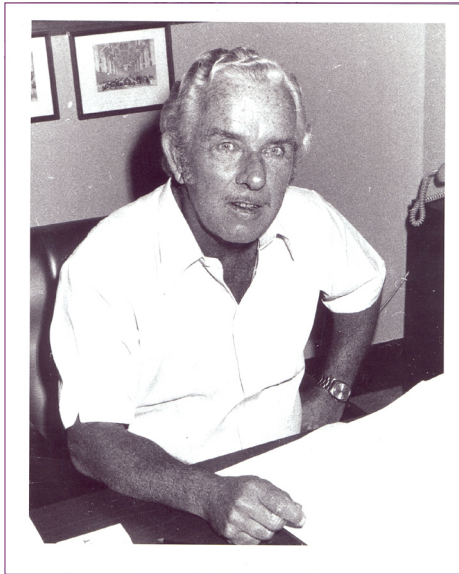


Vale Emeritus Professor Harold Whitmore

Administrative law's founding father

EMERITUS PROFESSOR HAROLD WHITMORE AM

Born 1923; died 15 September 2008



Emeritus Prof. Harold Whitmore

Harry Whitmore played a leading role in the development of Australian administrative law. He achieved academic distinction as the Dean of two Australian law schools, as co-author of the foundation texts in Australian administrative law, and as a member of two committees that delivered the blueprint for an administrative law system later implemented by the Australian Parliament.

Whitmore was one of the success stories of Australia's post-World War II immigration policy. He and his wife Kaye came to Australia in 1949 as '10 pound Poms' at the age of 26. Whitmore had seen active service in the British Army tank corps from 1941 to 1947. He joined the NSW public service but, showing an initiative that belied his background, he studied part-time for a degree in law at Sydney University. He graduated with honours in 1958. The following year he went on a public service scholarship to Yale Law School where he graduated Master of Laws, being awarded the Felix Cohen Prize for Legal Philosophy.

Soon after his return to Australia he commenced a career in academia that culminated in his serving as Dean of the Law School at the Australian National University (1970-72) and at the University of New South Wales (1973-76). In both institutions he had major inputs into the philosophies of what were then new schools having to establish their reputation against long established University institutions. This required innovation in law school training and research. At ANU he was instrumental in the design and construction of the law school building which incorporated teaching and library facilities that were pioneering for their time. At UNSW he did much to establish the reputation of what was a new law school that was finding its place in an environment that had been served by one law school since 1859.

Whitmore's engaging lectures on administrative law and local government inspired many students to forge a career in this field. He spoke passionately of the unequal position of citizens and government and the need for administrative justice. His lectures were peppered with amusing anecdotes of his own battles with bureaucracy, which he doggedly pursued until he won.

Whitmore's contribution to public law scholarship was seminal. Concerned with the moribund discipline of public law in Australia, he co-authored with Enid Campbell the first Australian text to examine Civil Liberties in Australia. He was also the lead co-author of a series of definitive legal texts on administrative law, first with Professor Benjafield of Sydney Law School and subsequently with Professor Aronson of UNSW Law School. These texts established the place of administrative law in Australian legal practice and law school curriculums.

His reputation in administrative law led to his appointment to two committees whose reports provided the blueprint for what became known as the New Administrative Law. They were the Commonwealth Administrative Review Committee (whose other members were Sir John Kerr and Sir Anthony Mason) and the Committee on

Administrative Discretions (chaired by Sir Henry Bland). The Committee reports led to the establishment of the Administrative Appeals Tribunal, Commonwealth Ombudsman, Administrative Review Council, and judicial review in the Federal Court. Whitmore's contributions to these Committee reports was enormous both in intellectual input and in writing.

It is fair to say that no individual did more to set the path of administrative law in Australia than Whitmore.

For this contribution and his contribution to Australian law schools, he was recognised in 1999 when he became a Member in the Order of Australia.

Whitmore retired in 1982. He turned his back on the law and academic life and he and Kaye thereafter led a peripatetic lifestyle, returning to the Gold Coast in the late 1980s after some years overseas. They closely depended on each other, and Whitmore was deeply affected by Kaye's death in 1993. He remarried but later divorced.

John McMillan & Dennis Pearce

(This obituary also appeared in *The Canberra Times* , 13 November, 2008)

