

**The Honourable  
Jane Hamilton  
Mathews AO  
(1940 – 2019)  
Barrister, Judge &  
Patron of the Arts**

The pioneering former judge, the Honourable Jane Mathews AO has died aged 78 years after a year long battle with cancer. She had been a solicitor, barrister and a judge over a period spanning 60 years. In addition to leaving a formidable judicial legacy, Mathews was part of a small group of women who in no small way changed the legal profession forever.

Mathews was the daughter of Frank Mathews, the Chief Engineer of the BHP Steel Works at Port Kembla. Her mother was a classically trained pianist and taught many leading Australian musicians. Mathews was born in Wollongong and attended the Frensham School at Mittagong. She was academically gifted and was one of only two in her class to gain admission to university, studying law at the University of Sydney Law School. For two of her years at Law School – 1958 and 1959 – she resided at the Women's College.

Mathews commenced her Articles with Messrs Dawson Waldron Edwards & Nichols. After working for a small Wollongong firm for a number of years, in 1965 she was employed as a solicitor at Allen Allen & Hemsley where she worked on defamation matters when it was the preferred firm of Sir Frank Packer.

In 1969 Mathews was called to the Bar. In 1977, she was appointed a Crown Prosecutor, the first female ever to be so appointed. Mathews was for some time a member of the Bar Council. In those days it was a male dominated world. Her leaders included JW Smythe QC. She was one of about ten women at the Bar but only a handful were actually visibly in practice – Janet Coombes, the Hon Cecily Backhouse and the Hon Mary Gaudron QC among them. Mathews is a link to that time, when in the law, the female presence was rendered almost invisible.

In the early 1970s, Mathews maintained chambers for a time on the ninth floor of Frederick Jordan Chambers, then located in Macquarie Street. It was a civil liberties floor and counted among its members of the NSW Council of Civil Liberties (NSWCCL) a distinguished roll: Jim Staples, Jeff Miles,



Paul Stein, Rod Madgwick, Ken Shadbolt, and Ken Horler were fellow social justice fighters. Mathews was also a friend of Bob St John QC the founder of the NSWCCL. For a time, she was married to the UNSW inaugural Dean of Law, Haldan 'Hal' Wooton AC QC.

As a prosecutor Mathews became well known for her prosecutorial fairness. She appeared regularly in sexual assault cases, in which juries were often all male. The Judges were exclusively male. As she recalled it, there was an atmosphere of discrimination and prejudice – spoken or unspoken. The Hon Ruth McColl (former Judge of Appeal) observed "It [was] hardly surprising that such painful experiences would focus [Mathews'] mind acutely on the role, place and acceptance of women in the Law."

The Governor of NSW, the Hon Margaret Beazley AO QC (formerly President NSW Court of Appeal) was a close friend of the Judge. She recalled Mathews' words when she herself was appointed to the Federal Court '*Margie, you have no choice*'. Mathews was concerned about the need for women to be visible in the judiciary, just as she remained concerned about the small population of women at the Bar.

The number of Indigenous women at the Bar remains scandalously low, and this was a matter which Mathews also sought to rectify.

Mathews' interest and enthusiasm for the Bar was undiminished. Earlier this year, she was the guest of honour at the Annual NSW Bench and Bar Dinner. Even in failing health and with limited mobility, Mathews attended with her typical ebullience and good grace.

After only three years as a Crown Prosecutor, the Attorney General Frank Walker offered Mathews a judicial appointment to the District Court, again a female first. With this appointment the tables had at long last been turned and she would be unstoppable. She was 39 years old at the time. She was a trailblazer. Her appointment was a paradigm shift in consciousness of the female role in society.

Mathews would devote the rest of her professional life to the proper application of the law in the cases over which she presided and to the interests and values of the women in the law. Everything she undertook in the years after her first appointment, advanced the position and power of women in society.



