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# Reflections as Foundation Dean

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## Introduction

When I was asked to contribute this article on my reflections as Foundation Dean, I found myself recalling what I think were the highlights of the thirteen or so years during which I was the first Head of the School of Law and then the first Dean of the Faculty of Law at the Queensland Institute of Technology, which became the Queensland University of Technology shortly before I retired. (The name “School of Law” was changed to “Faculty of Law” in 1987.) There were two groups of highlights – first, those in the first stage in the life of the Law School between late 1975, when I was appointed, and 1983 and, secondly, those in the second stage between 1984 and early 1989, when I retired.

Between 1975 and 1983 the members of the Law School staff were busy preparing and introducing our basic course, the Bachelor of Laws Course, in its various forms – four years full-time, six years part-time internal and part-time external – year by year, establishing and building up the Law School Library and introducing the Graduate Diploma in Legal Practice Course.

Between 1984 and 1989, the Friends of the QIT Association – which was later called the “QUT Foundation” and was of considerable benefit to the Law School – was formed, several combined or double degree courses were introduced, the first number of the QIT Law Journal – now the QUT Law Journal – was published, we moved into the new Law/Health Science Building and the Master of Laws by Coursework programme was introduced.

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## 1975-1983

### Bachelor of Laws Course

#### Generally

When the Bachelor of Laws Course was introduced there were 10 other Law Schools in Australia, all in a university. The LLB Courses offered by the New South Wales Institute of Technology and the Queensland Institute of Technology (QIT) were the first and, indeed, the only ones to be offered by a law school in a College of Advanced Education (CAE) – which is what the QIT was until it became a university at the beginning of 1989.

The four years full-time LLB course was introduced over the years 1977 to 1980, the six years part-time internal (evening) course over the years 1977 to 1982 and the six years part-time external course over the period 1978 to 1983. The external course was really the first such course offered by the QIT (I believe that one Department of QIT offered a small external course).

In 1977 the quota for each of the full-time and evening courses was 100 students and in 1978 that for the external course was 50. By 1977 we had six full-time academic staff, including the Law School Librarian and me, three administrative staff and four part-time tutors. (By way of comparison, in 1989 the quotas for all courses offered by the Law School totalled 357. In 1988 there were 1,264 students in the Faculty. In 1989 there were 36 full-time academic staff and 175 part-time lecturers and tutors – over 60 helped with the LLB evening seminars, over 20 with the external seminars in various country centres and over 80 with the Legal Practice Course).

We were proud of the emphasis which we placed on teaching. For example, we had a one hour small group seminar, which was a problem solving and discussion session, for every two hours of lectures in a subject and there were one or two assignments in every subject. (In some law schools there were few seminars or tutorials and few assignments – the common method of teaching was the large-group lecture and many subjects were taught over a year, with the only assessment being an end of year examination.)

We were also proud of our aim to provide a university level education in law that was as practical as possible, one of the consequences of which was that the LLB Course Structure included all the subjects required for admission to practice as a barrister or as a solicitor, as the case might be – which was not so in all LLB Courses.

In 1985 the Commonwealth Tertiary Education Commission (CTEC) set up a committee to conduct a discipline assessment of Australian Law Schools. This committee, which consisted of three professors from Australian University Law Schools – D Pearce (Australian National University), who was the convenor, E Campbell (Monash) and D Harding (New South Wales) – carried out the review in 1986 and its report was published in 1987. When Professor Harding was interviewed about the review on television he was asked how the QIT Law School had fared and he said that we had come out of it quite well. That was pleasing, particularly since most Law Schools, including many of the older ones, did not fare so well. The Report

said (Summary, p 38) that, with some reservations, the LLB Course was satisfactory, the main concern being that the course structure required a student to elect to pursue a stream that qualified for admission as a barrister or one that qualified for admission as a solicitor. It also said that the course's claims to be practically oriented were justifiable but that was at the cost of examination of theoretical aspects of law and there was an unnecessary degree of inflexibility in teaching methods and assessment.

Originally, the course did require students to choose a solicitors strand of subjects (Conveyancing and Drafting, and Solicitors' Trust Accounts) or a barristers strand (Jurisprudence, Administrative Law and Public International Law) in the later years of the course. However, students could and did study the other strand after completion of the course. Further, students were able to study both groups of subjects during the course when the number of Law Elective Subjects was increased at the beginning of 1987.

