

## **Professor Bob Williams**

### **I**

On a sunny morning in 1964, a few months after the Monash Law School opened its doors, there assembled all the students admitted into the first year and the small group of teachers quickly recruited to launch the novel B Juris/LLB program. The resultant photograph shows the group in good humour, and captures not only their faces, but also the campus fashions of the day. Seated front and centre is Professor David Derham, the Foundation Dean and the architect of the Monash law curriculum. Beside him sits Emeritus Professor Frank Beasley, who retired in 1963 as Foundation Dean of the University of Western Australia's Law School, and who joined Monash as Special Lecturer, to plan and then build its Law Library. David Jackson, Senior Lecturer and later the first Sir John Latham Professor of Law, sits beside Professor Beasley. Seated on the ground, at the very feet of their teachers, are a dozen young students. One of them, his face split by a broad grin and dressed in shirt, tie and shawl-neck jumper, is Charles Robert Williams. Aged just 19, Bob Williams was a member of the pioneering first class, and he stands, this time serious of mien, in cap, gown and hood edged in white, in the photograph of the small group of students who successfully completed the degree of Bachelor of Jurisprudence in minimum time and were presented for it at the memorable ceremony, held in the Melbourne Town Hall, in May 1967. He continued his studies to complete the LLB in minimum time again, being presented for that degree in May 1969. Bob Williams went on as he began. He was the best student in that unforgettable first year; he was awarded the Law Students' Society Prize as the best B Juris graduate, and when he attained First Class Honours in the LLB, he shared first place and the Supreme Court Prize, instituted by the Chief Justice of Victoria, which marks that outstanding achievement in each year in our Law School.

### **II**

Bob Williams followed the well-established course of serving articles of clerkship in 1969, the year after completing his LLB Honours, when his principal was Simon Begg, a senior partner in what was then Messrs Corr and Corr (now Corrs Chambers Westgarth), and he was admitted to practise in the Supreme Court of Victoria in 1970. In 1969, Legacy Australia awarded him the Sir John Gellibrand Memorial Scholarship, and Bob decided to use it to continue his studies in the law in Oxford University, where he read for the BCL as a member of Magdalen College, then and now one of the best two or three colleges in the provision of teaching in law. In the few months between

completing his articles and leaving for England, Bob cut his first teeth as a teacher of law in his own Law School, conducting tutorials in several core LLB subjects. He graduated BCL with First Class Honours in July 1972.

Since then, Bob Williams has been a public teacher of law in the Law School where he first learned the law. His career has followed a direct and swift course. He returned from Oxford to take up his appointment as Lecturer in Law in August 1972, and was promoted Senior Lecturer in 1977. He was promoted to a Readership in Law in 1983, and in August 1987, he became the second holder of the Sir John Barry Chair of Law, succeeding Professor Peter Ellinger. Bob became Acting Dean of the Faculty of Law in April 1988, and the University Council appointed him as Dean in October of that year. He will complete his second and final five year term as Dean in October 1998.

This is a unique record, with a host of 'firsts' — most notably the first Monash graduate in Law to be appointed to a Chair of Law in his *alma mater*, and the first to be appointed Dean of Law. In achieving it, Bob has established an outstanding reputation as a teacher and as a scholar. His principal interests in teaching and in research have been in the fields of criminal law and evidence. He has taught the core courses in both of those subjects, and he has taken a leading part in the development and regular appraisal of the curricula, especially in evidence. From the beginning, Bob has consistently and substantially participated in the government and administration of the Law School. When this Law Review was inaugurated in 1973, he was its Assistant Editor. He then became its Joint Editor for two years, in preparation for the establishment of a complete student Editorial Committee, and he has supported and helped to nourish the Law Review since then.

### III

Bob's teaching and research have always supported each other — as they should. In the field of criminal law, his major work began with a pioneering article on Victoria's theft legislation of 1973, followed by his and Mark Weinberg's outstanding monograph on theft offences, published in 1977, and republished, with substantial amendments and new text, as *Property Offences* in 1986. This book is still the most comprehensive work on this important segment of the substantive law, covering all Australian jurisdictions. It provides an accurate study of the comparative law of theft in Australia, which is particularly complex. The analysis covers the law in force in the three Code jurisdictions of Queensland, Western Australia and Tasmania; in Victoria and the ACT which have enacted legislation based on the English *Theft Act* 1968, and in the other states which have retained an amalgam of the common law of larceny and its cousins, together with a tottering edifice of specific statutory offences.

