

INTRODUCTION: DAVID HARLAND

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I am thankful to the editor of the *Sydney Law Review* for the opportunity to write an introduction to this special issue in honour in the late Professor David John Harland.

David, by then Professor Emeritus, died suddenly on 30 November 2004, when he was recuperating at home following a hip replacement operation.

David obtained a Bachelor of Arts degree from the University of Sydney in 1960, followed by a Bachelor of Laws with First Class Honours and the University Medal in 1963. In that year he was admitted as a solicitor of the Supreme Court of New South Wales, and won a shell Post-Graduate Scholarship which enabled him to study at Magdalen College, Oxford. He graduated BCL in 1965. For a short time he was an instructor at the School of Law, University of Pennsylvania. It was during his sojourn there that he met his future wife Barbara.

David returned home in 1966 to take up a Lectureship in Law at the University of Sydney, becoming Senior Lecturer (1968), Associate Professor (1974), and Challis Professor of Law (1981). Although he retired in 2001, he remained at the Law School, researching, writing, and lecturing to postgraduate classes. He was made an Emeritus Professor in May 2001.

Upon his appointment as a Lecturer in Law, David was assigned teaching responsibilities in the law of contracts. He developed expertise in that field for which he was soon widely recognised. In 1974 his *The Law of Minors in Relation to Contracts and Property* was published. Although the book's sub-title described it as 'An analysis of the *Minors (Property and Contracts) Act 1970 (NSW)*' and the Preface referred to that analysis as its 'primary object', the book also contained, both by way of introduction and in the discussion throughout, a learned account of the position at common law.

Early in his career, David developed an interest in consumer protection and product liability. With Geoffrey Taperell and Bob Vermeesch, he wrote *Trade Practices and Consumer Protection*. The various editions of this work appeared in 1974, 1978 and 1983.

At the outset of the planning of Lindgren, Carter and Harland, *Contract Law in Australia* (1986), David very fairly explained to John and me that contract law had come to take second place to consumer protection and product liability in terms of his academic interests and activities, and that his contribution to the book would have to be less than what it would otherwise have been. John and I were most grateful that he remained willing to participate at all. It was a pleasure to work with him.

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Unfortunately because of a heavy workload in professional practice, I could not see my way clear to continue as a co-author in subsequent editions of that work or of the associated *Cases and Materials* book. The latest editions are Carter and Harland, *Contract Law in Australia* (4th ed, 2002), and Carter and Harland, *Cases and Materials on Contract Law in Australia* (4th ed, 2003). Both books have become widely used by judges, practitioners, teachers and students, and have rightly ensured that David's name, like that of his co-author, John Carter, is closely associated with scholarship related to the law of contract, particularly in Australia.

It is necessary, however, to return to David's work in the area of Consumer Protection and Product Liability. In addition to co-writing *Taperell, Vermeesch and Harland*, David contributed twenty chapters in books and conference papers on various aspects of the subject, and published about thirty articles in journals around the world. His international reputation in the field is demonstrated by the invitations he received to conduct courses and give lectures at universities in such diverse parts of the world as Great Britain, Scandinavia, Switzerland, Germany, the Netherlands, India, Malaysia, Japan, Canada, the USA and New Zealand. At the time of his death he was working on an article about globalisation and e-commerce regulation. David held visiting appointments, teaching aspects of comparative and international dimensions of consumer law at universities in Belgium, Japan and Malaysia.

David was the inaugural Chairman of the Australian National Consumer Affairs Advisory Council. He served as an Associate Commissioner of the Trade Practices Commission, as a Council member of the Australian Consumers' Association, as a consultant to the Australian Law Reform Commission, as a part-time member of the Commercial Tribunal of New South Wales, and as Chairperson of the Australasian Law Teachers Association. At the time of his death, he was a consultant to Clayton Utz, solicitors, a trustee of the New South Wales Travel Compensation Fund, and a member of the editorial advisory boards of the *Journal of Consumer Policy*, the *Journal of Contract Law*, the *Consumer Law Journal*, the *Australian Product Liability Reporter* and the *Competition and Consumer Law Journal*.

It is testimony to David's international reputation that the authors and scope of the articles in this issue of the *Review* represent the international face of consumer law. The authors come from the Netherlands, Australia, the United Kingdom, Canada, New Zealand and Germany. The subject matter of the articles includes the protection of the economic interests of consumers by EC contract law, recent regulatory developments in the United Kingdom, Canada and Australia, and the relationship between the consumer law of the European Community and that of member States.

The introduction to Professor Howells's article, in particular, reminds us of David's international legacy. Moreover, his description 'our dear friend and colleague David Harland' surely captures the personal perspective of the contributors to this issue of the *Review*, as it does my own.