

## Janet Viola Coombs AM DSG CEP DGCHS

(1932 – 2022)

Janet Coombs died aged 90 years on 24 September 2022 after experiencing a short period of ill health. Janet had the distinction of being the woman with the longest running practice at the Sydney Bar, practising continuously from 13 Selborne Chambers from 1959 to her retirement in 1998. She was admitted to the Bar on Friday, 13 March 1959, the eighth woman to have been so admitted. The circle of her friendships and the magnitude of her personal code of generosity assured her an extraordinary life and career with many admirers and friends.

Janet would share chambers with new women barristers who at the time had great difficulty in obtaining chambers. She advanced the cause of women barristers clearly and humanely. Her personal sense of kindness knew no bounds and that very element of collegiality and kinship with others was her most enduring personality trait.

Janet Coombs' memory will shine brightly in hearts of many barristers who came to the Bar in the 1960s through to the 1980s. She was distinguished for her magnanimity. As a barrister, some days are harder than others, and Janet understood that only too well. Her life at the Bar was a calling and a privilege but also a relentless lifestyle. Singlehandedly, she coaxed and encouraged a generation or two of barristers to continue in practice and to reach great heights.

Janet was the only daughter of Dr HC 'Nugget' Coombs and Mrs Mary Alice Coombs. Her brothers included John Coombs QC a past President of the NSW Bar (pre-deceased), her brother Jerry (pre-deceased) and her younger brother the Magistrate Jim Coombs. Her father, Dr HC 'Nugget' Coombs was the Governor of the Reserve Bank 1960 – 1968, Keynesian in philosophy, a prominent public servant and administrator, and trusted advisor to the Curtin, Chifley and Menzies governments. Dr Coombs' old Australian manner earned him the accolade of 'distinguished yet down to earth statesman.' These qualities were greatly expressed by Janet, although she was always her own person.

Janet attended Catholic schools in Melbourne and then in Sydney, completing her secondary education at the Loreto College Kirribilli. She then attended the University of Sydney, where she attained the degrees of Bachelor of Arts and Bachelor



of Laws. This was all done in an age when women were not readily visible and studying at university. Janet was a leading light.

Janet was a pioneer of women in the legal profession in New South Wales, being the doyenne of female barristers from 1959 until her retirement. She was a founding member of the Women Lawyers' Association and actively encouraged other women to join the Bar, not only providing company and advice, but also a desk and telephone in her Chambers so that they could commence practice. Later, in the early 1970s, she was instrumental in acquiring a room, known as 'The Women Lawyers' Room', in Frederick Jordan Chambers. She and Jennifer Blackman became 'trustees' of the room to ensure chambers were available for new women barristers. Janet was determined that new women barristers should participate fully in the life of the Bar and insisted that each new woman barrister should accompany her to lunch in the Bar Common Room. As the number of new women barristers grew, the Women Lawyers' Association took over to organise a lunch, known as 'The Janet Coombs lunch' which is now held bi-annually to welcome new women barristers

and to honour Janet's work. For her work in advancing the cause of women in the legal profession, Janet was appointed a Member of the Order of Australia (AM) in 1997 ('For service to women in law, particularly through the Women Lawyers, Association and the St Thomas More Society'), and was appointed a life member of the New South Wales Bar Association.

Throughout her life Janet was a committed and devout member of the Catholic Church, usually attending daily Mass at various churches in Mosman, North Sydney and the Cathedral. Janet loved the prayers, the ritual and the singing. She was unshakeable in her faith.

Until recent times Janet resided at Mosman, regularly attending the early Mass (where she was an Extraordinary Minister of the Eucharist) in both the Parish of Sydney Harbour North at Mosman (where she was a lector at the Church of St Therese of the Child Jesus at Beauty Point); and in the Parish of Our Lady of the Way at North Sydney, regularly attending Mass at St Mary's, North Sydney and at St Francis Xavier, Lavender Bay (where she was a lector). Janet was a catechist at the North

*Nunc dimittis servum tuum, Domine, secundum verbum tuum in pace:*

*Quia viderunt oculi mei salutare tuum*

*Quod paravisti ante faciem omnium populorum:*

*Lumen ad revelationem gentium, et gloriam plebis tuae Israel.*

*Canticle of Simeon Luke (2:25-32)*

Sydney Public School and also at the local Beauty Point Public School.