As to the comments that the practical orientation of the course was at the expense of an examination of theoretical aspects of law, and that the course was rather narrow and practice-oriented (Summary, p 29), the course originally comprised 24 or 25 subjects, depending on which strand of subjects was studied. Half the Law subjects were whole-year subjects and half one-semester subjects. These subjects fell into three groups – those studied in the early years of the course (Introduction to Law, Contract, Torts, Land Law, Criminal Law, Constitutional Law and Equity), those studied in the middle years (Family Law, Commercial Law, Conveyancing and Drafting or Jurisprudence and Administrative Law, Local Government Law or Bankruptcy Law or Industrial Law, and Succession) and those studied in the later years (Company Law, Evidence, Taxation Law, Practice, Solicitors' Trust Accounts or Public International Law, Securities and Professional Conduct). There were five non-Law subjects – four one semester non-Law elective subjects in the first two years of the course and a one-semester subject, Introductory Accounting, in the middle of the course. There was some choice of subjects.

The course was established at the request of the Minister of Justice and the Queensland Law Society, supported by the Chief Justice, when the University of Queensland was unable to admit all those who wished to do the University's LLB Course. It was to replace the Solicitors' Board Examinations at a higher level. During the negotiations with the QIT the various branches of the profession indicated that they would like the course structure to include all the subjects required for admission to practice. I was very much in favour of that. After all, it was anticipated that most of the graduates would go into practice – and they did, and still do, as I noted in the 1996 QIT Law Graduate Survey. (Of the 177 graduates who completed the LLB Course in 1995 and were surveyed, 155, i.e. 88 per cent, responded and of those 86 per cent were employed or studying full-time. Of those employed, 77 per cent were employed in a Law position, 3 per cent by the Commonwealth Government and 9 per cent by the State Government. Many of those employed by the Commonwealth and State Governments were employed in Law positions. The ease with which our graduates have been able to find employment, usually in practice, is very gratifying, as is the

success which they have enjoyed in further studies, in Australia and overseas.)

In the mid 1980s the Australian Legal Education Committee, of which I was a member, began discussing an Australian LLB Course Structure. Most members thought that the compulsory part should comprise of only a 'small core' of six or seven basic Law subjects. I was in a small minority which believed in a 'larger core' of the 15 or 16 subjects, including the more practical subjects, required for admission to practice. However, when the Chief Justice called a meeting of all interested parties in Queensland (present were two Supreme Court Judges, representatives of the Minister for Justice, the professional bodies and the University of Queensland, and myself), the meeting agreed unanimously that the course structure should include the larger core of subjects.

In June, 1987, I asked our Curriculum Committee to review the subjects in the LLB Course and in June, 1988, it reported that it unanimously recommended that no compulsory subject should be deleted from the course structure, which should include all the subjects required for admission to practice. The committee also recommended that three of the four non-Law elective subjects should be deleted, leaving Australian National Government B as a prerequisite to the study of Constitutional Law, and made a number of other recommendations, all of which were adopted by the Law Academic Board.

As to the Pearce Committee's comment about the teaching methods and assessment, I think that they were reasonably flexible. There was a nice mix of lectures and seminars. Lecturers made much use of illustrations and blackboard diagrams. One or two tried the Socratic method of teaching. The resources available enabled me to form seminar groups of 12 or 13 students each. In my experience it is impossible to conduct a seminar properly or use seminar performance as a method of assessment with a larger group of students. Unfortunately, some groups attracted more students and some less.

There was also a nice mix of examinations and assignments, and some lecturers used seminar performance as a method of assessment. Some examiners experimented with "open book" examinations, others issued the examination paper before the examination and at least one tried multiple choice questions. Assignments were as practical as possible and included a library exercise and, in some subjects, a moot.

When the LLB Course began, it led to the award of a Bachelor of Arts (Law) degree – the QIT was a CAE and "Bachelor of Laws" was not an award approved by the Australian Council for Awards in Colleges of Advanced Education. That disadvantage was overcome in 1978. The BA (Law) degree was not well-known in Australia and BA courses were three years full-time courses whereas our course was a four years full-time course like existing LLB courses in Australia.

Again, we were not allowed to award the BA (Law)/LLB degree with honours. That difficulty was also overcome. The fourth year of our course is equivalent to the fourth, honours, year in a BA course. In 1988, 151 students graduated with the award of LLB, including 28 with Honours.

### **Part-time Internal Course**

We had a separate set of lectures and seminars, mostly in the evening, to suit the convenience of the part-time internal students, which was uncommon in 1977, and the full-time lecturers gave the evening lectures, although the evening seminars were largely taken by part-time tutors drawn mainly from the practising profession. The entry requirements for the evening course were the same as those for the full-time course except that, until 1989, when the quota for the evening course was being filled preference was given to articled clerks and certain public servants.

