

## OBITUARIES

# Passionate judge lived for the truth

**William Andrew Noye  
(Andrew) Wells, AO, QC**

Scholar, teacher and judge

**Born:** March 6, 1919; Adelaide

**Died:** November 18, 2004; Adelaide

**I**N the preface to his first book, Andrew Wells wrote that everyone should "tell what they know: waste is one of the ultimate crimes". W.A.N. Wells wasted not a moment of his life, and he told what he knew, to the inestimable benefit of the community he served.

He thought deeply about things. Whether it was dissecting the plans of the Tanook whaler, his dream boat, or teaching himself karate, or unravelling a Mozart piano piece, or illuminating some principle of the common law, he believed in the inevitable unfolding of the truth - if only we took time to discern it.

Educated at Queen's and St Peter's colleges, Andrew Wells spent his first years in Penang, Malaya. Music was an early joy and he became a proficient pianist. While under siege in Tobruk during World War II, he composed a Christmas carol and, in 1998, completed a song cycle about hope. Over the years, he composed many other songs and liturgical music.

He began his studies at the University of Adelaide in 1938 and became the South Australian Rhodes Scholar in 1940. He completed his degree after war service and was awarded a Stow Scholarship.

During the war, he served as a signals sergeant at Tobruk, and in the battle of El Alamein and then in New Guinea. The war exposed him to raw and savage injustices and he returned with a passionate commitment to justice.

He went to Oxford in 1946, where he obtained a BA in Jurisprudence and a Bachelor of Civil Law (BCL), both with first class honours. He was also awarded the Eldon Law Scholarship. He was called as a barrister to the Inner Temple in London.

In 1948, while still at Oxford, Andrew married Eleanor Jacobs, an Adelaide girl.

Thus began a deep and abiding partner-



ship of 56 years, rich in love and happiness and fulfilment. They raised four sons.

He joined the State Crown Law Office in 1950 and by 1968 had become crown solicitor. He appeared as an advocate in all courts, from the Magistrates court to the High Court and the Privy Council. He was also responsible for the drafting of important legislation. He was appointed Queen's Counsel in 1962 and SA's first solicitor-general in 1969. In 1970, he was appointed a judge of the Supreme Court and the first judge of the newly established Land and Valuation Division of that court.

Although his immense learning and judgment shone in all jurisdictions, it was in the criminal court that he showed his mastery as a trial judge, his gentle and courteous dealings with all who appeared in his court and his compassion for the plight of both victim and perpetrator. He gave to juries a sense of partnership in the administration of justice. He inspired counsel to give of their best and enabled witnesses to do

themselves justice. He was recognised throughout Australia, and in other parts of the common law world, as a master of the law of evidence.

In his dealings with the convicted offender, he tempered justice with mercy. He believed that every person was good at something; that waywardness suggested a failure to discover or pursue it; that rehabilitation started with its identification.

He encouraged those whom he sentenced and followed their progress. On his retirement, he became president of the Offenders Aid and Rehabilitation Service, serving in that capacity for seven years. He was made a life member.

Andrew was a teacher at heart and, for many years, was a lecturer and examiner in law. He wrote *An Introduction to the Law of Evidence* (for police officers) which became a vade mecum for the legal profession. On the Bench, he wrote his judgments in a teaching style, described as "scholarly, deeply considered, penetrating and stylishly expressed".

He retired in 1984. There followed a book on evidence and advocacy (1988); a book, for the community about the law, judges and justice (1991); a revision of an unpublished manuscript of Professor Julius Stone, on evidence (1991); and a monograph on judicial proof (1994).

In 1988, he was appointed an Officer of the Order of Australia.

A past master and grand registrar of the Freemasons, he also served on many professional educational and charitable organisations. His great relaxation was carpentry, which led to boatbuilding and sailing. He loved the sea and preferred not to be too long away from it.

His response to life came from an intense curiosity about things, deep and patient thought and an unyielding belief in the unfolding of truth. He insisted, without fuss, on the essential inclusiveness of his Christian faith. He believed that everyone desired to be good and consequently made himself vulnerable by giving trust. He lived with passion and imagination.