

The Hon John Bowditch Sinclair QC

The former District Court judge, the Hon John Bowditch Sinclair QC died on 17 December 2015 aged 89. His was a remarkable life.

Sinclair was born in Queensland on 25 August 1926. He was schooled in Brisbane but it was wartime, so he left school and entered the Royal Australian Navy as a cadet midshipman in 1940 – aged only 13. In 1943 he was first stationed under the Royal Navy at Scapa Flow on the *HMS Wager*. Sinclair's war was a 'good war' – ie one where he was consistently exposed to danger.

After the war he served in the Occupation Forces in Japan and later on the supposedly benign job of minesweeping off the Australian coast, but in 1947 was aboard the *HMAS Warrnambool* when that ship struck a mine and was sunk. Four sailors died and many, including Sinclair, were seriously injured.

Lieutenant Sinclair was discharged from the Navy in 1950 and enrolled at the

University of Sydney. He took a Bachelor of Laws in 1954 and came to the bar in 1955. He read with Ray Reynolds (later Reynolds JA) and joined with Seven Wentworth Chambers. His practice was mainly in the common law and Admiralty. He was briefed in both *Voyager* Royal Commissions representing the family of Duncan Stevens, the Commander of *HMAS Voyager*. Sinclair took silk in 1974.

In 1977 Sinclair was appointed to the District Court, where he sat in every aspect of the wide jurisdiction of that Court. As a judge he was very strongly interested in getting down to the facts of a matter with a corresponding lack of interest in matters of any legal technicality. He came from what might be regarded as an older, harder school – Sinclair was never regarded as a good draw by an accused in a criminal matter or a plaintiff in a damages claim. He was especially hard on those he perceived as liars and malingerers. His judicial style

was heavily interventionist – he did not hesitate to express his opinion on how proceedings were progressing. While his general demeanour was avuncular, he could become explosively cranky. Appearing before Sinclair could be an intimidating experience. For all of that, Sinclair was a solid judge and his judgments were common sense and rarely successfully appealed. He remained on the District Court until he reached mandatory retirement in 1998, then accepted an acting appointment until 2001.

Personally, Sinclair was delightful company. In the best Naval tradition, he enjoyed a drink – there is a story, difficult to verify, that at a reception for Lord Diplock, Sinclair introduced himself – 'G'day Dippers, I'm Sinkers'.

A brave serviceman, a capable lawyer, a sound judge – John Sinclair made a genuine contribution during war and in peace.

Andrew Thomas Martin (1973–2015)

Andrew Martin, barrister at Chalfont Chambers and son of Professor Thomas Martin, died on 11 November 2015.

Andrew graduated from the University of Sydney with a Bachelor of Economics in 1994 and a Bachelor of Laws in 1997. He was admitted as a solicitor of the Supreme Court of NSW in February 2000. For the next three years he worked in the Employment and Industrial Relations Group at Minter Ellison Lawyers, both in Sydney and in San Diego. In December 2003 he worked as associate attorney in Baker & McKenzie's Commercial and Securities Group in Hong Kong. In October 2005

Andrew Martin was admitted to practise at the New South Wales Bar. He read with Ingmar Taylor (as he then was) and Bryce Cross. His first room was in State Chambers, but he subsequently moved to a number of different chambers before settling at Chalfont in 2014.

Following Andrew's death the Bar Association received a number of written expressions of sympathy and sorrow at his passing. One, from the president of a regional law society, reads:

Andrew had generously given his time to present papers at our seminars. Those presentations were not only instructive but also most

enjoyable. Andrew was well liked amongst our members. Andrew left this world much too early and his loss will be felt not only within the legal profession but also by all those who have had the privilege of knowing him.

Andrew was buried at a private funeral, but in memory of their colleague, Chalfont Chambers held a wake and church service on 25 November in the Crypt of St Marys Cathedral.