

Eulogy delivered at the Funeral Service of
The Honourable Sir Charles Gray Wanstall
Former Chief Justice of Queensland

St John s Cathedral, Thursday 21 October 1999 10.00am

The Hon Paul de Jersey, Chief Justice of Queensland

On this day we, the people of Queensland, express our respect to the Wanstall family, and our thanks to Almighty God, upon the passing of the Honourable Sir Charles Gray Wanstall, eminent servant of the public, exemplary citizen of Queensland. Among us this morning, with Jonnie and Hew, Bonnie and Amber, and Allan, and their many friends, are a former Governor of Queensland and Chief Justice, Sir Walter Campbell, the Hon the Attorney General, the Judges of the Supreme Court, Judges of other courts, his Grace the Archbishop and leaders of the Church, representatives of the Parliament and the Executive, members of the legal profession, and representatives of community organisations which he led, the Queensland Cancer Fund and the Queensland Ballet in particular. We join to honour his conspicuously beneficial public contribution in the grand surroundings of this Cathedral Church in which he so often sat, and which he generously supported. Our State flag drapes his coffin, which also carries the full bottomed wig I acquired from him on his retirement. Our company is eminent. Our surroundings are grand. And that is meet and right.

Yet the thread of this great man s life was spun with love and humility, and it is to that he would today seek to direct our focus. Charles Gray Wanstall was a Christian gentleman of humble bent, a meek and loving man, dignified and gracious. What better exemplification of that than his love for his dear wife Olwyn, who died thirteen months ago; his love for his wonderful Jonnie, and Hew; and his much adored granddaughters Bonnie and Amber; and Allan, towards whom he was a loyal supportive and affectionate brother. They are all present today, and to them we express our profound sympathy: and as well our gratitude, that we are able to share the legacy of their father s, grandfather s and brother s such beneficial public contribution.

Sir Charles was born in 1912, the son of a railway shunter (later an Agricultural Bank inspector), and the grandson of an early Western teamster. Interestingly to me, the new-born Charles was taken home from hospital in the elegant hansom cab driven by my dapper great grandfather, Fred de Jersey, who maintained his renowned cab outside the Supreme Court, and whose passengers over the years included the Prince of Wales, Dame Nellie Melba, and regularly a succession of Chief Justices including Sir James Blair and Hugh Macrossan. And he also drove, as we see, an infant "Chief Justice-to-be" home from hospital!) although as

reported to me, the then young Sir Charles, unlike the later Duke of Windsor, did not wrest the reins from my great grandfather.

Sixty five years later, as Chief Justice, Sir Charles was granted his own driver, Mr Rod Travers, who incidentally still drives the Chief Justice. Sir Charles would be pleased that Mr Travers is present today.

Sir Charles was educated at Roma and Gympie State Schools and Gympie High School. He entered the public service in 1929, feeling that he was lucky to get a job in those depression years. And he strove to improve his lot. While working as a clerk, he studied at night for five years, passing his bar examinations in November 1933. He went into practice at the private bar in 1936 and soon built up a large and lucrative practice. He enlisted in the AIF but was not accepted for service, yet with magnificent integrity, closed his practice and became a legal officer with the Commonwealth Crown Solicitor concerned with national security legislation.

With the formation of the Queensland People s Party in 1943, Sir Charles joined the Toowong branch and served as member for that electorate, later for the Liberal Party, from 1944 to 1950. Upon his departure from the political scene in 1953, after three years as State President, Mr, later Sir Thomas, Hiley described one of Sir Charles parliamentary triumphs:

"Never will I forget the manner in which he laid Mr Hanlon low on one of many memorable occasions. The Premier had been venting his spleen on lawyers generally. Charles retort was to express surprise that the Premier should talk as though he were a disgruntled litigant; he was the last man to talk in this manner for had it not been for the eloquent pleading of a skilful leader of the Bar, the honourable gentleman would not be sitting where he was. The delight of the House generally was equalled only by the helpless fury of the Premier.

What I think was his greatest speech was one delivered towards the close of the last Parliament. The Labor Party was reintroducing petrol rationing and from the lips of their spokesmen were flowing appeals to loyalty, to help Britain in the hour of her difficulty. Rather good argument, difficult to answer! And to his feet rose Charles Wanstall to provide thirty minutes of devastating satire which reduced the Government to a stunned silence. The quiet voiced man you know so well was inspired. His arguments thundered forth triumphantly as the embarrassment of the Government increased. My mind went back to the trim vessels of Drake raking the mighty Armada to impotence and defeat.

So powerful was his speech, so crushing its effect, that other opposition speakers tore up their notes. None chose to desecrate what was accepted by all as a classic example of parliamentary debate. I may hear some to equal, I shall never hear any

to excel that superb performance."

And so back to the bar, where Sir Charles' acumen guaranteed quick progression. His substantial practice effectively obliged his taking Silk in 1956, and in 1958 he was appointed to the Supreme Court. Upon the resignation of Sir William Mack as Chief Justice in 1971, with the elevation of Sir Mostyn Hanger to that post, Sir Charles became Senior Puisne Judge, at a time when I was privileged to be his Associate, having followed Mr Justice Chesterman into that role. Mr Justice Wanstall, as he then was, was accorded a knighthood by Her Majesty the Queen on 15 June 1974 for his distinguished service as a Judge of the Court. Then in July 1977, he was appointed the thirteenth Chief Justice of Queensland, a position he held until retirement at the age of 70, on 17 February 1982.

