

Louis Waller

In the thirty-four year history of the Monash Law Faculty no individual has played a greater role, or come to represent more completely the values and aspirations of the Faculty than Louis Waller. This issue of the Monash University Law Review is intended as a mark of appreciation of Louis' contribution to his Faculty and his scholarly discipline. The articles published relate to areas of law to which he has made a particular contribution. The Law Review very kindly invited me to write an introductory piece dealing with Louis' work and career. It was an invitation I was pleased to accept, having known Louis since I came to the Faculty as a first year student in 1964.

Louis Waller was born on 10 February 1935 in Siedlce, Poland. He was the only child of Jack and Hilda Waller. The family settled in Australia in 1938. Louis went to school at Brighton Road State School, Elwood Central School and University High School. He attended the University of Melbourne from 1952 to 1955, graduating LL B with Honours in 1956. From 1956 to 1958 he read for the degree of Bachelor of Civil Law at the University of Oxford, graduating with First Class Honours. While at Oxford he was a member of Magdalen College. He returned from Oxford to take up appointment as a Senior Lecturer in Law at the University of Melbourne the following year.

Louis spent six years as a member of the Melbourne Law Faculty. He taught Introduction to Legal Method, pioneering the development of introductory first year law teaching. In this period he formed a close friendship with the late Peter Brett, who was to be appointed Hearn Professor of Law in 1963 and Professor of Jurisprudence in 1964. This was to be a friendship and academic collaboration of great importance to the development of Criminal Law teaching. At that time Criminal Law was only beginning to emerge as a subject for serious scholarly attention in Australian Law Schools. Indeed, until 1949 Criminal Law had occupied a lowly place in the Melbourne curriculum comprising a half dozen or so lectures as part of the subject Law of Wrongs. Peter Brett and Louis Waller together developed Criminal Law as a substantial year-long subject. They prepared detailed materials to enable teaching to take place as an interactive process following the style of the Socratic method that had developed in American law schools. Those materials were published as Brett and Waller, *Cases and Materials in Criminal Law* (Butterworths 1962 pp i-xi, 726). That book has now run to eight editions. The first three editions were co-authored with Peter Brett. The fourth edition was solely authored by Louis following Peter Brett's death in 1975. The last four editions were prepared by Louis and me, the current edition appearing earlier this year.

In 1963 David Derham was appointed Foundation Dean and Sir Owen Dixon Professor of Law at Monash University. Teaching began the following year, with Peter Brett coming out from Melbourne University each week to lecture in Criminal Law and Louis Waller conducting a series of seminars for selected Criminal Law students. In September of that year Louis left to spend a year as Bicentennial Fellow in Criminal Law and Administration at the

University of Pennsylvania. He returned to Monash the middle of the following year to take up appointment as the Sir Leo Cussen Professor of Law. Louis has held that chair since that time, and is the senior professor of Monash University.

In late 1967 Professor Derham resigned from the deanship of Monash to accept appointment as Vice-Chancellor of the University of Melbourne. Louis was appointed Acting Dean and then Dean from 1968 until the end of 1970. Since that time he has held a variety of prestigious appointments. They include Visiting Professor of Law, University of Kent in Canterbury (1971); Consultant, Law Reform Commission of Canada (1974–1975); Visiting Scholar, Queen Mary College University of London (1971); Visiting Professor of Law, University of Victoria, British Columbia (1981); Fellow, The Mortimer and Raymond Sackler Institute of Advanced Studies, Tel Aviv University (1985–1986); first Australian National Fellow, Institute of Advanced Studies in the Humanities, University of Edinburgh (1990); and Fellow, Institute of Advanced Studies, The Hebrew University of Jerusalem (1993–1994).

From 1982 to 1984, while on leave from the University, Louis held the position of Law Reform Commissioner for the State of Victoria. He was the third Law Reform Commissioner, following Dr Tom Smith, a distinguished former Justice of the Supreme Court of Victoria, and the late Sir John Minoque, who ended his judicial career as Chief Justice of New Guinea. It was an important time for the Commission. A number of major references ultimately resulted in important reforming legislation. At the conclusion of his term as Law Reform Commissioner Louis was the first Chairperson of the newly formed Law Reform Commission of Victoria for a year and then continued as a part time member of the Commission until the end of 1992. In that first year, the Commission published its first Report on The Sentence for Murder, and its second, Unsworn Statements in Criminal Trials. Legislation giving effect to the recommendations in both was enacted the following year.

