

## VALE JOHN OMAN BALLARD

*Peter Sutherland*

The Australian Institute of Administrative Law notes with sadness the death of John Oman Ballard, a former Senior Member of the Commonwealth Administrative Appeals Tribunal, on 12 August 2017. John was also the author of the first edition of the book *Commonwealth Employees' Safety, Rehabilitation and Compensation Act 1988*, published by The Federation Press. This book is now in its 10<sup>th</sup> edition as the *Annotated Safety, Rehabilitation and Compensation Act 1988*, with John being an active co-author until the 8<sup>th</sup> edition, when his age started to tell against his involvement as a writer.

John was born in Bristol, where his father was a parson in a Methodist church. His mother's family, the Omans, came from the Orkney Islands near Scapa Flow. After some near misses in the Blitz, John went to Jesus College, Cambridge, for a term before being conscripted into the Royal Navy at age 19. He served in the Coastal Forces on a small wooden boat sitting off the D-day beaches and then sailed on motor gunboat 591 to Burma through the Suez Canal. Shortly after the end of the war in Europe, John's boat capsized in the Sittang River and he was left, naked and bootless, on the bank of the river with Japanese forces firmly holding the other bank. John went on survivor's leave to Darjeeling, where he acquired an interest in colonial administration.

After the war, John returned to Jesus College, where he studied law and later was admitted as a barrister of the Middle Temple, London. With his Australian-born wife, Jo, John was posted as a District Officer in Mwanza in Tanganyika, later transferring to the Legal Service as a resident magistrate. John continued his legal career with the Colonial Office in Cyprus and then North Borneo, where he worked on the formation of Malaysia as legal advisor to the North Borneo delegation. John often spoke in warm terms of the first Prime Minister of Malaysia, Tunku Abdul Rahman, whom he considered a first-rate politician and a 'real gentleman'.

In late 1963, John and his family moved to Canberra, where he was employed in the Department of Territories. He worked on the administration of the Northern Territory, Aboriginal affairs, independence for Papua New Guinea, and the possible resettlement of the people of Nauru from Fraser Island in Queensland, which proposal foundered on the issue of excision from Australia and the strong opposition of the Queensland Premier, Joh Bjelke Petersen. Under the Whitlam Government, John had responsibility for extradition of criminals to and from Australia, including the case of the Bartons in Brazil.

John was appointed as the Commonwealth Employees Compensation Tribunal, hearing appeals for compensation claims made by Commonwealth employees. At times, this Tribunal had a successful appeals rate in excess of 50 per cent — a consequence of the practice of the then Commissioner for Employees' Compensation of adhering to in-house guidelines which John often found did not comply with the relevant statute, the *Compensation (Commonwealth Government Employees) Act 1971*. The decisions of this Tribunal are reported in Volume 3 of the *Administrative Law Decisions (ALD)*, published by Butterworths (LexisNexis). When this Tribunal was amalgamated into the Administrative Appeals Tribunal, John was appointed as a Senior Member in the Canberra Registry. He mostly sat on compensation, social security and veterans' entitlements matters.

Soon after his retirement from the Administrative Appeals Tribunal at age 65, John wrote the first edition of his well-known annotation of Commonwealth employees' compensation law,

which I edited for publication by The Federation Press. We worked together on this book for the following 15 years through seven more editions.

John is survived by his four children and many grandchildren. Farewell John Ballard — a High Tory, a colleague and a good friend.