### **Part-time External Course**

The entry requirements for this course were the same as those for the full-time course except that preference was given to articled clerks and certain public servants resident outside the Brisbane Statistical Area. The external students were taught by the same lecturers and tutors as the internal students, supplemented by a number of local coordinators and tutors in various parts of the State.

The course material supplied to external students in each subject included a special study guide prepared by the lecturer-in-charge of the subject. Basic law libraries for external students were set up in several country centres. External students were required to attend a small number of weekend attendance schools in Brisbane each year and loud-speaking telephone tutorials were conducted on a regular basis by a tutor in Brisbane for first and second year external students in certain parts of the State. External students were also required to submit answers to a number of written exercises in each Law subject. From 1983 there was a photocopying service for external students and in 1985 a quarterly newsletter for external students was started.

The Pearce Committee said (Summary, p 38) that "QIT's efforts in its external course were commendable and we think that it should take over sole responsibility for external legal studies in Queensland." That view was included in the Committee's Recommendation 2 (Summary, p 2) and they went on to say (Summary, p 29) that if it were thought appropriate to consider the centralisation of external studies in Australia, QIT would be the only school that could be thought likely to perform this role satisfactorily.

Such praise was pleasing but caused trouble later when, in December, 1987, the CTEC asked us to take over external law studies throughout Australia. We replied that we were content to conduct an external LLB course for the number of Queensland students we had at the time but no more. I considered the request very carefully and the staff became very agitated about it but, whichever way we looked at it, we concluded that we could not do more without upsetting the balance of courses in the Law School and losing staff. My view was that a Law School of a reasonable size can run a good external LLB course when the number of external students is about 15 per cent of the total number of LLB students (and the number of external and part-time internal students is not more than 35-40 per cent of the

total number of students) without upsetting the balance of courses and losing staff.

## **Law School Library**

The Law School Library was the heart of the Law School. There were several reasons for it being part of the Law School and for the Law Librarians being members of my staff. I wanted to determine the content of the Library and the classification of books used. I decided that we would acquire books rather than audio-visual material and that, in general, it would be a reference and not a lending library. I also decided that we would adopt the Moys classification, a feature of which is its separation of primary (statutes and law reports) and secondary (other) materials. Most of all, I wanted the Law Librarians to have a teaching as well as a librarian role and to conduct courses for the students on how to use a law library.

The Pearce Committee's Recommendation 1 (Summary, p 5) was that the CTEC recognise that the aims of law schools in CAE's should be no different from those of universities with respect to undergraduate education leading to the LLB degree and Recommendations 7 and 8 (Summary, p 6) were that QIT should not establish a coursework Masters programme for at least three years. Nevertheless, it remained the Law School's aim to attain Australasian Universities Law Schools Association (now Australasian Law Teachers Association) standards for law libraries. Funding for the Law Library came through the Institute's Main Library and we thought it inadequate until the Pearce Committee confirmed what we thought, after which it improved. When I retired in 1989 the Law Library had 38,000 volumes of books and periodicals and audio-visual material and could seat 370 readers.

I was particularly pleased that the Law Library Course was upgraded in 1988, when Legal Research & Writing I was included in the first year of the LLB Course and Legal Research & Writing II in the final year. The former was to provide hands-on experience in CLIRS and LEXIS, two computerised legal information retrieval systems (we were one of the first law schools to enter into an arrangement with CLIRS and LEXIS); the latter included research into a problem involving a number of areas of law.

## **Graduate Diploma in Legal Practice Course**

This Course, first offered in 1978, was another course requested by the Queensland Law Society, which was concerned about the availability of articles of clerkship to a solicitor and the quality of some articles. I was very pleased to offer such a course in the Law School. It was open to graduates with an approved law degree who had passed in all the subjects required for admission to practice, its aim was to bridge the gap between the academic LLB Course and legal practice and it covered all the broad areas of practice. Just as completion of the LLB Course was recognised as satisfying the academic requirements for admission to practice as a solicitor, so the Legal Practice Course followed by one year's employment by a solicitor satisfied

the practical requirements.

There was one Legal Practice course in each of the other States and the Australian Capital Territory but only the ACT course was offered by a Law School, that at the Australian National University. In the other States, the course was linked with a CAE or, in one case, with two universities, mainly for funding purposes.

The course was a novel one in the QIT. For example, it began and ended at different times from other courses, it lasted for at least 32 teaching weeks, the students had to attend at the Legal Practice premises from 9.00am to 5.00pm on weekdays, they were expected to dress like articulated clerks, they were grouped into firms, each consisting of five students and with its own office, and there was continuous assessment.

