

Donna Therese Spears (1963–2013)



Dr Donna Therese Spears was ahead of her time even before birth. Her father, Arthur had married her Chinese mother, Rita, at a time when interracial marriages were uncommon. Donna, an only child was born to the couple on 19 September 1963. The family lived in the Canberra suburb of Curtin, where Donna attended the local Catholic school.

Donna was very academic as a child, with a great love of reading and literature. She graduated high school in 1982. In 1983, her first year at Australian National University (ANU) studying a combined Bachelor of Arts (Philosophy) and Bachelor of Laws, she was devastated by the death of her father from cancer.

During her time at ANU, Donna was very active in student politics. She was a Labor supporter and took a position as an electoral officer for Mr Jim Snow, the Labor member for Eden-Monaro at the time. In her final year at ANU in 1987, Donna was elected to

the ANU Student Council. She graduated ANU with Honours in Philosophy and moved to Sydney to attend The College of Law. Donna was admitted to practice on 21 December 1988.

In Sydney, Donna took up a graduate position at Clayton Utz, however she quickly realised that civil private practice was not for her and she left before the year finished. She was next employed at the Independent Commission Against Corruption (ICAC) where she worked for several years investigating and prosecuting corruption.

Her love of criminal law sprang, at least in part, from her love of crime novels. Donna was a voracious reader of fiction with a particular love of crime fiction. Her time at ICAC cemented for her that she wanted a career in criminal law.

Her love of the academic life saw Donna complete her Masters in Law with Honours majoring in Criminal Law at the University of Sydney graduating in 1993. That

same year, Donna started as a Research Director at the Judicial Commission of New South Wales. At the Judicial Commission, Donna was in her element. She was particularly passionate about discretion in criminal sentencing and went on later to complete a PhD in the area. In 1996, Donna was involved in a review of the Homosexual Advances Defence which has finally been put forward to be abolished by the *Crimes Amendment (Provocation) Bill 2013 (NSW)* this year. Donna very much enjoyed her role as researcher and relished being in a position to assist in the education of judicial officers. She also became involved in matters dealing with judicial misconduct during her time at the Judicial Commission.

It was while at the Judicial Commission in 1997, that Donna was first diagnosed with cancer. She underwent chemotherapy, including an experimental treatment that was ultimately successful and has gone on to become the standard treatment used today. Due to chemotherapy treatment requiring her to spend hours each week in hospital, Donna took advantage of the time to study for the bar exams which she passed in late 1997.

Commencing as a reader at Ground Floor Windeyer Chambers in February 1998, Donna spent her early years at the bar doing criminal defence work. She loved the technicality of criminal law and felt great satisfaction in meticulously checking police

treatment of her clients to ensure police procedures were followed. Many of her clients benefited from her thoroughness and research, as she was particularly good at finding loopholes and hunting down technicalities, which acted in her clients' favour. Donna felt this was important to ensure the honesty of the prosecution and to improve the justice system.

In 2002, Donna started her PhD at the University of Sydney. While studying for her doctorate, she began lecturing in criminal law and procedure at the University of Sydney as well as casual lecturing at the University of New South Wales. One of her goals in life was to complete a PhD so her graduation from a Doctor of Philosophy (Law) majoring in Criminal Law and Criminology in May 2005 was one of her proudest moments. The same year, Donna moved from Ground Floor Windeyer Chambers to 8 Garfield Barwick Chambers.

At the end of 2006, with things going well in her professional life, Donna met and fell in love with her gym instructor, Anetone Va. However, in early 2007, Donna's cancer returned and she finished up teaching at University of Sydney and University of New South Wales to focus on her treatment and recovery with Anetone by her side.

By 2008, she had improved and she took up a lecturing position at the University of Wollongong lecturing in Criminal Law and Advanced Criminal Law. Donna reignited her passion for research

and published several articles as well as being interviewed on ABC Radio regarding identity information in jury trials. Donna and Anetone also became engaged but decided not to get married in the short-term.

For the next few years, Donna focussed on fighting cancer while continuing to teach and publishing several books including *Criminal Law for Common Law States* with Dr Julia Quilter and Associate Professor Clive Harfield, *Criminal Laws: Material and Commentary* with several other authors and *Criminal Law and Process in NSW* in 2011.

Donna became an Honorary Fellow at the University of Wollongong in 2012 but finished actual teaching duties in July 2012. She remained on staff until being medically retired in 2013.

In her later years at the bar, Donna focused on research and criminal appellate work, where her true talents lay. She was a complex thinker and incredibly well suited to the bar. Described by her peers as sharp-witted but low-key, she possessed a down to earth attitude that can be rare in a barrister. Donna had an incredible eye for detail and was extremely thorough which made her a formidable opponent on a criminal appellant brief.

Her passion for law was only one of her passions. she was a great lover of red wines and had an enviable cellar. Guests at her home for dinner were often treated to a carefully selected and perfectly matched vintage red

wine. As well as being an avid reader, she had a secret love of video games, particularly shoot-em-up style games like Halo.

When she wasn't working, Donna loved to travel. In 1987, she could be found in Moscow during the Regan/Gorbachev summit. This was very brave considering the political situation in the old Soviet Union at the time. In later years she enjoyed attending legal conferences around the world. She delighted in taking a driving holiday through France tasting wine and cheese as well as visits to the UK and America. Donna's last trip with Anetone was to one of her favourite destinations: Hong Kong.

She started her career incredibly driven, but mellowed somewhat after her lengthy illness. Despite never having pets as a child, when she was first diagnosed she bought a King Charles spaniel named Joel who became her partner in recovery.

Dr Donna Spears finally lost her battle with cancer and passed away on the evening of Tuesday, 28 August 2013, a few weeks shy of her 50th birthday. She left behind her mother, Rita, her fiancé, Anetone as well as her beloved dogs, Trixie and Merlin who also attended her funeral. She was laid to rest with the ashes of her first dog, Joel, in Rookwood Catholic Cemetery.