Since 1983, Bob has been one of the authors of the book the late Peter Brett and I first published in 1962. Now entitled *Brett Waller and Williams Criminal Law Text and Cases*, the eighth edition appeared at the beginning of

1997. The fifth edition was Bob's own work, and the three editions which have followed it have been written by him and by me in harmonious partnership. It has been, and continues to be, the principal book used in teaching criminal law in a number of Australia's largest law schools, and is well known to scholars outside our jurisdictions. In 1995, Bob was the co-ordinating editor, and contributing author, for Volume 9, Criminal Law, of *Halsbury's Laws of Australia*.

In evidence, he originally planned and organised the leading students' text, *Evidence Commentary and Materials*, written with Peter Waight, formerly of the Australian National University, as co-author. The fifth edition of this now very well-known and favourably reviewed book appeared at the beginning of 1998. Bob has also published a group of articles in evidence, which have commanded professional and academic attention, in which he has carefully examined and critically evaluated several of the most important areas of the subject. The most recent, on the right of silence, appeared in the *Law Quarterly Review* in 1994. He has also extended his research into the field of law and psychiatry, where his experience as a member of Victoria's Mental Health Review Board has led him to contribute substantially to the still continuing debate on the treatment of highly dangerous offenders, particularly in relation to Victoria's special legislation enacted for the late Garry David. His address on 'Preventive Detention' delivered at a public forum on what was then draft legislation on the subject, was reprinted in the Second Report of the Victorian Parliament's Social Development Committee in 1992.

Bob spent half of his first sabbatical leave, in 1977, as Visiting Professor of Law in Osgoode Hall Law School in Toronto, Canada, and the second part of it reading in the Chambers of Mr John Hassett, of the Victorian Bar (now Judge Hassett of the County Court of Victoria). He signed the Roll of Counsel in February 1978. Two subsequent periods of leave have been spent as an Honorary Fellow of Magdalen College.

He has represented the Faculty of Law on the Chief Justice's Law Reform Committee, as one of a number of its sub-Committees, and on the Council of Legal Education and its Course Appraisal Committee. He is the Assistant Editor (Criminal Cases) of the Victorian Reports. Since 1987, Bob has been a legal member of the Mental Health Review Board. The Board has the responsibility of reviewing the status of involuntary and security patients under the provisions of Victoria's mental health legislation. Bob has acted as Chairman for several regional divisions of the Board, and between 1988 and 1992 he served in addition as a member of the Psychosurgery Review Board.

#### IV

Bob was appointed the seventh Dean of Law in Monash University, having served as Acting Dean of Law from April 1988. His decade of service as the Dean of what is one of Australia's largest law schools has coincided with massive changes in the Federal Government's treatment of the country's

universities. It has been the ten years in which the Higher Education Contribution Scheme was introduced; the so-called binary system of post-secondary educational institutions was replaced by a unified system, with many new universities created; and much more recently, it has seen the introduction of full-fee paying places for Australian resident students in local universities. In Victoria, La Trobe University initiated courses for the LLB, building on its long-established program of legal studies in the framework of social science. Deakin University established a law school and enrolled students for the LLB; its first graduates are now preparing for professional admission. In 1998, the University of Melbourne has had its proposals for a graduate LLB receive the imprimatur of the Council of Legal Education.

Throughout this exciting, demanding and often uncertain era, Bob has made sure that the Monash Law School has been stable in terms of our core undergraduate and graduate courses, and also has developed new programs and created new approaches in scholarship and in teaching. The establishment of the computer laboratories in the Law Library, in conjunction with the installation of EDP facilities in staff studies, and throughout the Faculty, has been accompanied by the continuing expansion of on-line services in the Library, and the extension of CD-ROM access to remote terminals throughout the building. These developments have marched in step with training programs for both academic and administrative staff, to familiarise us with the newest technological avenues on the information superhighway.

It was under Bob's steady direction that the expansion of the David Derham School of Law was effectively initiated and completed, without any disruption to its use throughout the months of construction, and the fitting of services and furniture. The building of the fourth floor not only gave us the space the Law Library urgently needed, and the studies and conference rooms to permit the whole full-time staff to be together in our premises. It also created the opportunity for a complete refurbishment of the building, including the provision of a new theatre on the second floor. The whole structure has been enhanced, realising at last the promise implicitly made when the foundations, laid at the very end of 1966, were constructed to be strong enough to bear a further level.

