

Vale Hal Wootten AC, QC

Hal Wootten, a former judge of the Equity Division and a life member of the Bar Association, died at home on the evening of Tuesday 27 July aged 98 years.

John Halden Wootten, known as Hal, was born 19/12/1922 to farming families in the northern rivers district of NSW. His father died when he was a baby and he lived with his mother and her parents, on their farm and later in Willoughby where he attended the public school. His grandmother's Christian values strongly influenced him.

He attended Sydney Boys High School, then Sydney University part time, where he graduated with an Arts degree and an LLB from the only law school in NSW.

He worked at the Crown Solicitor's office while studying and was briefly a member of the Communist Party.

Hal taught at the Australian School of Pacific Administration, where, after meeting its Head, John Kerr, and the famed anthropologist Ian Hogbin, he began field-work on Manus Island. He came back to the Sydney Bar, continuing involvement with PNG. He was also very active in the LawAsia foundation.

He worked for Minter Simpson as a solicitor, then practiced as a barrister from 1951. In 1966 he took silk, working mainly in industrial law. Many of the cases he fought were on behalf of unions and unionists seeking to resist Communist Party influence in the union movement.

When UNSW invited Hal to establish their new Faculty of Law he "couldn't resist". On 8 September 1969, Wootten was appointed Founding Dean of law, and created a markedly different law school. In 1971 he oversaw the first teaching classes in the faculty. Soon after he was appointed in 1970, he was approached by some Aboriginal men about police harassment in Redfern. He organised pro bono lawyers to attend and to represent them in court. Subsequently he helped establish the Aboriginal Legal Service, becoming its first president.

During this period he separated from his first wife Dorothy, with whom he had four children, three of whom survive him: Lindsay, Richard and Phillipa ('Flip'). He later married Jane Mathews, who was variously a judge of the District, then Supreme Courts of NSW, then President of the Administrative Appeals Tribunal and a Federal Court judge.

Wootten stepped down from the Deanship in 1973, returning to the Bar and then took up an appointment as a Supreme Court judge, serving in the Equity Division until 1983 during which time he delivered a series of seminal judgments which remain influential today.

Between 1984 and 1986, Wootten served as the Chairman of the [Australian Press Council](#). When the Council failed to object to Murdoch's control of 70% of Australia's print media Wootten resigned in protest. He wrote:

"Allowing Murdoch to assume control of Australian newspapers was unparalleled outside of totalitarian countries. The Federal Treasurer could stop the takeover if he wanted to ... in this case it is a man who has renounced his citizenship to further his

worldwide media power, and who makes no secret of the fact that he intends to make personal use of his control of newspapers." *Sydney Morning Herald* (17 December 1986)

Throughout his adult life he was a great lover of the outdoors, and a keen bush walker. In his late 70's he undertook a Diploma in Ornithology. Wootten was for a time president of the Australian Conservation Foundation and was active in the campaign to save the Franklin River.

When the Royal Commissioner into Aboriginal Deaths in Custody was established in 1987, Hal became one of five Royal Commissioners. He was responsible for enquiring into deaths in NSW, Victoria and Tasmania. He made many friends among the Aboriginal communities in the three States, and put immense energy into writing a comprehensive report on each death.

He was made a Companion of the Order of Australia in 1990 for services to human rights, to conservation, to legal education, and to the law.

When he developed a strong interest in the ongoing struggle in the middle east, Hal took up residence in the West Bank city of Ramallah for three months. He collected a very large library on the history and conditions there and spoke and wrote a good deal about what he perceived as the injustices being perpetrated by the Israeli government against the Palestinian people. He formed strong links with two Palestinian law schools and sponsored their deans on visits to Australia. Subsequently he supported Nasar and Mia Shaktours' initiative in establishing the Palestinian Film Festival in Sydney.

He started studies toward a Diploma in Middle Eastern Studies, including studies in the Arabic language, but these were interrupted by the illness and later death of his daughter Vicki.

As a Deputy President of the National Native Title Tribunal Hal helped negotiate agreements between mining companies and Aboriginal communities in NSW, Cape York and elsewhere.

A fractured femur at age 93 in the Royal National Park put an end to his twice-weekly tennis, his bushwalking and kayaking. The Covid-19 pandemic limited his ability to participate in activities outside the home, but he remained intellectually engaged until the end. His health declined in the weeks leading up to his death and he died at home on the evening of Tuesday 27 July, aged 98.

He is survived by his wife Professor of Anthropology Gillian Cowlshaw and by his three children mentioned above.