The course also differed from most of those in the other States in that they lasted six months, although it was generally agreed that six months was too short. Further, whereas at least one other course adopted a vertical approach, in that each instructor taught in his area from 9.00am to 5.00pm each day for the duration of the instruction, we adopted a horizontal approach whereby, as in practice, the students were engaged in a number of different areas in any one day. Finally, whereas in some of the States articles were abolished and those wishing to become solicitors were compelled to undertake a Legal Practice course, our course was an alternative to articles, which were retained in Queensland, so that all our students were volunteers who had chosen to do the course.

When the course was first offered there were two full-time instructors, three administrative staff and about sixty part-time instructors. There were only 13 enrolments in 1978 but the number grew to 46 in 1987 and I was pleased to note that in 1996 seventy persons qualified for the award of Graduate Diploma in Legal Practice. By the time I retired in 1989 the Legal Practice full-time staff comprised a principal lecturer, a senior lecturer and two lecturers, as well as three administrative staff. There were also more than 86 part-time professional staff. Most students who completed the course were able to obtain employment with a solicitor quite quickly and many continued in the employment of the same firm after completing their year of restricted practice.

The Pearce Committee said (Summary, p 79) that the Legal Practice Course seemed to be satisfactory and was so regarded by the legal profession and the students to whom they spoke. Further, that it demonstrated that a small course can be well run. Nevertheless, they thought that having regard to the number of enrolments it was an expensive operation and recommended (Recommendation 35, Summary, p 9) that unless the number of enrolments increased to around 60 in three years the CTEC should consider whether the course should continue. I was very pleased when the course was re-accredited for seven years in 1988.

## 1984-1989

### QUT Foundation

In 1984 a number of us at the QIT, including the Director, the Deputy Director and some of the Heads of School, concerned at the QIT's lack of sporting and other facilities, decided to do something about it. We held a meeting and agreed to form the "Friends of the QIT Association". which later changed its name to the "QIT Foundation Incorporated". I become the first President and His Excellency the Governor of Queensland agreed to become Patron and some 20 other distinguished persons agreed to become Vice-Patrons.

We ran a number of successful social functions, including wine tastings and graduation dinners, and became incorporated under the *Associations Incorporation Act*, 1981 (Qld). Then we decided to make a public appeal for \$750,000 over a period of two or three years to provide, amongst other things, a small sports complex adjacent to the QIT Community Building. We obtained a bank loan of \$70,000 to enable us to employ a well-known firm of fundraisers to advise us on how to proceed and persuaded a number of eminent business people to serve on an advisory committee. In 1988, I felt that I had done what I could so I stepped down and Mr Bill Blair became President.

The appeal was very successful. So far as the Law School was concerned, I set up a small committee of senior academic staff to decide what we needed donations for and what we could do in return for them. We decided that we needed money for such things as professorial chairs, visiting fellowships, personal computers and the Law Library. In return, we could grant naming rights to the chairs and fellowships and the various rooms in the Law School, particularly the Law Library, the Moot Court and the lecture theatres and rooms. We then appealed to as many firms of solicitors as possible, the Queensland Law Society, the Bar Association and the law publishers. There was a good response, one reason being that the law firms wanted their name to be known to the student body in the hope that when articles or employment were being offered, they would attract their share of the better graduates.

When I retired in 1989 the Law School's annual income as a result of the appeal was about \$70,000, indexed for inflation. I gather that it is much more now.

### Combined (Double) Degree Courses

The first of these courses, introduced in 1985, was the five years full-time Bachelor of Business (Accountancy), Bachelor of Laws course. It was the first double degree course in the QIT or, I believe, in a CAE in Australia.

It was soon after our full-time LLB course began in 1977 that I became aware that we were losing many school leavers with high Tertiary Entrance Scores who wanted to study Law at QIT but wished to undertake a five years combined degree course like the BCom, LLB course offered by university law schools. However,



many obstacles had to be overcome before we could offer such a course. The interest of the Department of Accountancy had to be aroused and the approval of the QIT and the BAE obtained.

What was proposed was a five years full-time course consisting of two years Accountancy and three years Law, the Accountancy subjects being taught mainly in the first two years and the Law subjects mainly in the last three years. All the subjects required for admission as a barrister or solicitor and admission as an accountant were included in the course structure. So far as Law was concerned, that was achieved by excluding the Non-Law Elective Subjects, Introductory Accounting and the Law Elective Subjects not required for admission.

The course has been very successful. The quota was 20 students in 1985 and 40 in 1989 and I was interested to note that at the 1997 Law Graduation Ceremony, awards were conferred on 43 Accountancy/Law graduates.

It was always intended that there should be other double degree courses and the next one was the five years full-time Bachelor of Business (Computing), Bachelor of Laws Course – now called the Bachelor of Information Technology, Bachelor of Laws course – which started in 1988. In this case the course structure was two years Computing and three years Law.

