

VALE PETER WILMSHURST (1948–2009)

With recollections and tributes from those who knew him well, we remember our late friend and colleague, Peter Wilmshurst, in the complex unity which was his life.

He gave me shelter.

His generosity of spirit was quite incredible, to colleagues, students, to everyone ...

Peter was a man of great humanity. He was a warm, caring and extremely generous man; a loving father to his five wonderful children, a true friend and shepherd for the many — students, colleagues and people in the community — who, for whatever reason, needed a helping hand.

Courage is generosity of the highest order, for the brave are prodigal of the most precious things. (Colton)

This quote, cited by a long time friend, reminds us of Peter's extraordinary integrity and moral courage.

Peter was always prepared to stand up for what he believed, it seemed ingrained; and even at a personal cost, a cost he paid more than once.

But for his rebellious nature and tendency to buck authority Peter could have had a splendid career. But more than once, and in different institutions, he was made to suffer negative consequences to his personal and career prospects. That never deterred him.

Peter came out of a Bondi skilled tradesman's family during the tumultuous 1960s, did his national service 1968–70 at the 'Blue Light' Hospital for infectious diseases in Sydney during the Viet Nam war, and graduated from the University of Sydney with a BA in 1974. He spent two decades in the NSW civil service, with the Department of Labour and Industry, the Consumer Affairs Bureau, and the Department of Consumer Affairs. Peter was one of the earliest consumer protection officers in NSW and finished there as Senior Investigator. He subsequently took a position with the NSW Ombudsman.

He exuded warmth and compassion and was collegial in the best sense of the word. Supportive and encouraging ... I remember the warmth of his heart, how he would lift all our spirits with the good humour and unbounded optimism that was a staple of his personality. He was on many levels a good and honourable man; it is the quiet and unassuming work of people like Peter that has civilised our society.

His unbounded optimism had the capacity to elevate those around him, to inspire one to believe that a better world was possible.

This brings into focus Peter's fundamental project, allowing us to unify all those things he did with and for others, and to fully appreciate why he is remembered as a fine human being by the wide range of people who came into contact with him over the years. Peter was, in a real sense, a dedicated 'civil servant'. His project was to work with others, essentially through a process of rational discourse, to bring about a better world. A world

without injustice and, in particular, bureaucratic oppression be it state or corporate.

His pursuit of those who would rip off consumers was constant, well considered and relentless but never malicious. He had scrupulous integrity.

Peter's public life can be understood as a long oppositional march through the institutions of the state — bureaucratic and academic — using the written and spoken word, to develop the critical consciousness of his many audiences.

The primary vehicle he used for more than 25 years was the *Legal Service Bulletin/Alternative Law Journal* and its associated organs such as the *FOI Review*. Peter came to the LSB in 1983. His writings exemplify his abiding interests, particularly calling state and corporate actors to account. He was one of the first 'state editors', and was involved in the transformation of the *Bulletin* as the original founders/editors and Old Guard gradually moved on to follow other initiatives. From that time on, Peter played a major role in the affairs of the *Journal*, both in NSW and at the national level.

He was passionate about the Journal, about ideas, debate and, most importantly to him, about challenging institutions and power ... He gave the Journal much of its edge and currency.

From the Journal's long-time administrator:

Peter was steadfastly dedicated to the journal; its focus on social justice, human rights and law reform and its governance by collectives of volunteers suited his own strong commitment to democratic principles and his sense of fairness. He usually took charge of minute writing for the NSW Editorial Committee which he labelled 'the NSW cell' and whose minutes often began with a review of the cafe they gathered at: 'the lamb shanks and mash were a delight but the bruschetta could have benefited from a little more mozzarella'. In 2001, as Convenor of the NSW cell and its 'rapporteur' (his description) he wrote:

It was drawn to the attention of the meeting that a view was apparently taken at the National Meeting that NSW Cell Minutes were flippant [not 'too' nor 'overly' nor 'unnecessarily' nor even 'showing a tendency towards'] so the Cell members agreed to appoint an Inspector-General of Minute Flippancy to vet future contents. The IGMF has approved the appearance of the list of attendees, and the note about the new anti-flippancy strategy in the minutes of the June meeting. The rest of the Minutes have been deleted.

As a writer Peter had a penchant for square brackets. As an editor he was repelled by overuse of the word 'that'. He would proudly tell me how much he had reduced the word count of long articles by removing most occurrences of 'that'.