Janet was active in many ministries of the Catholic Church in the Archdiocese of Sydney (both at parish level and at an archdiocesan level), throughout New South Wales, and nationally. In many of these ministries she was a pioneer, a role model and exemplar for women, especially for Catholic women. Janet was deeply committed to the pro-life movement. For more than 40 years she was active in the Right to Life Association, being a member of its council, and actively opposing the pro-abortion legislation enacted by the New South Wales Parliament in 2019. In such public causes, Janet was an *Ancienne Combattante*, who fought hard and tirelessly. She never gave up.

Since the late 1950s, Janet was active in the St Thomas More Society (the organisation of Catholic lawyers in New South Wales), serving on the committee of that society for many years. Upon the untimely death of its then president, the distinguished Silk John Traill, KCSG, QC, in 1983 she was appointed acting president of the society. It was essentially for her work in the St Thomas More Society that at the time of the celebrations to mark the Golden Jubilee of that society Janet was awarded the Cross *Pro Ecclesia et Pontifice* (CEP) in 1995.

For many years Janet was a member, and for two separate periods was the chairman, of the Mosman-Neutral Bay Inter-Church Council (an ecumenical organisation).

One of the ministries of the Church in which Janet was closely involved was the study and practise of Canon Law. In this regard, Janet was a member of the select *cognoscenti*. In this field she was a pioneer, being one of the first laypersons, and certainly the first laywoman, to become qualified in Australia. In the late 1960s she studied Canon Law at St Patrick's College, Manly (now the Catholic Institute of Sydney at Strathfield), where she was the first non-seminarian student. In 2012, upon the motion of the Most Reverend Robert McGuckin, now Bishop of Toowoomba, a former president of the Canon Law Society of Australia and New Zealand, Janet was



appointed a life member of that society. She has enthusiastically encouraged the study of Canon Law in Australia. Through Janet's efforts, a course in Canon Law was established by the School of Law of the University of Notre Dame Australia in Sydney. There has been endowed in that School the Janet Coombs Prize for Introduction to Canon Law. Often Janet was the only woman in the room in this most rare of legal specialities. And in time, the world changed.

One significant commitment of Janet to the Catholic Church and its ministries has been through the Legion of Mary, of which she was a very active member for more than 60 years, holding office at parish, archdiocesan and state levels. Janet was an active member of the New South Wales Lieutenancy of the Equestrian Order of the Holy Sepulchre of Jerusalem since the establishment of that Lieutenancy in 1995. Her regular participation in the activities of the Order and her commitment to its aims were recognised by her regular promotion through the various grades of the Order, culminating in her appointment as a Dame of the Grand Cross of the Order

(DGCHS). Janet was always very visible in and around Sydney, notable for her always distinctive headgear.

For her distinguished services to the Catholic Church in the Archdiocese of Sydney, Janet in 2020 was awarded by Pope Francis the honour of Dame of the Order of St Gregory the Great (DSG).

Janet had an extraordinary zest for life which she shared with many. However, since retirement her life of work at the Bar seemed to be replaced with all of her extra-curricular activities.

Janet Coombs will be remembered for many accomplishments both personal and professional. Over two hundred people attended Janet's obsequies – a testament to the esteem and admiration in which she was held. Janet sparkled in life. She lived with courage and determination. But no other aspect will be emphasised more than her legacy of kindness and generosity, which has been unequalled. May her light shine brightly.

**By Justice David Davies, The Hon Mary Gaudron  
KC and Dr John Kennedy McLaughlin**

## Dr J M Bennett AO

(1935 – 2022)

Dr John Michael Bennett AO, who died on 17 July 2022 after a brief illness, was the doyen of Australian legal history. He made a significant contribution to legal history in this country, with a profound understanding of the development of our legal institutions, heritage and legal personalities. He is entitled to recognition as one of the most influential Australian legal historians of all time, ranking alongside the late Professor Alex Castles and Emeritus Professor Bruce Kercher.

Dr Bennett matriculated to the University of Sydney in 1953 and graduated with the degrees of Bachelor of Arts and Bachelor of Laws. He was first admitted as a solicitor on 1 May 1959 and later admitted to the Bar on 8 August 1980, practising until 2000 and later becoming a life member of the NSW Bar Association.

Dr Bennett was a man from another era. He never adopted electronic communications such as emails and continued communicating with his friends and colleagues by either telephone or posting typed letters or handwritten notes. He was a gentleman in the truest sense of the word, being extremely modest about his accomplishments and treating his friends and colleagues with the greatest of respect and warmth.