As Dean, Bob has forged even stronger bonds than already existed between the Law School and the legal profession in all its branches, and with the commercial and business community. The most substantial expression of that strengthening has been the creation in 1990 of the Monash Law School Foundation. Its overall objects include the marshalling of financial and institutional support for legal scholarship and research, and 'the development of close relations between persons engaged in the legal profession and the Faculty, including its members of staff and students'. One of the Foundation's principal undertakings has been the presentation of its Lecture Series, which have been hailed as 'an excellent example of engagement, liaison and co-operation between the tertiary sector and the legal and business community'. The hosts for these Lectures, which began in 1991, have been major legal firms and Australian banks. There have now been thirty-

seven Lectures delivered, and among the speakers have been the then Chief Justice of Australia, the Hon. Sir Anthony Mason; the Chief Justice of Victoria, the Hon. John Phillips; H E Edward Perkins, United States Ambassador to Australia; H E Kazutoshi Hasegawa, Japanese Ambassador to Australia; the Hon. Daryl Williams QC, Attorney-General of Australia; the Hon. Jan Wade, Attorney-General of Victoria; Dr Gavan Griffith QC, Solicitor-General of Australia; Mr David Murray, Managing Director of the Commonwealth Bank of Australia; Mr Nobby Clark and Mr Don Argus, successively Managing Directors of the National Australia Bank; and Mr Trevor Boucher, then Federal Commissioner of Taxation. Several of these Lectures have been published subsequently, and many have been the subject of media report and comment.

Bob successfully arranged for a number of leading legal firms to support the establishment of the Chair of Commercial Law named to honour the memory of Sir Keith Aickin, a renowned Victorian advocate who became a distinguished Justice of the High Court of Australia. The Chair is held by Professor Sam Ricketson, one of the country's most illustrious scholars in intellectual property law.

This year, the National Australia Bank has donated a substantial amount to the University, to provide for the further development of teaching and research through the establishment of the Banking Law Centre. This may be regarded as the capstone of the activities Bob has himself undertaken, and the staunch and sustained support he has given to colleagues, particularly in this connexion Associate Professor Wickrema Weerasooria, in bringing the Law School into the ken of the legal and commercial community, and that community into the ambit of the academy.

## V

Bob Williams has, throughout his decade, made it one of his most important aims to nurture and fortify the careers of young law teachers, some of whom have been recent graduates of the Monash Law School. He has strongly and generously supported their plans to undertake studies for higher degrees, and in a number of cases arrangements were made, under Bob's direction, which permitted a number of our young colleagues to complete graduate degrees at Oxford and Cambridge, while others have completed LLM and doctoral studies in our Law School and in other Australian universities. He has been an academic guide and friend to all of the new generation of public teachers of law who have been brought into the Faculty, and it is this aspect of his role as Dean that deserves especially high praise, because it enunciates so clearly his fealty to the University's duty to transmit to the young its enhanced heritage of the learning of the past. Bob has reinforced and supported the Law Students' Society in its efforts to provide the most encouraging environment in the Law School for all students, both in social and recreational terms, and in the impressive range of educational initiatives the LSS has developed. His readiness to give the LSS advice and assistance has

helped to create an even closer relation between the teachers and the students in the Law School.

## VI

Bob will complete his period of service as Dean with our unstinted gratitude, and secure in the affection of his colleagues and his friends in the Law School. He has drawn us all together more closely in that difficult to define but easy to experience collegial company, where we share our knowledge and stimulate each other in our academic enterprises. He has, as a Dean in a university in which the Committee of Deans has always been a principal agency in its government and direction, also earned the thanks of the University, and the whole community in which we live, and which we serve. This Issue of the *Monash University Law Review*, which the Editors and the Editorial Committee have dedicated to him, is a signal mark of the respect he has earned, and an expression of the thanks of the whole Law School. The promise shown at the start has been fulfilled. But with our thanks go our wishes that he shall enjoy many fruitful years continuing to contribute to the scholarship of the law.

Professor Louis Waller  
Sir Leo Cussen Chair of Law  
Monash University