

The Hon Justice John Sackar

On 1 February 2011 John Sackar QC was sworn in as a justice of the Supreme Court of New South Wales.

Justice Sackar attended Sydney Boys High School and then Sydney University, graduating in Law in 1972. His Honour was admitted to practice as a solicitor in 1973. His Honour was articled at Hickson Lakeman & Holcombe, and then practised as a solicitor at Dawson Waldron.

His Honour was called to the bar in 1975 and appointed a queens counsel in 1987. Sackar J was a member of the Sixth Floor for most of his time at the bar. His Honour's practice included industrial law, defamation and a wide range of commercial matters. His Honour established an international practice in Brunei and in London, and was called to Middle Temple, with chambers in Gray's Inn Square.

The president of the Bar Association spoke on behalf of the New South Wales Bar, Stuart Westgarth spoke on behalf of the solicitors of NSW, and Sackar J responded to the speeches.

The president commenced by noting:

It is always the way with judicial appointments that the bar's rumour mill reaches fever pitch when it becomes known that one is imminent. Your Honour's appointment was no exception, however when your Honour's name was mentioned in those rumours I was quite incredulous. That was not of course because I had any doubt about your capacity for the position but rather because I regarded you as the epitome of a confirmed barrister, not a confirmed old barrister, merely a confirmed barrister who would have to be carried out of his room in Selborne Chambers. The Court and the community are fortunate that I was mistaken.

The president had noted that his Honour went to Sydney University with the intention of studying medicine. His Honour said that his father

was bitterly disappointed when I told him I was giving up medicine and taking up law. After telling me I was making a monumental blunder he said "All the lawyers I know are walking the racecourse". He added "They clearly have nothing to do". In order to test the proposition I dared him to name one. After a moment or two he said rather triumphantly, "Michael McHugh". It was at that point that I knew that I had made the right career change.



The president noted the range of clients for whom and against him Sackar J appeared:

You eagerly appeared both for and against major corporations and financial institutions and on a regular basis advised regulators, such as the Australian Securities and Investment Commission and the Australian Competition and Consumer Commission on the more difficult cases which came across their desk.

You appeared in a wide range of cases including representing Biota in a case in relation to the drug Relenza, the Commonwealth in support of the claim against it by Pan Pharmaceuticals, the mother of Michael Hutchence in defamation proceedings against *The Sun Herald*, the Australian Rugby Union in relation to the sacking of Lote Tuqiri and John Curtin House and Robert Hawke, the then secretary of the Australian Labor Party, in the Centenary House Inquiries. All those cases, one way or another resulted in a manner satisfactory to your clients. They exhibit the extraordinary wide range of areas which your Honour practised, something that can only be done by a really outstanding senior counsel.

The president also noted two of his Honour's outside interests, art and agricultural pursuits. His Honour's interest in art

extended to lining your chambers with exotica including skeletons, statues and other material of a like nature. Solicitors, I am told, had to regularly assure their clients not to be deterred, they were in fact coming to see a highly skilled barrister not a serious eccentric. I also understand that those responsible for moving your Honour from Selborne Chambers to this building almost rebelled when they saw the task which confronted them and it was only your Honour's charm and good humour which persuaded them to carry out the move.



Photos: Murray Harris Photography

Mr Westgarth also noted his Honour's reputation as a collector of an 'eclectic array of antiquities and artefacts', and said:

It is rumoured that one client, somewhat dissatisfied with your Honour's advice, told his solicitor on exiting your chambers that he did not appreciate the advice and certainly did not appreciate receiving it in an annex to the British Museum.

In referring to some of the well known cases in which his Honour had been involved, Mr Westgarth said

I did in fact begin a survey of the case list published with your Honour's CV but fell short at the first hurdle with the 200 page Federal Court judgment in *News Limited v Australian Rugby League*. In that case your Honour made submissions on behalf of three hundred players and ten coaches of the rebel clubs in the super league split. Amongst other eminent counsel a certain J J Spigelman QC represented the loyal clubs who remained committed to the ARL. In explaining the lengthy judgment the Court was scrupulously fair in sharing the responsibility across all of the represented parties. The Court noted in particular the lengthy replies that had been made to detailed submissions in response to the extensive earlier written submissions by the parties.

Mr Westgarth said that his Honour was recognised as one of Australia's best cross examiners:

your Honour's technique has been variously described as flexible, powerful, subtle and ruthless. Many have witnessed first hand your ability to weave elaborate webs into which you lure unsuspecting commercial executives who rise bemused from the witness box to find that they have revealed all. All observers agree that they would not wish to be on the receiving end.

His Honour referred to his good fortune

... to have done one or two cases against the late Peter Hely who was then the leading commercial silk of his generation. He had such a sense of fun. We were attempting to negotiate a settlement in a largish matter. I told him I would be out for a short while and he might like to call me if he had a response to my offer. When I got back to chambers, I looked down on my cross-examination notes and realised there were a number of jottings, not mine, in the margin adjacent to some of my more brilliant thoughts, such as 'hopeless question', 'you'll never get him to concede this' and "rubbish and irrelevant". I have never before or since settled a case quite in that way. The troubling aspect of it all was that his comments were, upon reflection, probably accurate.

Among those his Honour acknowledged for their guidance, loyalty and support during his career was Doug Staff QC

[who] was often not well especially in the latter part of his career. That said his intellect, integrity and courage were in such abundance. On one occasion and over our daily ritual of whisky he somewhat casually presented me with my red bag, a tradition which I am sad to say has all but disappeared. I was rather overcome with the gesture until I realised that the tradition also involved having the initials of one's leader, not mine, embroidered on the side. Clearly an early form of product placement it was nonetheless an important vote of confidence which I have cherished the whole of my professional life.