

FOREWORD

This special issue of the *Melbourne University Law Review* is published as a tribute to the Rt Hon Sir Zelman Cowen AK GCMG GCVO QC PC.

Sir Zelman was born in Melbourne on 7 October 1919. He had a brilliant academic record in arts and law at the University of Melbourne, and in 1940 won a Rhodes Scholarship to the University of Oxford. His academic career was interrupted by war service from 1941 to 1945. He then went to Oxford where he was placed first in the postgraduate Bachelor of Civil Law degree in 1947. In that year he was appointed Fellow and Tutor in Law at Oriel College. He returned to the University of Melbourne in 1951 as Professor of Public Law and Dean of the Faculty of Law. In 1967 he became Vice-Chancellor of the University of New England, then Vice-Chancellor of the University of Queensland in 1970. He served as Governor-General of the Commonwealth of Australia from 1977 to 1982, before returning to Oxford as Provost of Oriel College, from 1982 to 1990. During that period he was also chair of the British Press Council, from 1983 to 1988. He came back to Melbourne in 1990 and died there on 8 December 2011.

To mark this extraordinary life of exemplary public service, and in recognition of the immense contributions made by Sir Zelman both to the University of Melbourne and to the University of Oxford, the Melbourne Law School and the Oxford Faculty of Law held a conference in Melbourne in March 2014. This conference was one in a series of academic law conferences organised jointly by the Melbourne Law School and Oxford Faculty of Law with the generous support of Mr Allan Myers AO QC, a graduate of both law schools.

The conference opened with a public lecture on 'Universities in the Service of the Nation', a subject always close to Sir Zelman's heart. The conference participants then pursued a number of themes to which Sir Zelman made a major contribution during his long and distinguished career: International Relations and the British Commonwealth; Liberty: Privacy, the Media and the Press Council; Constitutional Law: Federal Jurisdiction and Reshaping Institutions; Private International Law; Legal Biography; and Governor-General and the Republic.

These themes were chosen because they embraced big issues of enduring quality. Conference participants were asked to explore the development of selected aspects of these themes in the decades since Sir Zelman had written

and spoken upon them with his characteristic insight and eloquence, rather than evaluate his contribution to them. The papers resoundingly confirmed the resilience of these themes. The passage of time may have altered the context in which they now challenge society but in no way did it diminish their current relevance or significance.

The themes were also remarkably diverse. Nevertheless, coherence was derived from two main sources.

The first of these sources was constitutional architecture, especially regarding the executive branch of government and its relation to the legislative and judicial branches. Sir Zelman wrestled endlessly with numerous aspects of this matter in much of his published work. Saunders illuminated its significance clearly during the opening session of the conference, in her paper on 'The Concept of the Crown'; Berman (treaty-making within the British Commonwealth), Justice Kenny (federal courts and Australian national identity), Fisher (jurisdictional facts and 'hot' facts), Garnett (interstate private international law) and Dinelli (damages for breach of jurisdiction agreements) demonstrated its pervasive quality in a rich array of contexts; and Markwell and Crommelin closed the circle in their papers on the office of Governor-General and the powers of the head of state, respectively.

The second source was the indelible mark made by people on Australian society. Sir Zelman understood well and argued strongly that people matter. Davis embraced this insight in his public lecture on universities in the service of the nation; its influence was apparent on Stone in her paper on the ironic aftermath of *Eatoock v Bolt* and Finkelstein and Tiffen in their paper on press self-regulation; Finnane took it up directly in his paper on law as an intellectual vocation; and Waugh pursued it in his paper on Cowen as life-writer. More broadly, it provided a common thread throughout the conference proceedings as well as an apt tribute to Sir Zelman's life.

As Dean of the Melbourne Law School from 1951 to 1966, Sir Zelman had many lasting achievements. Not least among them was the establishment of the *Melbourne University Law Review* in 1957. It is therefore particularly appropriate that the Editors of the *Melbourne University Law Review* graciously agreed to devote this special issue to the publication of the public lecture and conference papers.

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