At his then valediction, Mr Justice Pincus, then Mr C W Pincus QC the President of the Bar Association of Queensland, said this:

"Your Honour, if there is a word which one could select to characterise your approach to judicial work, it is care. You were never, if we might say so, inclined to succumb to the attractions of a superficial view of a case, however complex. It is thought that you appreciated that in a large proportion of the litigation with which the court is concerned there is more than one arguably correct view of the facts and the law. You also saw that litigants deserved a detailed and meticulous consideration of the issues, and you accorded them that in fullest measure."

Mr Pincus also noted the Judge's exemplary fairness and impartiality. Mr Justice Douglas, who spoke then for the Judges, said the retiring Chief Justice had "calmed the bench".

The judge left a legacy of exceptionally helpful reported judgments, one of which I quoted as recently as last week in a case on appeal although I found myself then as the dissenting judge, the irony of which would not have been lost on Sir Charles. I quoted Sir Charles's felicitous passage from *R v Manson* (1974) QdR 191,202:

"It would be difficult to imagine a worse case) I am not in the least attracted by the argument that the maximum penalty should never be imposed because the sentencing court cannot be sure that some day there will not be a worse case. Though that may be true, it is irrelevant. This case is bad enough to justify the imposition of the maximum penalty its evil is sufficient unto this day; let the morrow take thought for the things of itself. If its case should be even more evil the precedent of this case will be relevant and helpful."

The great man's reliance on Matthew 6:34, quoted by me in a judgment pronounced last Friday, stunned me on Saturday.. By his bed that night, Jonnie, of course unaware of my judgment, told me she wished that very passage to be read

at his funeral. And so it is, by Dr Williams.

As Sir Charles "calmed" the bench, he also displayed courage. Amid the turmoil of the then current debate as to the identity of his successor, Sir Charles observed publicly, at that valediction, that while he enthusiastically welcomed his replacement who was eminently qualified for a distinguished reign in that office, he deplored "the unjust and unsatisfactory treatment Mr Justice Douglas has received in having been passed over for the appointment".

Some of us present today had the rare privilege of being His Honour's Associate. In that regard, may I quote from the remarks of Mr Justice Chesterman on the occasion of his being sworn in as a Judge of the Supreme Court on 17 March 1998:

"My career at the Bar was started by the kindness of Sir Charles Wanstall who made me his Associate for three years commencing in 1966. In those days, the profession was strongly influenced by family connections and, if one did not come from a legal background, one was a little on the outside of things. Sir Charles made a point of taking as his Associates, law students who intended to practise at the Bar and who had no dynastic professional support. On the day of my admission, Mr Innes and I were the only ones who were not addressed by the presiding Judge as coming from a family well known to the Court. Sir Charles philanthropy has led to my appointment so many years later to the same Court."

My own swearing-in as Chief Justice, I poignantly record, was the last public occasion Sir Charles was able to attend.

Sir Charles served his Church with dignity and devotion. And again, he began at "grass roots" level, with his election to Synod in 1955 to represent the parish of Mundubbera/Eidsvold. He was a member of the Archbishop's Election Committee from 1955 to 1981, and Diocesan Chancellor for as many as 23 years, from 1961 to 1984, serving three Archbishops, Sir Phillip Strong, Archbishop Felix Arnott, and Sir John Grindrod. The Chancellors' Opinion Book confirms his industry in that role, in which he was succeeded by Mr Justice Harry Matthews, for whose integrity and judicial acumen he had the highest regard.

Yet for all his dedicated and conscientious primary application to the church and the law, Sir Charles found the time to serve the people immensely in many other areas: he was the Foundation Chairman of the Queensland Cancer Fund, and held that demanding post for as many as twenty three years; he was Chairman of the Board of the Queensland Ballet Company, President of the charity organisation Society Welfare Services, and served on the Committee of the Guide Dogs for the Blind and the Multiple Handicapped Association. He was a devoted patron of the arts and culture.

Despite that eminent achievement, which necessarily carried with it contribution to

the public good of enormous proportion, Sir Charles remained a humble man, meek and loving, dignified and gracious. I will not presume to speak further of his deep attachment to those closest to him: that is a relationship not to be publicly described at least not by me. Immediate family aside, many of us in the law, and elsewhere in the community, were deeply touched by his unqualified friendship, compassion and loyalty. And the beneficiaries were not just of the human species.

The beauty of Charles Wanstall's own nature is illustrated by his passionate concern for other kingdoms, his simple love of plant life and devotion to animals, and his interest in crafting beautiful things: his love of cabinet work, in which he showed great proficiency, and photography. And his devotion to the arts) He and Lady Wanstall particularly loved owls: poignantly, and many of us would say significantly, the passing of each was followed immediately by the mournful call of the mopoke)

I speak with great partiality of Sir Charles Wanstall, my friend and judicial mentor. But Judges have the capacity, making objective judgments, to put partiality aside. I say, without fear of contradiction, on my own dispassionate assessment, that Charles Gray Wanstall will indeed endure as a man who "did justly, loved mercy and walked humbly with his God." Our immediate comfort is the assurance that as Sir Charles trod the verge of Jordan, he felt no "anxious fear": his belief in the Resurrection was unshaken by the insidious sophistication of Ssociety.

Vale Sir Charles, loving husband, father and friend, generous benefactor of mankind, eminent jurist, distinguished leader of this State.

May his soul rest in peace, and rise in glory!