

OBITUARY

ENID MONA CAMPBELL, AC, OBE 1932 - 2010

*Matthew Groves**

Emeritus Professor Enid Campbell passed away on the 20th of January 2010 after a brief illness. A proper tribute to Enid would be a long one but this recollection of Enid will attempt to remind readers of the Forum of her particular contribution to the development of Australian administrative law.

Enid Campbell graduated from the University of Tasmania with first class honours and also the university medal in law. Much of Enid's early writing was about aspects of legal history, particularly land tenure, but she moved toward public law when she began her doctoral studies in political science at Duke University. Political science would certainly have seemed an odd choice for an Australian legal scholar at that time, particularly when taken at an American law school, but it proved a useful background for public law whose work focused on the structure and operation of government. When Enid returned to Australia, she joined the Law Faculty of the University of Tasmania and did so in a day when there were almost no female academics in law. Enid then moved to the University of Sydney to become Australia's first female Associate Professor of Law. In 1967 she became Australia's first female Professor of Law at Monash University.

Enid made a singular contribution to the scholarship of Australian public law and was a strong exponent of an indigenous Australian public law. Most scholars struggle to make an impression on either constitutional or administrative law, Enid was one of the few, and perhaps the only person in modern times, to master both aspects of public law. She was also Australia's leading scholar on parliamentary privilege. Enid's scholarship is too vast to summarise let alone give a full account of but it can be conveniently placed into several phases.

In the 1960s Enid was a vocal and influential scholar of rights and freedoms. This was a time when notions of rights received little attention in Australian legal literature and the proponents of rights were often viewed as unhealthy radicals. Enid's book *Freedom in Australia*, co-authored with Prof Harry Whitmore and published in 1966, was the first legal analysis of the freedoms enjoyed (or not enjoyed, as was often the case) by Australians. The book had a strong influence on other Australian legal scholars in the 1970s. In 1967 Enid published an article on public access to government documents.¹ This article marked an important step towards the idea of access to information which we now take for granted in the form of FOI legislation.

The next period of Enid Campbell's scholarship, which spans the 1970s and 1980s, focused on judicial power and the constitutional position of judges. This aspect of her work culminated in the publication in 2001, with HP Lee, of *The Australian Judiciary*. As with so many of Enid's works, this book was the first of its kind in Australia.

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The later stage of Enid Campbell's scholarship, which began in the mid 1990s, saw her return to parliamentary privilege. Enid published her first book on this topic in 1966 and published another entirely new monograph on the topic in 2003. She also published many articles on almost every aspect of parliamentary privilege. During this time, Enid returned to administrative law scholarship with renewed energy. Although Enid did not write a monograph on administrative law, she influenced this area through her publication of an enormous number of articles and book chapters. Her work typically covered the most difficult topics that others shied away from. She also set demanding standards that she imposed upon herself more than anyone else.

Enid also influenced administrative law through her teaching and mentoring of other scholars. Enid's former students included Australia's first female High Court judge, Mary Gaudron, whom Enid taught during her time at the University of Sydney. Enid also taught the current Chief Justice of Victoria, the Hon Marilyn Warren AC, who recalled Enid as a particular role model for female law students. Enid also supervised the honours thesis of Pamela Tate SC, the current Solicitor-General of Victoria.² Another of her notable former students was Mark Aronson, now an Emeritus Professor in the Faculty of the Law at the University of New South Wales. When Mark Aronson approached Enid for advice on possible co-authors for his treatise *Judicial Review of Administrative Action* (now in its fourth edition), Enid suggested that he contact Bruce Dyer and Matthew Groves, both of whom are now co-authors of the widely cited work. Enid, perhaps wisely, chose never to write such a lengthy book.

Like many administrative law scholars, Enid Campbell hated administrative work but did her duty when required. One such occasion was her term as Dean of the Monash Law Faculty in 1971. This was another first for a woman but one she was anxious not to repeat. Enid gained more satisfaction in the many roles she performed on royal commissions and government committees. The first was from 1974 to 1976 as a member of the Royal Commission on Australian Government, appointed by the Whitlam government and chaired by Dr H.C. (Nugget) Coombs. This landmark analysis of the operation of government led to, among other things, reforms to the powers of the Commonwealth Auditor-General, which greatly extended the powers of that office to examine administrative efficiency. These reforms marked an important advance in the role of the Auditor-General as we know it today.

Enid was also a member of the Constitutional Commission which was established as part of the bi-centennial celebrations of 1988. The work of the Commission provided an important focus for reflections upon the Constitution at the time of the bi-centennial. The Final Report of the Commission provides an enduring analysis of the Constitution and gives special attention to the question of whether the Constitution can meet the needs of Australia in modern times. That question remains no less relevant today. Enid was also a member (from 1984 to 1986) of the Commonwealth Tertiary Education Commission's Committee to inquire into the discipline of law. This was known as the Pearce Committee, in recognition of its chairman Dennis Pearce. This national review of the teaching of law in Australian universities – the first of its kind in Australia – led to revised funding and standards in law schools. Enid continued work such as this until almost the end of her life, serving as a member of the advisory committee for the Australian Law Reform Commission report on royal commissions.³

Enid Campbell was made a Companion of the Order of Australia in 2005 in recognition of her contribution to the law and legal education. The conferring of Australia's highest honour on Enid Campbell was fitting recognition of the singular contribution she made to Australian life.

All of these achievements illuminate only part of Enid Campbell and her life. Outside her monumental scholarship and other professional activities Enid was a quiet and shy person. She was never an active self promoter of her work but instead lived quietly and enjoyed the

company of close friends who appreciated her humour. She was hospitable and generous with her friendship. Enid will be missed by many.

Endnotes

- 1 Enid Campbell, 'Public Access to Government Documents' (1967) 41 *Australian Law Journal* 73.
- 2 That honours thesis was published as Pamela Tate, 'The Coherence of Legitimate Expectations and the Foundations of Natural Justice' (1988) 14 *Monash University Law Review* 15-81.
- 3 Australian Law Reform Commission, *Making Inquiries – A New Statutory Framework* (Report No 111, 2010).