

John Beckwith Maston

1941–2024

Barrister and founding member of Nigel Bowen Chambers

Patrick Larkin SC

Nigel Bowen Chambers

John Maston had a profound impact on my career. He was one of the first barristers I ever briefed. Despite my lack of experience, John always took the time to explore legal issues and strategies with me, in a kind and encouraging manner. He was careful, ethical, a true gentleman and a natural-born teacher.

– A tribute from one of his instructing solicitors



John Beckwith Maston has passed away, aged 82 years, after a remarkable life.

He was born on 19 August 1941, the son of Keith and Joyce Maston. He grew up in Strathfield with his brother Bill and sister Anne. He attended Newington College, where he excelled. He went to the University of Sydney in the early 1960s where he pursued an arts and then a law degree. He did articles at Conway Maccallum and practised there as a solicitor until 1984, specialising in real property, valuation, local government law and planning. He was called to the Bar in 1984 and joined Wardell Chambers. He completed a Master of Laws in 1985. In 1991, he became a founding member of Nigel Bowen Chambers, where he practised until his retirement in 2014. Upon his retirement, he was appointed an Acting Commissioner of the Land and Environment Court and he continued in that role under various appointments until 2020.

John is survived by his wife, Helen; his sister, Anne; his nephews, Thomas, James and Edward; and his niece, Georgina.

In his childhood, John was fascinated by machinery and cars. It was to be a lifelong interest. He and his brother built go-karts and raced them through the streets of Strathfield. His sister, Anne recounts:

Bill bought a Lotus racing car, but it was John who excelled in racing it. They were always tinkering with their cars. They bought Lotuses, MGs, TCs, TDs and even a Jaguar E-type.

One of his best friends, Phillip Garling, described him as ‘kind and generous’ and, above all else, ‘whimsical’. He recalled that John once bought him a present that looked like a pair of pliers, but the jaws didn’t open when squeezed. It had a spring down one side and a pair of grubscrews on either side.

‘Thank you, John. What is it?’ asked Phillip.

‘I have no idea,’ replied John, ‘but it’s very well made. And it’s interesting.’

Those two criteria drove his interests. He built model trains, cars and boats, some of which later adorned his chambers. Once he built a model plane, which flew from a friend’s house three doors down the street and was never seen again. He built a large model of the *Titanic* and travelled to Berry to test it on a farm dam. On its maiden voyage, it lived up to its name.

John’s best friend at university was Thomas (‘Tom’) Pauling AO KC. They enjoyed Old Norse and recited many of the sagas and poems to great acclaim at various social gatherings they attended. Tom went on to be senior counsel, solicitor-general of the Northern Territory and administrator of the Northern Territory, before passing away in November 2023.

It was during John’s time at Conway Maccallum that he met and married the love of his life, Helen. How did they meet? As Helen recounts it, ‘He advertised for me!’ He was conducting interviews for a flatmate on behalf of a friend. With characteristic formality and efficiency, he interviewed Helen at an otherwise clear desk, notepad at the ready. Later, as she was walking down George Street, his silver E-type pulled up in front of her and he asked her out to dinner. They were married just three months later.

In early 1984, John left Conway Maccallum and, for eight months, lived with Helen in France. After he was called to the Bar in late 1984, he took chambers in 16 Wardell, led at the time by Tom Hughes AO KC. He read with Malcolm Craig (as his Honour then was). Justice Craig described it as a ‘privilege to have been asked by John to read with me ... My decision to accept that request is one I will never regret’. His Honour recalled that:

John was an outstanding ‘pupil’, having an astute intellect with a honed capacity to identify the critical issue or issues arising in any case he was asked to consider. Coupled with that capacity was his ability to express himself succinctly both orally and in writing. Apart from his diligent participation in discussion of matters arising in cases, he had the enviable capacity to lighten the discussion at appropriate times with anecdotes of his travel in, and affection for, France or his latest interest in a particular motor vehicle, usually one that was approaching vintage status.

In 1991, John became a founding member of Nigel Bowen Chambers. John Ireland KC recalls that:

We were very keen to have him. I’d observed his abilities in his time at Conway Maccallum, as he’d instructed me. His expertise in property and local government law helped round out the new chambers.

