a judge. He could project empathy across a courtroom, just as he did in his friendships with us. But he travelled on circuit often and on Friday nights we little ones often joyfully met his Fokker Friendship in our pyjamas at the single building that was then Kingsford Smith airport,

'Friday night visits to the airport before a treat of fish and chips'

before going for a treat of fish and chips.

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,

so John acted for her *pro bono* to try to set aside her consent to the adoption. He failed at first instance. But by then the case had become a cause celebre, with the Daily Telegraph intervening to support the Maces and the Truth supporting Joan Murray. Later led by Jack Shand QC, John won the case in the NSW Full Court but lost it in the High Court and Privy Council. But John's original legal work meant that Joan Murray's son knew who she was and that she wanted him back. John was very happy when he discovered long afterwards that the adult son had been reunited with Joan.

John chuckled about one issue on his appointment. Before 1970 a Catholic had not been appointed to the Supreme Court bench for years. Amazing as it might seem to us now the Government had received complaints about this. In 1969 the then declared his future judicial appointment intentions in Parliament, "the next one will be a Catholic", he said. And so he was.

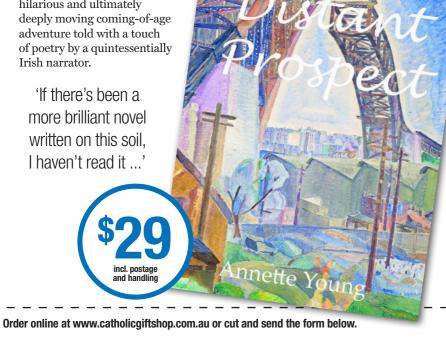
My father's faith and weekly religious practice were a mainspring of his life. He loved the Church and he loved this church where he and Margaret attended Mass and prayed for 38 years and where many of their grandchildren were baptised. He helped lead the liturgy here, took the Eucharist to the sick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

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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 stayat-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 pied 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 recent 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 saving 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.