A five years full-time Bachelor of Arts (Modern Asian Studies) (Griffith), Bachelor of Laws (QIT) course also started in 1988. This was an interesting course because two tertiary institutions, a University and a CAE, were involved. Another interesting course was the five years full-time BBus (Accounting) (DDIAE), LLB (QIT), which also began in 1988. In this case the first three years of the course involved the Accounting subjects being studied full-time at the Darling Downs Institute of Advanced Education (now the University of Southern Queensland) and certain Law subjects being studied by means of a QIT external course, and the last two years involved two years full-time Law at the QIT.

## **QUT Law Journal**

In November, 1977, the Law Academic Board agreed with my proposal that we should have a QIT Law Review with the first number being published in the second semester of 1978. A senior member of the academic staff would be Editor-in-Chief and there would be one or more student editors. The first number was not published until 1985, with various difficulties having to be overcome in the meantime. At first, not enough articles were received. Then we failed to persuade the University of Queensland's Faculty of Law to join in a joint review. We also changed the name to "QIT Law Journal". However, Volume 1 appeared in 1985 and one volume has been published every year since then and this article will appear in Volume 13 at the end of 1997.

Publication of the Law Journal was linked with the Law School's Research and Writing effort. From 1976 to 1984 the academic staff numbers were gradually built up but they were pre-occupied with producing course material, particularly that for

the External LLB Course. From 1984 onwards the amount of research and writing increased steadily and in the 1989 Law Handbook I was able to say that members of staff were engaged in a wide range of research and writing and that the Annual Record of Faculty Publications was becoming impressive. In October, 1983, a South Pacific Legal Studies Group was formed in the Law School to promote research into the laws of Papua New Guinea, Fiji, Vanuatu and similar countries. The result was that Volume 1 of the Journal contained a substantial South Pacific Law Section.

## **New Law/Health Science Building**

From the time that I took up my position in 1976 the Law School occupied refurbished accommodation the Old Library Building (G Block), where we had a number of staff offices, a conference room and two small lecture theatres. The Law School Library was in the basement of the New Library Building (V Block), later called the "A M Fraser Building". This accommodation was adequate until the end of 1977 when we moved into the two top floors of the New Library Building. We were very comfortable there, despite 17 leaks in the first shower of rain after we moved in, but eventually we outgrew the space available and we were glad to move into the top 70 per cent of the new Law/Health Science Building (C Block) in 1988. There we had more staff offices, larger lecture theatres, more seminar rooms, a Moot Court and a larger Law Library. Nevertheless, I realised that we would outgrow 70 per cent of the building – in particular, we would not have enough seats or shelves in the Library – within two or three years. Fortunately, after I retired, Health Science vacated their 30 per cent much sooner than was anticipated, so enabling the Law School to occupy the whole building.

## **Master of Laws by Coursework**

As early as 1978 I realised that there was a need for an LLM by Coursework, aimed at young practitioners, and an LLM Committee was set up, although I also realised that it would take some time to recruit additional academic staff and acquire additional material for the Law Library. In fact, the course did not begin until 1989.

What was envisaged was a course which would generally be undertaken by coursework, in the evening, by part-time students who had been in practice for a few years. We agreed on 15 or 16 subjects that might be offered, that entry should normally require an Honours LLB, that students should study four whole-year subjects over two years and that they should have to submit a minor thesis on completion of the four subjects.

Once again, various difficulties had to be overcome. In particular, the Queensland BAE thought it appropriate to introduce the course in the 1988-90 triennium. Again, in 1987, the Pearce Committee recommended (Recommendations 7 and 8, Summary, p 6) that we should not be allowed to establish a coursework Masters programme unless, in three year's time, the University of Queensland Law School had not been able to get together a reasonable coursework programme. Further, later in 1987,

the CTEC recommended that the University of Queensland and the QIT consider a joint LLM by Coursework – something which I had raised with the University some years previously.

I was very pleased when BAE approval for our own course was received in early 1988 and we were able to say that the four subjects to be offered in 1989 would be Commercial Leases, Commercial Remedies, Building and Engineering Contracts and Advanced Company Law. At that point I felt that I had done what I wanted to do and I gave notice that I would retire on March 12, 1989. I was content to leave the introduction of an LLM by Research and Thesis and doctoral programmes, as well as further double degrees, to those who came after me. The LLM by Coursework programme began in that month with a quota of 30 students and it has proved to be very successful. At the 1997 Law Graduation Ceremony I noted that 38 persons were awarded the degree of Master of Laws by Coursework.