

## OBITUARY – LINDSAY JAMES CURTIS AM

*Lindsay Curtis was one of the "founding fathers" of administrative law in Australia. While a senior officer in the Commonwealth Attorney-General's Department, he played a significant role in the enactment of the various pieces of legislation that make up the Commonwealth "administrative law package". Lindsay Curtis died on 8 April 2000. The following obituary is reproduced by kind permission of The Canberra Times and Mr Pat Brazil.*

The trajectory of Lindsay Curtis's distinguished career took him to the National Capital, the national and international arena, and to roles in matters of church and state. As a man of law, his commitment was to justice and fairness.

Born in 1928 Lindsay grew up on a dairy farm in south-western Victoria, and attended one-teacher primary schools. With intellect and determination he won scholarships first to Geelong High School and then to Melbourne University, where he studied chemical engineering and obtained a science degree.

To Canberra then he came in 1950 to work for the next decade in the Patents Office - and become a lifelong parishioner of the Anglican Parish of St John the Baptist in the suburb of Reid. He met and married Ailsa, a resident of Reid House. He obtained an honours law degree in 1960, by which time he was in the Department of Territories, moving into the Law Reform Section.

In 1963 he began a 26-year career in the Central Office of the Attorney-General's Department, where he was Deputy Secretary from 1983 until 1989.

He was made a member of the Order of Australia in 1986. His role in implementing the great legislative programs that marked these years was immense - they included the Law Reform Commission Act 1973, the Administrative Appeals Tribunal Act 1975, the Ombudsman Act 1976, the Administrative Decisions (Judicial Review) Act 1977, and the Freedom of Information Act 1982.

The idea of citizens obtaining access to documents which might reveal how important government decisions are made concerned senior mandarins in the Public Service. To give access to the merely curious (even journalists) was thought to undermine the efficient and proper working of government.

One of Lindsay's many roles was the missionary work of persuading departments that FOI was desirable, or at least acceptable. His achievements in administrative law reform were readily recognised by some, if not all, Ministers, and by members of Parliament before whose committees he appeared often.

With the growth of the federal judicial system, court administration was another large area of activity. How Lindsay managed so effectively to perform these roles and at the same time be so active in other matters such as the Anglican Diocese puzzled some, including Attorney-General Lionel Murphy, who said to him once that now that he had sorted out the wording of the Lord's Prayer would he mind doing some more work on his Trade Practices Bill.

Lindsay's role was not limited to the national scene, and included representation of Australia internationally in the intellectual property area and others. He was Secretary for Law of Papua New Guinea from 1969 to 1971, in the lead-up to self government and then independence.

A much briefer but brilliant international intervention deserved a better ending. This was to

put in place, literally overnight, extradition arrangements for the fugitive Robert Trimbole then in a hospital in Dublin. The Irish Police had no overtime funds to continue surveillance when he was to be discharged, so Trimbole was arrested prematurely under processes held subsequently to be illegal, and a dubious “poison tree” doctrine was held to mean that Trimbole must be given an opportunity to escape, which he did.

Characteristically, Lindsay’s retirement from the Public Service in 1989 did not end his public service. It only changed the way it was delivered: he became Adjunct Professor of Law at the University of Wollongong.

As a fitting crown to his work on administrative law, in 1993 he was appointed President of the ACT Administrative Appeals Tribunal, from which he retired on his 70th birthday. His 200-odd decisions were thorough and clear and he was congratulated many times for their “ease of understanding”. He encouraged people, particularly unrepresented parties, not to feel intimidated or nervous. Many people who came before him thanked him for the fairness that he showed towards them. Still, we have episocopal licence to say that Lindsay could be testy at times.

His great contribution to the Anglican Diocese and St John’s has been acknowledged widely. As Chancellor he saw church law as not an end in itself but as a servant of the Church’s mission. What was most striking was his faith in God, enlivened by a family environment he had shared while studying in Melbourne. Those privileged to speak to him near the end were moved by his calmness and confidence - he was “going home”.

He is survived by his wife Ailsa, children Christopher, Elizabeth, Helen, Lyndal and Alison, and by six grandchildren with a seventh “under construction”.