



The Hon Brian Thomas Sully AM QC

Some years ago, the Hon Brian Sully AM QC (Sully QC) introduced an eminent jurist in an after-dinner speech:

‘[...] in se ipso totus, [...] teres atque rotundus.’

A man in and of himself complete, polished and well-rounded.

The line is from Horace’s *Satires* and aptly describes Sully QC himself. Indeed, it captures elegantly the essence of the great man: the Judge, the Barrister; the Mentor and the Teacher.

Sully QC was born on 3 February 1936 and died on 6 March 2019 after a short illness. He lived his entire life on the lower north shore of Sydney.

Sully QC was educated at the Sisters of Saint Joseph of the Sacred Heart at North Sydney, followed by Marist Brothers High School in Mosman. In the post war years, he was the first altar boy, given that signal distinction by the papal nuncio himself. He grew up with the Tridentine rite in the era of Vatican I. Sully QC was a devout Catholic and throughout his life carried his good Lord with him.

The Marist Brothers gave Sully QC a classical education and inculcated in him a discipline of mind and body. He was the classic gentleman. His composure was legendary. Sully QC won a bursary to read law at the University of Sydney from which he graduated in 1959, shortly after he became a solicitor. Although unaware at the time, Sully QC would embark on a long and distinguished career as a solicitor, barrister, silk, adjunct professor and eventually a Supreme Court Judge.

In 1962, Sully QC was called to the New South Wales Bar. As a barrister he enjoyed a broad and busy professional practice in the golden years of the Bar – a blend of equity, common law and crime. He was an expert in the art of conducting jury trials. Along with JDE (John) Traill QC, PW Young QC and JK McLaughlin and others, they established Mena House Chambers in Macquarie Street. Sully QC eventually moved to 12th floor of Selborne Chambers where many of his contemporaries and friends became luminaries of the Bar, among them their Honours

JMN (Moreton) Rolfe QC, MD (Mervyn) Finlay QC, PE (Percy) Powell QC, KR Handley QC, GD (Denys) Needham QC, Simon Sheller QC to name just a few who all became his judicial brethren in time. In 1979, after 17 years at the Bar, Sully QC was appointed one of Her Majesty’s Counsel.

Sully QC devoted a lifetime to the art of being a barrister and regarded it an absolute privilege to be a practitioner. He was steeped in the traditions of the Bar. Sully QC once remarked that he loved ‘the Bar with a passion’ and described it as a ‘special place in the upholding of the rule of law’. He described the vocation of a Barrister as a ‘gift of Divine Providence, and it might with all justice have been given as well to somebody else as to you or to me’.

In 1989, Sully QC was appointed a Justice of the Supreme Court of New South Wales. For almost two decades, Sully QC presided over substantial common law cases and sat frequently in the Court of Criminal Appeal. In his capacity as a judge, Sully QC was known for strenuously applying the rule of law, showing human compassion, administering justice without fear or favour, and showing prodigious respect to all individuals who had any business before the Court. In fact, his almost courtly courtesy was often startling in this day and age. He had no truck with popular culture and modernity.

Once describing himself as the ‘unashamed Common Lawyer’, Sully QC’s many years of professional practise as a Barrister provided him with an excellent foundation to become a Supreme Court Judge.

After 50 years in the law, one could be forgiven for seeking greener pastures beyond the law. However, for Sully QC, that was not to be. He spent the ‘twilight years’ where it all began – back at university. His enthusiasm to impart his knowledge and experience was unequalled.

University of Western Sydney (UWS) (as it then was) became the significant beneficiary of Sully QC’s expertise, time, generosity and dedication for about 11 years. Between 2007 and 2018, Sully QC lectured in both Advocacy and Criminal Procedure and Evidence *ex gratia*. Sully QC also gave to UWS a significant gift of his library and several sets of his judicial robes, which was a most magnanimous gesture on his part. The books and robes were the very essence of Sully QC’s learned and civilised life in the law.

In his time at Western Sydney University (WSU) (as it is now), Sully QC left an indelible impact on the lives of many WSU law staff, law alumni and law students and the institution of the School of the Law itself. Sully QC gave of his time freely and often, providing an incredible insight into the practical workings of the law, mentoring numerous students and providing genuine and loving friendship. He knew the true

meaning of friendship.

Outside of the law, Sully QC had an abiding passion for opera. For some 40 years, one of his great joys was to make a pilgrimage to the great European opera capitals regularly: Munich, Vienna and Berlin. Sully QC loved the music, voices and the locales e.g., Salzburg and Wiener Staatsoper and the Musikverein entranced him.

In 2015, Sully QC was awarded a Member of the Order of Australia for his significant service to the judiciary and to the law, particularly through legal education in New South Wales.

On 14 February 2019, the NSW Bar Association awarded Sully QC with life membership. On 20 February 2019, the President of the Bar Association, Mr Tim Game SC conferred the life membership on Sully QC, recognising his distinguished service to the Bar. In attendance at the ceremony were the President of the NSW Court of Appeal Justice Margaret Beazley with their Honours Bellew, Robson and Perram JJ. Messrs Hastings QC, Higgs SC, Fordham SC and Justin O’Connor of the Bar attended. The Hon John Dunford QC the former Judge and the executive director of the Bar Mr Greg Tolhurst were also there to mark the occasion.

It was recently whispered by a nurse at Lady Davidson Private Hospital, just outside Room 374, that he had never seen one person have so many visitors in his 30 years of healthcare work. Of course, that nurse was speaking about Sully QC in the last days. Quite frankly, dear boy, that says it all.

Jason Donnelly
Kevin Tang