

John James Webster SC (1935-2016)

The following eulogy was delivered at a tribute to John Webster, which was held at St James Anglican Church, King Street, on 16 November 2016.



Ann and John's family have asked me to give a tribute to John today. I regard it as a great honour and privilege. Whenever I am confronted by word of which meaning I am uncertain I usually consult the *Macquarie Dictionary* which says that a tribute is a testimonial, compliment, or the like given as if due. I hope I am able to discharge the brief that I have been given.

John Webster was born on 18 January 1935 in Sydney and had one older sibling, Bill Webster, who passed away in September of this year.

John attended the Bondi Public School, which no doubt accounts for his great love of its beach and his decade's long membership of the North Bondi Surf Lifesaving Club. It also clearly accounts for his almost religious dedication throughout all of his life when living in Sydney, to go to the beach each day in the early morning in both summer and winter to run and have a surf. He was usually accompanied by his Golden Retrievers over the years, Fred, Toby and Lady. In more recent times he has taken his and Ann's corgi, Leo. As a result of this lifetime activity he has always been very fit. There were many of his friends over the years, including myself, who greatly enjoyed this activity with him.

In his High School education he attended the Sydney Grammar School and one of his class mates, David Emanuel, on the first day of class, observed that John was sitting in the front row of the class with his head down and he assumed that he was sleeping! (I do not know if this was correct). In any event, he gave him the nickname 'Sleepy' which caught on at school and has carried on. It is an affectionate nickname for which he is well known.

He was a keen and skilled rower. He rowed for the Grammar Eights in the Head of the River and his friend, David Emanuel tells me that it was won by Grammar in his year. As a member of the Sydney Rowing Club's fours he also won the New South Wales title. As with everything in his life John gave of his best.

He married Jillian Browne in 1956 and there were four children of their marriage, namely, Jeffrey, David, Michael and Tracey. Some of John's children propose to speak of their father at the function to follow later today. They separated in 1971 and were divorced in 1972. Many years later he established a relationship with Belinda Moon and they were married in 1986. Belinda had a child, Amelia, who he treated and loved as his own daughter. There was a child of the marriage of John and Belinda, namely, Elisabeth who has always been known as Lily. As is often the sad case of life being married to a successful barrister John and Belinda parted company in 2003. John has nine grandchildren namely, Josie, Katie, Maddie, Georgia, Mikayla, Max, Ben, Oscar & Billy.

John had had a great love and devotion for all of his children and they for him. He helped them in every way he was could. He absolutely adored his grandchildren and they adored him. Max was particularly devoted to him and John enrolled him as 'a nipper' at North Bondi

where he continues to do surf patrol.

In 2004 he first met Ann Bowen who practiced as a solicitor in the Land and Environment Court. In 2005 they developed a close and loving relationship and commenced to reside in a terrace in Glebe Street, Edgecliff.

After John left school he worked in the State Valuer General's Department and Land Tax Office and he designed and set up their computer systems. He studied to become a valuer at night. He went to Canberra in 1967 and worked for various Commonwealth departments doing computer and IT work. He came to provide the computing systems for the Air Force in the maintenance of their Mirage fighter jets. At the same time he studied Commerce and for his LLB at the Australian National University.

In 1967 he was contracted by Westpac to set up their computer systems in their bank and returned to live in Sydney. In 1970 he was admitted to the bar but did not practise until April Fools Day 1972 and shared at Denman and Forbes Chambers.

A good mate Mick Coleman helped him at this time. They cut their teeth on cases in the Police Court, as it was then known, and later Petty Sessions. This was a pathway for many at the bar around this time, including myself. Mick became his closest friend and was the best man at both of his weddings.

His skill and expertise in the area of valuation became to be known by Trevor Morling and Noel Hemmings and he was asked to join Tenth Floor, Wentworth Chambers. He substantially practiced at the criminal bar and also at the common law bar. He also developed a practice in valuation and environmental law. He had a robust approach to his advocacy.

Over the years he developed a stellar legal practice. He was the preeminent

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barrister in the area valuations and land acquisition law in Australia. He practiced in the Supreme Court, New South Wales Court of Appeal and the High Court of Australia. He was also a junior in the *Tatmar Pastoral Case* in the Privy Council. His areas of practice focused on local government, planning, property and pollution law and criminal matters relating to this area of law.

He regularly appeared in the proceedings of a disciplinary nature, the Pecuniary Interest Tribunal, the Administrative Appeals Tribunal, the Real Estate Valuers' Registration Board and the Coal Compensation Review Tribunal on mining lease matters. He was appointed by the minister to the Real Estate Valuers' Registration Board from 1983 to 1997. In 2002 he was appointed senior counsel.

Whilst a senior junior barrister he was in much demand to be a pupil master and had many pupils to whom he devoted his time and shared his expertise. He also ensured that work flowed to them as he did with many other junior barristers on the floors where he practiced. His readers included Alison Stenmark and Ian Hemmings, now senior counsel. Some of the barristers who were his pupils or he mentored at the bar have gone on to take judicial appointments. He was a founding member of the Environmental Law Association, an executive member from 1986 and vice-president of EPLA in 1995.

He was a great friend to his clerks, including the legendary Ken Hall; Trish Hoff and Michele Kearns. Michele was one of John's many secretaries and shared an enduring friendship with him over three decades even getting away with calling him 'Johnny.' Michele came to become his clerk in 2000.

I am not wanting to suggest that John was an angel in his practice as a barrister. He could be irascible, difficult and sometimes

cranky. However, he never held a grudge and he had a big generous heart.