In 1987, Mathews became the first female NSW Supreme Court Judge. In 1994 Mathews became the President of the Administrative Appeals Tribunal. She then sat as a Federal Court Judge for some years. In the latter part of her professional life, she was a regular Acting Justice of the NSW Supreme Court conducting criminal trials and sentence matters with the fairness for which she was renowned.

In her capacity as Patron of the Women Lawyers' Association, Mathews worked tirelessly to champion an inclusive vision of the legal profession for women practitioners whether at the Bar or in the solicitors' profession. Experienced practitioners in Court noted that Mathews was polite and always very respectful to the parties [in Court]. She gave [parties] a fair hearing. She was always very welcoming to practitioners and did not take herself too seriously. She had an inimitable style as a Judge as she did in life.

Outside of the law, 'Justice Jane' was a music and opera enthusiast. Her efforts in offering patronage and significant financial support were considerable. She travelled around the world to attend Wagnerian music festivals including her notorious attendances at the Ring Cycle. On those

trips she encountered many barristers and judges. She was a former president of the Wagner Society NSW.

The Judge hosted intensive listening sessions at Woolloomooloo and at Kangaroo Valley; Ring Cycle weekends which were cleverly orchestrated, each participant being assigned various responsibilities from food to the cleaning up. She was constantly finding fresh surprises and joy in the same 16 hours of opera and she loved sharing that joy with others. To Mathews, it was a sheer delight. She was an eclectic collector of people, art, knitting patterns, creative as well as traditional recipes, wine and books. The societies she loved included the Sydney Symphony, the Australian Festival of Chamber Music, the Pacific Opera Company, Musica Viva, Opera Australia and many others. She never lost sight of her ability to encourage, and transform the lives of others – many fledgling artists were mentored and befriended by the Judge. She promoted and supported Australian composers, including Carl Vine, for whose premieres she would travel across Australia to attend. She was also an astute collector of Indigenous Art.

In 2005, Mathews was made an officer of the Order of Australia (AO) in recognition of her contribution to the judiciary, to the profession, to UNSW and to music. Other appointments she held over the years included: Deputy Chancellor of UNSW, President of the International Association of Women Judges and the Women Lawyers Association (WLA) (Patron). Also, Mathews was instrumental in establishing the Law Faculty at the University of Wollongong.

Mathews was given a State Memorial Service on Friday, 18 October 2019. It was well attended by the legal profession with many lawyers, judicial colleagues, other dignitaries and talented friends from her life in the arts.

Life had come full circle. Mathews accepted her fate with equanimity. Her journey had been eventful with a stunning denouement in the Opera House.

The law has lost a learned, humane and cultured woman.

*Numquam obliviscenda*

**Kevin Tang**

*The Bar News Committee wishes to thank her Excellency for her amiable collaboration and assistance in all the material regarding the late Honourable Jane Mathews AO for inclusion in this edition.*

## The Hon James Henry Staunton CBE AO QC

(1922–2019)

Barrister, Silk, Chief Judge of the District Court



James Staunton QC, or "Jim" as he was known, was a senior member of the NSW judiciary for the better part of 25 years when he sat as the first Chief Judge of the District Court NSW. Staunton QC led the Court *mutatis mutandis* at the culmination of a great career at the Bar. His star rose even further as the head of the District Court. Undoubtedly, Staunton's deft hand evolved the jurisdiction into what it is today.

During his time as the Chief Judge and well into his retirement years, Staunton conducted numerous high-profile Inquiries and Royal Commissions. The disasters which marked our times included the Granville Train Disaster in 1977, the sinking of the Ferry MV Karrabee 1984, the air crash Seaview 1994, and the Gretley Colliery disaster near Newcastle in 1996 to name but a few.

James Henry Staunton was born in 1922 to Christopher and Charlotte at North Sydney. He had three sisters and the family lived in McMahon's Point in his formative years. He loved the Blues Point Wharf and grew up in and out of the water there. He attended North Sydney Boys High.

In 1943, aged 18, Staunton QC was enlisted in the Australian Army and spent most of the War in Port Moresby PNG where he worked in Intelligence for the US Air Force and Australian troops in PNG.