In 1989 Peter earned a law degree through the external program at Macquarie University Law School, and it was there that he began to meld his vast experience of the law with a critical understanding of it. Peter was a non-practising barrister, always happy to advise community groups and others

informally, and to suggest options which they might have in, or out of, the law. He loved research and provided much pro bono work for other lawyers and organisations.

Peter's experience in the bureaucracy and regulatory/accountability agencies of the state made him a formidable opponent of those who had something to hide, or preferred to 'keep the lid on things'. With his understanding of the legal system, he was a strong presence in the push for accountability and transparency which the *Journal* and the *FOI Review* championed.

A collaborator in this ongoing campaign recalls:

I published about a dozen of Peter's articles in the *FOI Review*. These were passionate, committed to making freedom of information live up to its promise, forensic and always delivered well past the original deadline. Yet it was always worth waiting for these little gems from Peter. The themes and changes he advocated so strongly for in this small area of his life are reflected very strongly in the recently tabled draft bills on Open Government and the Information Commissioner. In a period when FOI reform in NSW seemed pure fantasy, Peter not only kept up the good fight but he pushed others like me and the NSW Ombudsman to keep up with him.

Peter joined the Macquarie Law School staff and was an extremely popular and effective teacher for more than a decade. He later also taught at the University of Western Sydney.

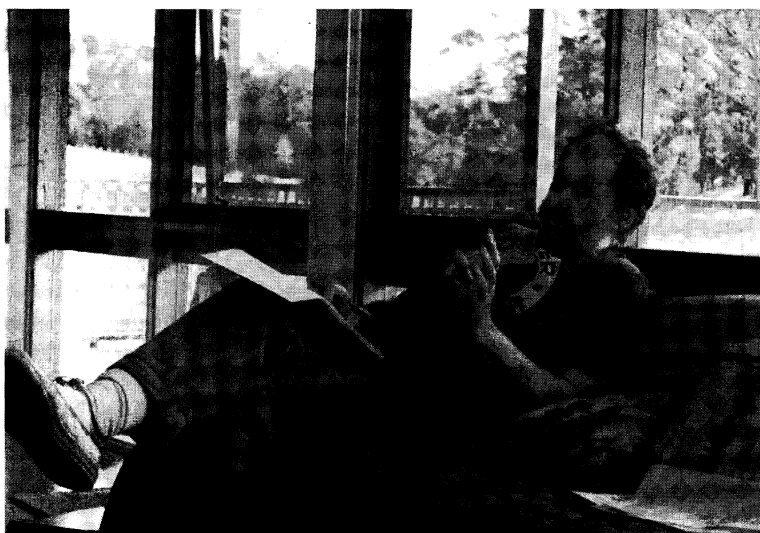
Peter brought to his students a rare mix of strong principles, humility, curiosity and open-mindedness. He seemed to have an encyclopaedic knowledge of law and life, not of the lofty variety, but of the lived experience of someone whose career had traversed the imperfect world of law, policy and procedure. Peter was fascinated by ideas but free from their shackles. He taught not by his authority, or by intellectual intimidation but by genuine, if unrelenting, encouragement of our own ideas, critiques and observations. He inspired, enlivened, supported and trusted his students to be their own person. Peter gave to his students the sense that they mattered, that their ideas and questions were worthwhile and that thinking and questioning were never pursuits that we or anyone else should be too busy or too important to bother with. My own path, and those of other Law School friends would now be very different if not for Peter.

Larger than life — a loyal friend — terrific teacher — kind and generous to all — a 'renaissance man' — a great team player — love for the underdog including the oppressed of other nations — opponent of bureaucratic culture — champion of critical legal studies and the historical understanding of law — opposed to the creeping corporatism which infected the academy — interested in the quality of ideas not the qualifications of their source — most stimulating to spar with, exchanging ideas — a ready smile — boundless enthusiasm — a kind and generous spirit — an excellent lawyer and teacher — strict but conscientious and fair — imaginative — creative — a deep knowledge of the law — the only person I've ever met who could write fluently with either hand — an exceptional and extraordinary man — full of humanity and humour — a true comrade — a delight to work with ...

For our friend Peter, the struggle for a better world is now over. But that struggle, which he pursued through hundreds of issues of the *Journal* and the *FOI Review*, and the *Australian Journal of Law and Society* which he also edited creatively for some years, continues. We owe him much. Part of that debt will be paid by our own dedication to maintaining the struggle.

As a colleague, Peter was the best. A good man.
We will miss him greatly.

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Peter Wilmshurst at an LSB/AltLJ policy retreat, 1992.