



John Q Ewens, CMG, CBE, QC, former First
Parliamentary Counsel of the Commonwealth



OBITUARY

*The Hon Michael Kirby CMG AC**

MR JQ EWENS CMG CBE QC

MR John Ewens, formerly First Parliamentary Counsel of the Commonwealth, died in Canberra in August 1992 at the age of 85 years. He was born in Adelaide in November 1907. He attended St Peter's College between 1920 and 1925 and took his law degree at the University of Adelaide winning the Roby Fletcher Prize for Logic and the Stow Prize in Law. After a period of articles, he was admitted to the legal profession of South Australia in December 1929 and practised for a short time in Adelaide. However, the South Australian Attorney-General, Sir Shirley Jeffries, suggested that he should apply to the Attorney-General's Department in Canberra for a vacancy created by Sir Robert Garran's retirement. John Ewens was appointed to the post in 1933 from about seventy applicants. He was to boast "I succeeded Garran. He went out at the top; I came in at the bottom". But he did not remain at the bottom long. He worked within the Department on the many legal problems of peace and war during the 1930's and 1940's. In 1944 the position of Assistant Parliamentary Draftsman was created for him. In 1948 he became Parliamentary Draftsman succeeding, in 1970, to the new post of First Parliamentary Counsel. He retired from that office in 1972 at

* President, New South Wales Court of Appeal.

the age of 65. To it he brought a great felicity in plain English expression, a brilliance in logic and deep knowledge of the law.

After his retirement, John Ewens embarked upon a new career as a consultant - drawing upon his lifetime's devotion to drafting federal statutes. He advised the Commonwealth Secretariat in London on the drafting needs of newly independent countries. He drafted the National Compensation Bill for the Woodhouse Inquiry and the Federal Companies Bill for the Whitlam Government. Neither was enacted; but the latter influenced subsequent federal drafts.

In 1978 John Ewens was appointed part-time Commissioner of the Australian Law Reform Commission. Thereafter, he took part in many projects of that Commission and helped establish its facility in legislative drafting. In 1979 the 50th Anniversary of his admission to the legal profession was celebrated within the Commission in the presence of the then Governor General, Sir Zelman Cowen, who had served for a time with John Ewens as a Commissioner.¹ In 1984 the new Federal Attorney-General, Senator Evans, also a past Law Reform Commissioner, announced Mr Ewens' appointment as Queen's Counsel for the ACT. This belated professional recognition was prized by him, being added to the other high civil honours which had earlier recognised his role in government and in law. In 1988, the Adelaide Law Review Association sponsored a collection of *Essays on Legislative Drafting* in his honour, to which notable lawyers in Australia contributed. One contribution was offered by Sir Geoffrey Palmer, later Prime Minister of New Zealand, who had worked with John Ewens in the Woodhouse Inquiry.

John Ewens was the authentic Australian federal lawyer. He worked closely with all of the Australian Prime Ministers and Attorney-Generals between the 1930s and the 1970s. He remained open-minded, creative and blunt speaking to the last. When, in the Law Reform Commission, his eyes first fell upon the word processor, his joy was endless. For the drafting and redrafting of statutes, the new invention was nothing short of a miracle. "What I could have done with this!", he exclaimed. Yet without it his achievements were great and enduring. Many of them still affect the way in which the Australian Federation has grown and is governed.

1 See [1980] *Reform* 31.