

## Peter Edward Nygh (1933 – 2002)

*By David Bennett AO QC  
Solicitor-General of Australia*

Peter Edward Nygh who died on 19 June 2002 after a short illness was a leading international lawyer and a great Australian.

Peter was born on 16 March 1933 in Hamburg, Germany, the first child of Eduvard and Käthe. His father was Dutch but working in Germany at the time. The family left Germany shortly after Peter's birth and moved to The Hague and then Rotterdam where they built a home in Kralingen. Peter attended the Gymnasium Erasmianum in Rotterdam. His brother, Evert (Philip) was born in 1938. Käthe died in 1941. In 1946 Eduvard remarried an Australian, Muriel Poole and had two daughters, Jane (1947) and Ann (1949). He died in 1949. Muriel brought the family to Australia in 1951.

Peter attended Sydney University Law School and did articles with William Arnott & Poole. After graduation he was called to the Bar. Soon after that he commenced an academic career as a lecturer at the University of Tasmania. He met Jill Griffin in 1957 and they married in 1961.

Peter travelled to the United States on a Fulbright Scholarship and obtained a doctorate (SJD) from the University of Michigan. He and Jill returned briefly to Tasmania before he took up a position at the University of Sydney where he was ultimately appointed as professor of law.

Peter and Jill had four children: Nicola (1965), Libby (1967), James (1968) and Anneke (1970). Libby died at the age of eight months and Anneke was killed in a car accident in 1999.

In 1971 Peter obtained a Von Humboldt scholarship and the family spent a year in Germany where he worked at the University of Köln. In November 1973 he was appointed as professor of law and founding head of Macquarie University Law School. Peter was a gifted teacher with a rare ability of being able to explain complex concepts in simple terms and of engaging his students. Over the years he taught a significant proportion of the current legal profession in Sydney either at Law School or in continuing legal education.

In 1979 he was appointed as a judge of the Family Court of Australia and he was appointed to the Appeal Division in 1983. It is common in Australia for the legal profession to be suspicious of academics who are appointed to the judiciary. Those people who retain that attitude are forced to concede that Peter was one of the most outstanding successes of any appointment to the Family Court. He was always fair and judicial; his courtroom manner was exemplary and his knowledge of the law was extensive. In a jurisdiction where emotion is often a major factor, it is a

measure of Peter's outstanding ability and empathy that the losing litigant always left his courtroom knowing that he or she had received a fair hearing.

In 1987 Peter was awarded a doctorate (LLD) from the University of Sydney for his published works and in particular *Conflict of laws*, the leading Australian textbook on private international law. The seventh edition of this work was published in 2002.

Jill died from melanoma in 1992. Peter retired from the Family Court in 1993 although it turned out to be anything but a retirement. He was Principal Member of the Refugee Review Tribunal for two terms, each of approximately twelve months from 1998-9 and 2000-2001. He was a visiting professor at Bond University and the University of New South Wales. He retained a practising certificate at the Bar and appeared in a number of important cases in the High Court. He was an active member of the International Law Association (Australian Branch) for many years and held various executive positions including President. He was also a member of the Executive Council of the International Law Association at its headquarters in London.

Most importantly of all, he represented Australia at the Hague Conference on Private International Law where he was one of the two *rapporteurs* to the Convention on Recognition and Enforcement of Foreign Judgments. He regularly attended meetings of this conference, representing Australia and sitting as a *rapporteur* without remuneration from either the Australian Government or the Hague Conference and without even the payment of his fares and other expenses. The work was onerous and the cost to him enormous but he continued it as a labour of love for his adopted country and for the institutions of private international law which he loved so dearly.

He was awarded the Order of Australia (AM) for his contribution to international and domestic law on Australia Day 2002. The induction ceremony on 10 May 2002 was his last public appearance. He was diagnosed with pancreatic cancer on 16 May and died 19 June at the home of his brother and sister-in-law Philip and Margaret surrounded by his family.

He had been invited to deliver the lectures for the General International Law course at the Academy of International Law in The Hague in 2002. He considered this to be the summit of his career and was deeply disappointed that his last illness prevented his delivering the lectures and making a final visit to The Netherlands. Everything that Peter did was executed to perfection, yet he never sought the overt accolades that he so richly deserved.

Peter is survived by his daughter Nicola and son James and his grandchildren Kerrin and Callum. He will be sadly missed not only by his family but also by the Australian legal profession, the Australian international law community and his many friends and admirers at The Hague Conference.

## Charles Luland (1938 – 2002)

*By His Honour Judge  
Stephen Norrish QC*

Charles Allan Luland QC, a senior judge of the District Court of NSW, died suddenly at his home on 16 May 2002. He had faithfully served the people of NSW as a judge, a prosecutor and defender of people charged with serious criminal offences for 30 years. Throughout his life he performed his professional responsibilities with equanimity, humility and honour. Very few lawyers have or have had his ability to prosecute and defend criminal matters with equal skill. Yet, although Charles rose to the highest echelons of the legal world, his origins held no portent of the successful career that he achieved.

He was born and raised in Botany, his father and other family working in the tannery industry for which the area was well known. The Luland family's presence in the area for a number of generations and its contribution to the local community is recognised by a local street named in honour of it. Appearing in murder trials or before the High Court as a senior member of the legal profession would have seemed to Charles and his family, at this point of his life, a distant, perhaps impossible, achievement.

Charles was educated at local public and state schools before leaving at 14 years of age to work in the tannery where his father was employed. He worked there for nine years. However, like many people of ambition and intelligence denied early educational opportunity, he studied for his matriculation at night. During this period in 1959 he married Beverley, to whom he remained devoted until his death. He matriculated at the age of 23, whilst he was working in the Commonwealth Police Force. During this service he progressed to the rank of sergeant first class. He was involved in criminal investigation and document examination, as well as lecturing at the Commonwealth Police College at North Head. He also successfully undertook and completed studies for the Barristers' Admission Board. It was during this period that his children, Karen, Mark and Scott, were born.

Whilst policing was a serious business for Charles, with the added responsibilities of family and studies, he was not without a sense of mischief. At the police college where he lectured, a dinner was held after the graduation ceremony one year, which was attended by the then commissioner of the Commonwealth Police. The commissioner of the time was very keen for plain-clothes Commonwealth Police to wear hats similar in style to those worn by Leonard Teale and his colleagues on the television show then popular called 'Homicide'. Late in the evening, after the