

# Foreword

*Hon Gough Whitlam AC QC*

It is a pleasure to write the Foreword to this volume in honour of Professor Enid Campbell. Although Enid's early life in Tasmania may not have given much hint of the exceptional intellectual life that was to follow, it is fair to say that her pursuit of knowledge began at an early age. Enid graduated as Dux of Launceston Methodist Ladies' College in 1949 and later graduated from the University of Tasmania with a Bachelor of Laws with First Class honours. The award of the University Medal saw her graduate at the top of her class.

Enid's contribution to the study of government began with her doctoral studies at Duke University. Enid was in her early career a political scientist by trade but she gradually moved to become a public law scholar of the highest distinction. In truth, she always retained the flavour of a political scientist because her public law scholarship remained focused on the structure and operation of government.

Enid has made a singular contribution to Australian public law. By 'public law' I mean both administrative and constitutional law. This is the law of government in the widest sense. Enid is one of the few scholars whose work spans both arms of public law. She is also the pioneering Australian scholar on parliamentary privilege. The publication of her recent book on the area confirmed that she remains both a pioneer and master of this most complex area. Enid's work in the different elements of public law has influenced other scholars (who make constant use of, and reference to, her work), judges (her work is frequently cited in judicial opinions), law makers and other public officials (her works on parliamentary privilege and administrative law are often used by parliamentary and other public officials), and teachers (her work on legal research and methods long served as the standard work on the area).

Enid's immense scholarship can be broken into several periods. The first was in the 1960s. She was an influential commentator about freedom and rights, during a time when such matters received little attention in Australian legal literature. Her book *Freedom in Australia*, co-authored with Professor Harry Whitmore, was the first monograph in which legal scholars made a comprehensive assessment of the nature of freedoms enjoyed by Australians. The book exerted a profound influence on Australian legal scholars in the 1970s. Her article on public access to government documents, published in 1967, proved an important

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influence in the move towards the development of the concept of freedom of information.

In the middle period of Enid Campbell's scholarly career – the 1970s and 1980s – she wrote extensively about the nature of judicial power and the constitutional position of judges. This aspect of her work culminated relatively recently in the publication in 2001, with HP Lee, of *The Australian Judiciary*. This monograph provided a comprehensive account of the nature and position of judges in the Australian legal system. Like many of her previous publications, the book was the first of its kind. For this reason, it will provide a source book for all who study this area.

The later stage of Enid Campbell's scholarship has seen her return to work on parliamentary privilege. In recent years she has published many significant articles on this topic and a significant monograph in 2003. At the same time, she wrote on many of the most intellectually difficult areas of administrative law.

But Enid Campbell's life has not been confined to scholarship. Her work outside that domain has influenced many different aspects of Australian public life. Perhaps her most important contribution was as a member of the Constitutional Commission (1985-88). The Commission was comprised of five members – the others being Professor Leslie Zines, Sir Rupert Hamer, Sir Maurice Byers and myself. All members of the Commission were witness to the sharp insight that Enid Campbell brought to the state of our governmental arrangements. The work of the Commission provided an important focus of the reflections upon the Constitution at the time of the bi-centennial. The Final Report of the Commission comprises an enduring assessment of the Constitution, with particular attention on whether the Constitution is adequate to meet the needs of Australia in modern times. That question remains a vital one and the Report continues to provide an important point of focus for public and academic discussions on constitutional law.

Enid's other professional activities have also exerted an important influence. She served as a member of the *Royal Commission on Australian Government* (1974-76), which was commissioned by my government. This Commission played a significant role in the reforms to the operation of the federal public service in the 1970s. The Committee of the *Inquiry into the Discipline of Law* (1984-86) provided a blueprint for significant reforms of Australian law schools in the late 1980s and helped to pave the way for the expansion of the number of law schools in Australia.

Enid's achievements provided one of the early role models for women who wished to carve out a career in the law. Enid demonstrated to other women that it was possible for them to succeed in the law. There is also no doubt that Enid's exceptional achievements changed the views of many men. She made them realise that the law was not, and could not, be an entirely male domain. After the trail blazed by women such as Enid Campbell, it never could be again.

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Enid was the first Australian woman to hold a doctorate in law (from Duke University). During her time at Sydney University in the 1960s she was the only female member of academic staff of the Faculty of Law, and the first woman to attain the position of Associate Professor of Law. Among Enid's many students was Mary Gaudron, who remains the only female Justice to have served on the High Court of Australia. Enid was also the first woman in Australia to hold a full professorship in law and the position of Dean of a Law Faculty (both at Monash University).

Enid Campbell was made a Companion of the Order of Australia in 2005 in recognition of her contribution to the law and legal scholarship. The conferral of Australia's highest honour on Enid Campbell serves as a fitting acknowledgement of the unique contribution she made to Australian life. Her work has helped us understand the shape of modern government in Australia, and we are the richer for it.