

AUSTRALIAN LAW JOURNAL
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RUSSELL SCOTT

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One of the original full-time commissioners of the Australian Law Reform Commission, Russell Scott, died in Sydney on 18 May 2016.

Born on 24 March 1928, Russell Scott was educated at Canterbury Boys' High School and at the University of Sydney where he was graduated LLB with Honours. He also studied at the London School of Economics and Political Science. He was admitted a solicitor in London and by the Supreme Court of New South Wales in Sydney on 5 May 1950. He joined the legal firm Dawson Waldron Edwards and Nicholls and became the managing partner of that firm. His areas of practice included company law and trade practices. He also became a director and chairman of a number of public companies. In 1975 he published a book, *Prices Justification in Australia*.

He was appointed commissioner of the ALRC in 1976 on the nomination of Attorney-General Robert Ellicott QC. He was made the commissioner in charge of the highly original and successful early report, *Human Tissue Transplants* (ALRC 7, 1977). He mastered the scientific and legal issues that included the provision of a definition of "death" for legal purposes. The resulting report was a model of brevity and clear writing. It proposed draft legislation that was later enacted in the Australian Capital Territory and copied in other Australian and overseas jurisdictions. This report demonstrated that, with the assistance of law

reform bodies and with public and expert consultation, law could respond to complex new technology. He participated, as a commissioner, in most of the early reports of the ALRC, including those on insolvency (ALRC 6, 1976), lands acquisition and compensation (ALRC 14, 1980) and in early work on locus standi and class actions (later published as ALRC 27) and Aboriginal customary laws (later published as ALRC 31). After the ALRC report on transplantation was concluded, he wrote a well-reviewed book *The Body as Property* (Viking Press, 1981). This was published in Australia, the United Kingdom and the United States. It was translated into French as *Le Corps Notre Propriété* (1982, Paris).

Coinciding with his appointment to the ALRC, Russell Scott was made a member of the Council of the Australian Film and Television School and later a member of the National Health and Medical Research Council's Committee on Ethics in Medical Research. His work in the ALRC had foreshadowed the advent of in vitro fertilisation in humans. In 1982, the New South Wales Government appointed him Deputy-Chairman of the New South Wales Law Reform Commission, a post he held until 1988. He was in charge of the reference on *Artificial Conception* (reports 49, 58 and 60). He also served on projects on the *Magistracy: First Appointments as Magistrates* (NSWLR 38, 1983) and *Names: Registration and Certification of Births and Deaths* (NSWLR 61, 1988). As in the ALRC, he served on many other panels of the NSWLRC, including *Insurance Contracts* (NSW 34, 1983), which overlapped the ALRC report on that topic (ALRC 20, 1982). In 1984, he wrote "Test Tube Babies, Experimental Medicine and Allied Problems" (1984) 58 ALJ 405.

Mr Scott's wife Dorian died on 28 May 2016 and there was a joint funeral. They were survived by three sons and two daughters.