Staunton QC, after discharge and upon return with the rank Sergeant, went almost immediately to Sydney University where

he read Law. Staunton was precocious as a student and he took articles with the well-known solicitor at the time Abe Landa.

It was also at Sydney Law School where Staunton's skill as a poker player emerged to the surprise of his fellow students – it earned him the moniker 'Lucky Jim'.

In the early 1950s, he married Elizabeth Haselhurst an economics student and shortly after that he was called to the Bar. The Bar was composed at that time of a milieu less scholarly and more practical, it was an age of re-establishing life after the deprivations of the War. Work for barristers was hard to come by at that time. Barristers had often seen military service. The 1950s were filled with the promise of hope and prosperity and as the economies of the world improved so did the Bar. Staunton QC became a fine leader of the bar.

At the Bar, Staunton was adept at common law work and general commercial cases. He was precociously clever in the earlier part of his career. He had a ponderous and weighty way of speaking, betraying a maturity which defined him in practice and on the Bench – it also repelled the gormless.

Eventually, Staunton practised from the Eleventh Floor of Wentworth Chambers and Paul Daley was his ever-faithful clerk. In 1966 Staunton was appointed Queen's Counsel and he had been a member of the Bar Council for some years at that point having risen to be vice president.

Staunton QC was appointed directly from the ranks of the inner bar to the chief judge

of the District Court in NSW. That Court sat for some time in the infamous Hospital Road Court complex where the gatehouse to the Mint was the List Clerk's Office. He often sat in the upper level of the Hospital Road Court, in Court 5A – the atmosphere was one of solemn speed and efficiency. That District Court circa late 1970s was well-known for its judges which included Peter Ayton Leslie QC, John Bowditch Sinclair QC, Marcel Pile QC, Desmond Ward QC, Tony Collins QC, Adrian Rodin QC, Brian Herron QC, Alistair Muir QC, Alf Goran QC, Ray Loveday QC, Alistair Cameron-Smith QC, Barrie Thorley and many, many others.

When Staunton QC took appointment to the Court there were only 24 judges and by the time his Honour retired it counted more than 58 sitting judges and had become the busiest trial Court in the southern hemisphere. This was testament to his careful and gradual innovation.

Under Staunton QC, the District Court became the hub of the criminal jurisdiction in the southern hemisphere. He transformed it from a Dickensian court jurisdiction to a well-regarded and highly respected jurisdiction. Staunton QC was ever mindful of the words attributed to Magna Carta 1215 '*Justice delayed is justice denied*'.

The significance of Staunton QC's contribution followed closely the rise of technology and the new computerised world. Staunton QC started on the Court in the age before the internet. Together with the

Chief Justice Sir Laurence Street, Staunton QC transformed and recast the old Court of Petty Sessions to the NSW Local Court. Another significant matter in which Staunton QC was instrumental was the establishment of the State Judicial Commission. It was the first tribunal/body of its time which purported to and actually did, review judicial conduct and it served as a model for the rest of the Common Law world.

Staunton QC was awarded the CBE in 1978 and then an AO for his services to the Judiciary in 1995. Staunton QC emanated great authority and his demeanor in Court was more often than not stern, formidable and dour. He was tireless in his work to reform Courts as an institution. He was tireless and spry in nature and spirit. He was the ultimate administrator of the Court. A chief judge of the old world who had significant regard to the notion of practice and procedure in Courts. In fact the government changed the statutory *non compos mentis* age from 70 years to 72 years in a bid to keep Staunton QC at the helm of the District Court. It was widely known as the Staunton Amendment, (at very least implemented for him to complete his commissions of inquiry). Well into the 1980s, Staunton QC always wore a homberg hat and a heavy coat redolent of the times and the age from whence he came.

In retirement, Staunton QC could often be seen at Pymble Golf Club at the standing Tee Time 7.07 am without exception. His friends from all walks of life (among them were inevitably a few lawyers and judges) enjoyed his company. Staunton QC was always dressed in golfing attire with a colourful collection of bow ties. He was also fond of angling and loved seafood.