He was a prolific writer, being the author of numerous books and articles spanning over 60 years, with former High Court Chief Justice, the Hon A M Gleeson AC, KC, praising his experience as being 'an unusual combination of legal knowledge and experience, and historical scholarship.'<sup>1</sup> Professor Stephen Garton AM described him as follows:

'John Bennett is one of Australia's most

significant legal historians and our foremost authority on the history of the Australian judiciary. His many books on prominent colonial judges, particularly the Chief Justices, and more wide ranging studies of law and lawyers in the early colonial period have made a major contribution to our understanding of the vital role of the law in the evolution of Australian political culture.'<sup>2</sup>

Dr Bennett's major works included a history of the New South Wales Bar,<sup>3</sup> described as 'a major contribution to the written legal history of New South Wales',<sup>4</sup> a history of the Supreme Court of New South Wales,<sup>5</sup> an account of the portraits of Chief Justices of New South Wales,<sup>6</sup> a history of the High Court of Australia, described by Sir Garfield Barwick as having 'done the community a most useful service' (who also said that the author's 'qualification to write such a history is beyond question'),<sup>7</sup> a history of the solicitors of New South Wales,<sup>8</sup> and a compilation of letters of Sir Francis Forbes,<sup>9</sup> with one academic noting that Dr Bennett's editorial notes in this collection 'are a text in their own right.'<sup>10</sup>

In 2001, Dr Bennett commenced his *Lives of the Australian Chief Justices*, a remarkable 17-volume series, published by Federation Press, involving original and painstaking research by him into the lives of the 19th century Chief Justices of the Australian colonies.<sup>11</sup> They have been described by the late Professor Alex Castles as portraying an 'unparalleled knowledge of the judicial condition of the Australian colonies in the 19th century.' His 17th volume, being *Sir Francis Villeneuve Smith: Third Chief Justice of Tasmania 1870-1885*, published in 2019, was the final volume in his extraordinary series.

In addition, Dr Bennett wrote on various other legal topics, ranging from the office of

the Prothonotary,<sup>12</sup> the office of the Sheriff,<sup>13</sup> the establishment of jury trials,<sup>14</sup> the office of King's Counsel and Serjeants-at-Law,<sup>15</sup> a source book for materials on Australian legal history from the 18th to 20th centuries,<sup>16</sup> the judiciary's role in the beginning of responsible government in New South Wales,<sup>17</sup> and the significance of the Charter of Justice of New South Wales,<sup>18</sup> among many others.

Even until a few weeks before his death, Dr Bennett, together with the assistance of his longstanding friend and colleague, Dr J K McLaughlin AM, PhD, was preparing a bicentennial miscellany of essays for the upcoming bicentenary of the establishment of the Supreme Court of New South Wales.

He was a stickler for tradition and clarity in legal history and terminology. As an example, he would regularly point out that what took place in 1788 was not 'European settlement' but rather 'British settlement', the former being a factual and historical misnomer. And, in one of his final articles, published online by the Francis Forbes Society in 2021,<sup>19</sup> he questioned the historical accuracy of the claim that (later Sir) James Martin proceeded from his parents' Parramatta cottage to Sydney daily on foot, there and back in the early 1830s, as well as the decision of placing statuettes of Martin in both Parramatta and Martin Place, writing that 'the time has come to end the perpetuation of the myth of youthful Martin's supposedly daily 'walks' to and from school in Sydney'. It is worth quoting Dr Bennett's conclusions on this topic, for they exemplify his fastidious research, as well as his belief that history should not be viewed through 21st century lenses:

'Enough has been put, though much more could be, to demonstrate how



far the supposedly daily 'walk' from Parramatta to Sydney and back conflicts with the limitations of reality as it stood around 1830. That, to be blunt, also trivialises the image, intended to be created, of the very great man whose life is under appraisal and recognition. It must be suggested that the 'twin' bronzes need to rise above frippery and not risk tipping the scales too far so as to demean the character of the monumental figure proposed to be honoured. Moreover, should the fable of the 'walking boy' become established, there will be continuing erosion of the truth, manipulation of facts and irresistible exaggeration. Coupled with that is the need to resist the seductive attraction of seeing matters of the 19th century through 21st century eyes and so distorting the true position as to place such a worthwhile project as that of the 'twin' bronzes at risk of resting precariously on unstable foundations.'