John practised in Nigel Bowen Chambers from 1991 until his retirement from the Bar in 2014. The exceptional aspects of John’s practice were its sheer volume and consistency. He was always in demand. A search on Lexis Advance reveals over 400 judgments in cases in which he appeared as counsel. He practised primarily in the Land and Environment Court, where he appeared in over 300 cases. He also appeared in the Court of Appeal, the Federal Court and the High Court. Numerous cases in which he appeared are reported, including some seminal cases in modern valuation, planning and environmental law. His more notable cases include *Maurici v Chief Commissioner of State Revenue* (2003) 212 CLR 111; *Minister Administering the Crown Lands Act v Deerubbin Local Aboriginal*



Land Council (No 2) (2001) 50 NSWLR 665; *Minister Administering the Crown Lands Act v Deerubbin Local Aboriginal Land Council* (1998) 43 NSWLR 249; *Chambers v Maclean Shire Council* (2003) 57 NSWLR 152; *Vaughan-Taylor v David Mitchell-Melcann* (1991) 25 NSWLR 580; *Baiada v Waste Recycling and Processing Service* (1999) 130 LGERA 52; *Melaleuca Estate v Port Stephens Council* (2006) 143 LGERA 319; *Fast Bucks v Byron Shire Council* (1999) 103 LGERA 94; *Bankstown City Council v Alamdo Holdings* (2004) 135 LGERA 312; *Forestry Commission of NSW v Corkill* (1991) 73 LGERA 247; *Hornsby Shire Council v Roads and Traffic Authority of NSW* (1998) 100 LGERA 105; *Lowy v Land and Environment Court* (2002) 123 LGERA 179 and many more. In chambers, John was a consistent supplier of work for the more junior barristers and readers. He was also a constant voice of sensibility and reason.

Justice Terry Sheahan AO recounted that:

John Maston appeared in my first compulsory acquisition case as a judge of the Land and Environment Court. He became a frequent flyer. He was an admirable barrister. In fact, he epitomised the best qualities of a barrister. He presented his arguments with efficiency and good sense.

John developed particular prowess in property, land valuation and compulsory acquisition. His interest and expertise in property was not, however, purely academic. It was also deeply practical. He had an astute eye and a remarkable way of turning his own home purchases into enjoyable and profitable ventures. With Helen as his lifelong accomplice, they'd purchase a property and throw themselves wholeheartedly into its renovation. Every detail was meticulously perfected. Just when their home was sublime,

they'd sell it and move on to their next, even more grand, adventure together.

At one party in Camperdown with some of his closest friends, John mentioned that he had almost negotiated the purchase – on very peculiar terms – of a deceased estate in Bungan Head. He planned to onsell it at a profit on the very day set for settlement. Before the night was out, eight others asked to join him in a consortium. He generously accepted them into the scheme. Perhaps this contract is an all-time medallist in the list of unorthodox property transactions. After exchange, the friends worked on the garden and the house in the period before settlement, and immediately onsold the property, after payment of all expenses, at a tidy profit – which they converted into a substantial quantity of Grange Hermitage.

One of his projects was a harbourside house at Cammeray, with its own jetty and a superb view of Northbridge bushland across the water. After the Great Bar Boat Race at the end of court term one year, the members of Nigel Bowen Chambers joined John in an afternoon sojourn to the newly perfected Cammeray residence. John and Helen entertained us in that, by then utterly sublime, house. Soon thereafter, I was shocked to learn it was on the market! 'Why on Earth would you sell it?!' I asked. John's oblique reply was that perhaps Helen wanted to. Yet, in that equivocation, he gave something away: I wondered if the real reason was that they relished the process of their collaborations together.

In late 2014, John took the first of his several appointments as an Acting Commissioner of the Land and Environment Court. Justice Sheahan recalls that, soon after John's appointment, 'he sat with me in a series of very difficult resumption

cases. He was just wonderful to work with. I thoroughly enjoyed it.'

True to character, John was prolific during his times on the court. Between late 2014 and early 2020, John convened numerous mediations and conciliation conferences, presided over many hearings and delivered a total of 106 judgments.

Sections 12(2) and (2AA) of the *Land and Environment Court Act 1979* (NSW) list an extensive range of areas of expertise that qualify a person to be appointed as a commissioner. Subsection (2AB) mandates that the minister 'should ensure, as far as practicable, that the Court is comprised of persons who hold qualifications across the range of areas specified in subsections (2) and (2AA)'.

Chief Justice Brian Preston told me that in fulfilling that statutory command, 'John was an invaluable member of the Court. He did sterling work, especially in valuation and compulsory acquisition matters'. Chief Justice Preston also lamented John's passing: 'He was always pleasant to be with and the court staff loved him. It's a mark of the person that he touched their lives in the way that he interacted with them.'

Finally, I owe John Maston a great deal. Our meeting was one of life's contingencies. In my first years at the Bar, I was lucky enough to be his opponent in two cases in quick succession in the Court of Appeal. With characteristic generosity, he sought me out and promoted – or rather, championed – my membership of Nigel Bowen Chambers. I would not have had the same opportunities in my early practice without him. He was a constant, loyal companion. And that solicitor quoted at the outset of this article? He helped introduce me to her. She became my beloved and the mother of our two wonderful children. There is no way to repay those debts. I miss him. **BN**