Tragedy touched the Stauntons in the 1980s. Their eldest son Jamie died suddenly in his youth in an accident while on New Zealand's Mount Cook. The body was never recovered, due to the location of the accident and the conditions. Staunton QC and Elizabeth would travel there annually to throw a wreath over the Pass. In later years, the grief was never far away from them.

Some years passed and the Stauntons' other son Richard met his future wife on a holiday to California and the West Coast of the USA. Richard moved there in 1988. He was an entrepreneur and successful businessman. Staunton QC and Elizabeth would visit California annually and they loved travelling to see their three grandchildren. It was a wonderful period in their retirement. However, Elizabeth died in 2010, and thereafter her husband was rarely seen in public but remained fiercely independent. Staunton is survived by Richard, his spouse Cammy and three grandchildren, all of whom live in the United States.

Kevin Tang

## In Memoriam

### Epitaph for Four Ladies



#### Lady Patricia Therese Byers (1925 – 2019)

Lady Pat Byers was the widow of the late Sir Maurice Byers CBE QC (1917-1999), one of the great Constitutional Lawyers of the 20th Century in Australia. She was the mother of Barbara, Mark, Sue and Peter. Lady Byers had a distinguished career in her own right, having been for some years the Matron of St Vincent's Hospital Darlinghurst. She is remembered as a great humanitarian, a soothing yet efficient nurse, a formidable hospital administrator who was respected by the Sisters of Charity and the Medical specialists alike. Generations of Nurses were mentored by Lady Byers. Throughout the career of Sir Maurice, as a most distinguished QC, she was well known to many practitioners of the Bar and the Judiciary. Sir Maurice and Lady Byers were from another time. She was a delightful, friendly and welcoming presence even in advanced retirement to all those who remembered the Bar between 1950s-1980s. Lady Byers' funeral took place at St Mary's Church North Sydney on 3 September 2019.



#### Lady Patricia (Nee O'Hara) Brennan (1928 – 2019)

Wife of the former High Court Judge Sir Gerard Brennan.



#### Lady Patricia Mary Mason (1925 – 2019)

Wife of the former High Court Judge Sir Anthony Mason.

#### Lady Winifred Grace (Nee Bonnin) Stephen (1916 – 2019)

Widow of the late Sir Alastair Stephen (1901 – 1982).

**Atque in perpetuum, [...] ave atque vale.**

Catullus Carmina 101



### In Memoriam

## Natalie Zerial

(22 March 1984 – 2 August 2019)

Born in Stanmore to a family of three children and educated at The University of Sydney and Harvard University, Natalie Zerial was called to the Bar in 2012. Prior to that she worked as Mr Justice Windeyer's tipstaff in the Supreme Court of NSW. For a time she practised as a solicitor in the environment and planning group at Mallesons Stephen Jaques then in the Commonwealth Attorney-General's Department in the International Law section. For a time she also worked for the Refugee Advice and Casework Service including a taskforce to Christmas Island.

From late 2014, Natalie was based in New York City with her husband Matt Dobrin. There she transferred her advocacy skills to the UN Global Compact and advised in Human Rights Law. This was a wonderful period in Natalie's life where she was able to transfer her Australian lawyering skills into an international context.

Testament to Natalie's versatility and creative intelligence, the law would not be her sole area of expertise. In 2017, Natalie was diagnosed with stage IV bladder cancer. Thereafter began a period of treatment and a courageous personal journey. Some of that time is chronicled in a personal blog which Natalie kept – a personal

and creative diary of her experiences during the illness which ultimately claimed her life two years later. In services in Brooklyn and Sydney, Natalie was farewelled by her Australian and American families.

Natalie's blog is a moving account of a personal struggle. It is an insight into the particular way that Natalie was able to face life with equanimity. Natalie was a talented writer and a keen observer of the human condition, psychology and the world around her. Her blog titled *Being in New York* records the reality of her life latterly. Her writings can be found at Being in New York – <https://beinginnewyork.com/>.