Dr Bennett taught in Australian legal history in the University of Sydney and at the University of Technology, Sydney. He was a Senior Research Fellow in the Research School for Social Sciences of the Australian National University, and in 2002 he was appointed Adjunct-Professor in Law at Macquarie University. He was also a contributor to many legal and historical journals, including, *inter alia*, the *Sydney Law Review*, *Australian Law Journal* and the *Journal of the Royal Australian Historical Society*, and at one point serving as the latter's president.

Dr Bennett's significant contribution to original historical research led to a Master of Laws and, subsequently, the rarely conferred degree of Doctor of Laws from the

University of Sydney. He was also awarded a Master of Arts by Macquarie University. And, in 2007, the honorary degree of Doctor of Letters was conferred upon Dr Bennett by then Pro-Chancellor John McCarthy KC at the Faculty of Arts graduation ceremony at the University of Sydney. Also in 2007, the even more rarely awarded degree of Doctor of Letters was conferred upon Dr Bennett by the Australian National University.

Dr Bennett also served as Editor-in-Chief of the *Australian Law Journal Reports* and Editor-in-Chief of the second and third editions of *The Australian Digest*. In 1970 he became Director of Research and later an Executive Member of the New South Wales Law Reform Commission.

In 2005, Dr Bennett was made a Member of the Order of Australia in 2005 for services to the law and later made an Officer of the Order of Australia in 2020 'for distinguished service to the law through prolific authorship of biographies of eminent members of the legal profession'.

Dr Bennett made a significant contribution to the understanding of Australian legal history. Without his painstaking and meticulous research, much of Australia's colonial legal history would have been permanently lost or simply forgotten. It is to his credit that future legal historians will be able to further their research into Australian legal history following the strong foundations which he has painstakingly laid over the decades. He was a strong personality with qualities of another era – and the legal world is the poorer without him.

By Carol Webster SC\* and Daniel Yazdani\*\*

## ENDNOTES

- \* Barrister, 10th Floor St James Hall, FAAL, Treasurer, Francis Forbes Society for Australian Legal History
1. Barrister, 13<sup>th</sup> Floor St James Hall. J M Bennett, *Sir Francis Forbes: first Chief Justice of New South Wales 1823-1837* (Annandale, 2001)
  2. J M Bennett, Sir Alfred Stephen: Third Chief Justice of New South Wales (Annandale, 2009) vi.
  3. J M Bennett, *A History of the New South Wales Bar* (Sydney, 1969).
  4. R A Woodman, 'Book Review' (1971) 15 *American Journal of Legal History* 140, 160.
  5. J M Bennett, *A History of the Supreme Court of New South Wales* (Sydney, 1974).
  6. J M Bennett, *Portraits of the Chief Justices of New South Wales 1821-1977* (St Ives, 1977).
  7. J M Bennett, *Keystone of the Federal Arch: a historical memoir of the High Court of Australia to 1980* (Canberra, 1980).
  8. J M Bennett, *A History of Solicitors in New South Wales* (Sydney, 1984).
  9. J M Bennett, ed., *Some Papers of Sir Francis Forbes: First Chief Justice In Australia* (Sydney, 1998).
  10. J Forbes, 'Some Papers of Sir Francis Forbes: First Chief Justice in Australia' (2000) 21 *University of Queensland Law Journal* 133.
  11. A list of these and other writings of Dr Bennett published by the Federation Press can be found at <https://federationpress.com.au/authors/j-m-bennett/>.
  12. J M Bennett & R W Bentham, 'The Office of the Prothonotary' (1959) 3 *Sydney Law Review* 47.
  13. J M Bennett, 'The Office of Sheriff – Historical Notes on its Evolution in New South Wales' (1978) 7 *Sydney Law Review* 360.
  14. J M Bennett, 'The Establishment of Jury Trial in New South Wales' (1959) 3 *Sydney Law Review* 46.
  15. J M Bennett, 'Of Silks and Serjeants' (1978) 52 *The Australian Law Journal* 264.
  16. J M Bennett & A C Castles, *A Source book of Australian legal history: source materials from the eighteenth to the twentieth centuries* (Sydney, 1979).
  17. J M Bennett, *Colonial Law Lords: The Judiciary and the Beginning of Responsible Government* (Annandale, 2006).
  18. J M Bennett & Mr Justice Else-Mitchell, *The Charter of Justice of New South Wales: its significance in 1974* (Sydney, 1974).
  19. J M Bennett, 'Reflections on Sir James Martin' (Paper, 4 April 2021) <https://www.forbessociety.org.au/wordpress/wp-content/uploads/2016/02/Reflections-on-Sir-James-Martin-04.04.21.doc>.