He held retainers for many local councils and also from BHP. He advised BHP on the environmental aspects of their mini smelter that they built at Rooty Hill. This was a particularly financially rewarding brief for John and enabled him to buy a somewhat run down farming property known as Munmurra Park at Cassilis.

He was not a 'Pitt Street farmer' and was totally hands on in his farming. He undertook a three year agricultural course to fit him out for the agricultural tasks ahead. He loved his property and he worked long hours on it as he did in his practice of the law.

I became friends with John in the late 1970s when he was living in Paddington. When I was in my second bachelorhood he advised me that there was a small totally refurbished terrace for sale at 15 Glebe Street, Edgecliff. I purchased the property that backed onto 38 Great Thorne Street which had been the Presbyterian Manse that John had purchased at about the same time. We came to be neighbours for about 10 years. We frequently went together early to Bondi Beach for a run and surf. It was a great way to start the day. The Presbyterian Manse was not a large property but it was in a rundown condition and John embarked on restoring it to its former glory. It became a comfortable place in which to live where he frequently entertained family, friends and colleagues. He loved good food and wine and was a most generous host.

He was a true *bon vivant*. He loved the company of other people and for him the more the merrier. He frequently invited family, friends and colleagues to spend time at Cassilis where he had restored the homestead. I was fortunate enough to receive many such invitations and, indeed, I went to Cassilis with John and Belinda

at the time that they first moved into the homestead and I recall sleeping on a swagman's swag. Our families frequently went skiing at Thredbo and overseas and also went canoeing and camping on the Little Macleay River. They were great and enjoyable times. He was a very engaging friend and companion.

As many of you would know John was part of the legal team who were the subject of litigation in the Land and Environment Court that became known as 'the Yates litigation'. It took its toll professionally and personally on John and the whole team. After six years of litigation they were all totally vindicated by a decision of all the six judges who sat on the matter in the High Court of Australia. It was a great win and I was invited to the party that he put on the rooftop of Wentworth Chambers where the French Champagne flowed freely.

In 2000 he decided to make a new start after the Yates case and decided to join Sixth Floor, St James Chambers, Phillip Street where he remained until 2003 when he became a founding member of Martin Place Chambers, which was specialist chambers in the environmental area.

Ultimately, Munmurra Park was sold and in 2004, by which time, it had become a show piece property. He continued his interest in farming and purchased a Macadamia farm at Byron Bay. John saw the latter part of his life as a change of seasons. He took up golf, yoga, cryptic crosswords and together with Ann developed a keen interest in classical music. They travelled on music tours to Bavaria and Portugal, he continued his skiing and in the ensuing years he toured Europe with Ann and they went to the Galapagos Islands and South America. They went to the World Rugby Cup. However, towards the end of 2013 he was beginning to experience mobility issues and came to require the use of a stick.

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We still remained firm friends and he and Ann came to my wedding to my wife, Helen in 2010. About 18 months ago I received from Ann an email to which there was attached a neurologist's report relating to John's medical condition. It indicated that he had a serious small vestibular disorder and vascular dementia. In the past I had a medical condition that from time to time prevented me for short periods from effectively practicing at the bar. John knew of these difficulties and on an occasion when we were living at Edgecliff he said 'come on Dessie I am going to take you up to Cassilis for the week.'

I went and purchased the biggest T-bone steaks I could find at Edgecliff and provisioned up on the way at Cessnock. It was in the summer and we worked together injecting the cattle and spraying the thistles on the property. I thought my right index finger was going to fall off from squeezing so hard. We went for swims in the water hole in the creek and to the Bowling Club for a beer. There was great mirth and amusement from many of the locals who had observed me wearing my pith hat whilst working on the farm. It was a restorative time for me and I never forgot John's kindness and generosity towards me.

When I received Ann's email it seemed to me to be a call for support and I decided to step up to the mark. I was only in partial practice at the time and was able to visit John on a regular basis to give him support and also to give support to Ann.

I was able to observe his slow decline from the walking stick, walker, wheel chair and his admission to Beresford Hall which was a new aged care facility that Ann had organised for John at very short notice. He was exceedingly well looked after by the staff.

As his condition deteriorated in this period he was also regularly visited by

friends and colleagues including David Emanuel, Noel Hemmings QC. Dogs were allowed at Beresford Hall and Bernie Gross QC a close colleague and friend often stopped in with his dog on his morning walks. I understand that Murray Tobias also called in from time to time.

Over this time Ann was a loving and devoted partner and carer to him. Whilst he continued to reside at Edgecliff his bodily functions were not as they should be and Ann attended to all of these matters herself.

John had a couple of falls at Bondi Beach and Ann had to get him to the hospital for treatment. The aged care accommodation at Beresford Hall that she organised had an indoor swimming pool that allowed him to undertake rehabilitation and to enjoy his love of the water. Ann also organised regular massages for him in his room and visited him on an almost daily basis.

There were occasions where there was some mirth between us prior to him being admitted to Beresford Hall. I visited him at the War Memorial Hospital at Waverley where he was undertaking rehabilitation. In an animated fashion, I told him about the latest goings on in the courts and the latest gossip and rumour around the bar, which the bar loved to dine on. He was quite amused but said 'you know Des, I won't remember any of this tomorrow' and I said 'don't worry John I will be around again soon and I will take you through it all again'.

When John was nearing the end Ann had the opportunity to tell him how much she loved and cared for him and that his time had come and in due course she would be searching him out.

John was a gregarious man and the life that he lived would have been the envy of many. He lived life to the full. He was a wonderful father, husband and grandfather. He has been a wonderful

partner to Ann. He has been a wonderful friend to all his many friends and colleagues. He was a great barrister and a great man. All that knew him would be saddened by his passing but he will never be forgotten. May he rest in peace.

By Des Kennedy SC