Louis has always had a major interest in issues relating to law and medicine. From 1982 to 1984 he was Chair of the Victorian Government's Committee to Consider the Social, Ethical and Legal issues arising from In Vitro Fertilisation. The Report of that Committee led to the enactment of the *Infertility (Medical Procedures) Act 1984 (Vic)*. That legislation established the Standing Review and Advisory Committee on Infertility, which Committee Louis chaired until the end of 1993. The *Infertility Treatment Act 1995 (Vic)* replaced that Committee with the Infertility Treatment Authority, which Authority Louis has chaired from its establishment late in 1995. For many years Louis served as a member of the Ethics Committee of the Walter and Eliza Hall Institute of Medical Research, and was appointed Chair of that Committee in 1995. Since 1993 he has been a lay member of the Appeals Committee of the Royal Australasian College of Surgeons, and in 1995 was elected to the Court of Honour of the College, for distinguished service in relation to the conduct of appeals, and the review of the appeals process. Within Monash University Louis was responsible for the introduction of a combined Bachelor of Laws/ Bachelor of Medicine degree program, the only combined program of its kind in Australia. Together with Stephen Cordner,

Professor of Forensic Medicine and Director of the Victorian Institute of Forensic Medicine, he developed the latter year law subject Elements of Forensic Medicine. He also inaugurated the subject Legal Issues in Medicine, available to both Law and Medicine students.

Louis' willingness to devote himself to important community activities has been a continuing feature of his life and career. In 1972 he became Foundation President of the Victorian Aboriginal Legal Service, which position he held until 1974. He was a member of the Law Reform Advisory Council from 1977 to 1988, Convenor of the Criminal Law Working Group from 1978 until 1985, and a member of the Victoria Law Foundation from 1979 until 1996. He has had a particular involvement with the Red Cross. From 1978 until 1985 he was the first Chair of the Australian Red Cross Society's International Humanitarian Law Committee and Red Cross Member, Geneva Conventions Disseminations Committee. In 1985 he was made an Honorary Life Member of the Australian Red Cross Society.

In the Australian Jewish Community, Louis has participated in and led a number of different bodies, many of which have been concerned with tertiary Jewish studies. He has fostered the development of programs in early and modern Jewish history, Hebrew language and literature, and Jewish philosophy in both this University and the University of Melbourne. Since 1992, when it was established in Monash University, he has been the Convenor of the Advisory Committee for the Australian Centre of Jewish Civilization. One of his aims has been to strengthen the bonds between Monash University and Universities in Israel, particularly in the field of Jewish civilization. He is a member of the Board of Governors of the Hebrew University of Jerusalem and of Tel Aviv University.

Louis was appointed a Fellow of the Academy of Social Sciences in Australia in 1977 and an Officer in the General Division of the Order of Australia (AO) in 1989.

Louis has achieved great distinction as a legal scholar. Since publication of the first edition of what is now Brett, Waller and Williams, *Criminal Law Text and Cases* (8th ed, Butterworths 1997 pp lvii and 846) that book has held its place as a standard work, and has played a significant role in the development of an interactive style as the standard method of teaching Law in Australian universities. Louis' work *An Introduction to Law* (Law Book Co 1966 pp i–ix, 1–226), the first edition of which was written with the late Professor Sir David Derham and the late Dr FKH Maher, is now in its seventh edition. *Cases and Materials on the Legal Process* (Law Book Co 1966), also written with the late Professor Derham and Dr Maher, is now, under the authorship of Mr Kevin Pose, Professor Malcolm Smith, and Mrs Jet Bryant in its sixth edition. In 1982 Louis, together with Enid Campbell, Sir Isaac Isaacs Professor of Law at Monash University, edited a series of essays in honour of Sir Richard Eggleston, a distinguished scholar and former Federal Court Judge and the then Chancellor of Monash University: *Well and Truly Tried, Essays on Evidence in Honour of Sir Richard Eggleston* (Law Book Co 1982 pp i–xxxvi, 1–307). In addition Louis has published more than thirty major articles and chapters in books. These articles and chapters cover the

fields of criminal law, legal education, evidence, criminology, forensic medicine and issues of medical technology and law reform.

Throughout his career Louis has enjoyed the stability of a secure and happy home life and the constant support and encouragement of his family. He and his wife, Wendy, met while Louis was reading for the BCL and married in 1959. They have three adult children, Anthony, Ian and Elly.

The outstanding achievements of Louis Waller not only do honour to him, but to all of us who enjoy the privilege of being his colleagues and his friends. As a teacher, a scholar and a member of the Faculty and the University he has made a contribution of a special and a lasting nature. Within the Faculty he has always given generously of his time and experience particularly to younger staff. He has provided wise advice and counsel, and has played a crucial role in developing and enhancing a cohesive and collegiate atmosphere in which students may learn and academic talent be encouraged and enhanced. That the Monash Law Faculty has escaped the upheavals that from time to time afflict parts of many universities is in no small measure due to the personal qualities of Louis, the respect in which he is held and the influence he exercises.

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