

MONASH UNIVERSITY GAZETTE

(f) To establish an honours school of law for undergraduate candidates to proceed to the degree of bachelor of laws with honours.

(g) To establish a postgraduate school of law in which advanced study and research may be carried on in all or any areas of the law.

To achieve those aims and objectives policies were approved to control development with respect to a number of matters:

- (i) The size of the law school;
- (ii) The nature of the degree courses to be established;
- (iii) The nature of the subjects to be taught and the organization of the teaching;
- (iv) The staff structure and faculty organization;
- (v) Law school accommodation;
- (vi) The law library.

Of those matters the first, second, and the last deserve special mention here.

THE SIZE OF THE LAW SCHOOL

It is not possible to demonstrate that any particular number of students is required before a good law school can be established; nor is it possible to demonstrate that any particular number represents the maximum beyond which a law school should not be permitted to grow. There are considerations, however, which enable reasoned judgments to be made, and which permitted Monash to fix upper limits for planning purposes. It was necessary to consider only "upper" limits because Monash seemed to be committed to the establishment of a large law school in response to community demand.

In determining the maximum size of the Monash law school four main factors were controlling ones — quite apart from the question of what moneys might be available — and they were: the nature of law subjects; the teaching methods to be adopted; the faculty organization envisaged; and the facilities which would be needed to carry out the teaching and research aims decided upon. After a detailed examination of all those factors it was decided that an optimum size for a law school at Monash would be somewhere between 750 and 800 full-time undergraduate students; and that a maximum undergraduate student body of 1,200 should be fixed so that planning could proceed. It is important to note that, with degree courses of the kind established, an enrolment in the first year of not more than 300 produces an ultimate total of 1,200 undergraduates.

THE NATURE OF THE DEGREE COURSES

To achieve the aims and objectives previously listed three law degrees were established at bachelor level: the Bachelor of Jurisprudence, the Bachelor of Laws, and the Bachelor of Laws with honours.

The course for the Bachelor of Jurisprudence degree requires candidates to complete eleven subjects: one subject is compulsory, British History; four subjects are chosen from a very wide selection of arts, economics, and science subjects; and six are basic law subjects.

The course for the LL.B. degree assumes that candidates have qualified for the degree of Bachelor of Jurisprudence. Only in special cases is permission granted to proceed to the LL.B. degree without qualifying for the degree of Bachelor of Jurisprudence. This means, of course, that in the majority of cases the minimum time required to qualify for the LL.B. degree is five years of full-time university work. The subjects offered

for the LL.B. course are such that candidates can plan their courses to give special attention to one branch of law rather than another so far as their advanced studies are concerned.

PROFESSIONAL RECOGNITION

The LL.B. degree has been recognized for the purpose of admission to practise as a barrister and solicitor of the Supreme Court of Victoria. The *Legal Profession Practice Act* was amended in 1964 to recognize Monash's entry into the field of legal education and in 1965 the rules of the Council of Legal Education were also amended to recognize work done at Monash for the LL.B. degree. The present situation is that an LL.B. degree from Monash entitles a graduate to enter Articles of Clerkship and, after completing twelve months under Articles and satisfying the other rules for admission, such graduate may be admitted to practise.

An honours school of law was established in 1965. Most candidates are elected into the honours school at the end of their first year of university work; but it is possible to enter the school at any time between the end of the first year and the beginning of the fourth year. Members of the honours school pursue advanced work in many of the subjects required for their degree. In their fourth and fifth years they will undertake special seminar courses and submit minor theses on selected subjects; and at the end of their fifth year they will sit for a final examination. At present all candidates for the LL.B. degree with honours are required to qualify for the degree of Bachelor of Jurisprudence but this requirement is under review.

THE LAW LIBRARY

Probably the most important physical part of any law school is the law library. The lawyer's tools are the books of the law. A law school's undergraduate laboratory is its law library. And a law library is different in many important respects from other libraries — sufficiently different to require different standards of accommodation, different methods of management and administration, and different staff qualifications, from other libraries. As compared with libraries provided to serve the needs of other university departments, particularly those of the humanities and the social sciences, the main incidental differences may be summarized as follows:

(a) Actual "book use" by law students is ten to twelve times the "book use" by arts students;

(b) Very frequently the study of a particular topic requires quite large numbers of books to be simultaneously available to *one* reader — hence a larger reading space per student is needed;

(c) Much of the use of law books by law students is of a kind which makes it desirable that they should be able to carry on discussion with their fellows while they work;

(d) There has not yet been developed, or if developed then not yet widely adopted, any satisfactory cataloguing system for a "common law" law library. The Dewey system in use in most general libraries in this country is not really applicable to law libraries — except to the frustration and fury of lawyers;

(e) A large proportion of the total holdings of a law library are in series — whether in the form of case reports, legislation, or periodical literature.

There is, however, a fundamental difference which in



the last resort controls the nature, the structure, and the management of a good law library. Unlike almost all other libraries a law library, while it serves purposes similar to those of all other libraries, is not merely a collection of books and other writings containing information, reason, argument, and opinion, to be organized by skilled librarians for convenient use by readers. It is such a collection but, more important, it is a repository of living systems of authority as well as of reason — systems which change and grow from day to day. Most law books, once on the shelves, are not left unchanged and merely made available for use. They are affected by the new materials added to the library from day to day and the effects of the new materials must be entered on the old. It requires the attention of an experienced lawyer to organize and maintain a large law library properly.

It is natural and appropriate that any description of law school accommodation should be written in the context of the law library. The law library ought to be planned as the heart of a law school, and at Monash it is so planned. The law school building, which it is now expected will be erected during 1967 so as to be available for use at the beginning of 1968, is in fact a law library set above a floor of teaching rooms and surrounded by staff rooms. The building which has been designed by Messrs. Eggleston, McDonald, and Secomb of Melbourne, and which has now been approved by the necessary authorities so that construction may proceed, is comparatively simple. In outline it is a building approximately 140 feet square and of four floors. The ground floor (which is set, as to much of it, a little below ground level) provides teaching rooms, student facilities, plant rooms, and services. The first floor is taken up by a main reading area for the library, library administration and control areas, and by faculty administration. The second floor provides a second general reading area for the library which is surrounded by academic staff rooms, and faculty meeting room, and library. The third floor is very like the second floor in design but the library area, which takes up approximately half of the total area of the floor in the

centre of the building, is intended to provide for the library's research collection as it grows and for the accommodation of those engaged in postgraduate work.

It is the staff and students, of course, who are the law school; and in these Monash has been fortunate. Three chairs of law have been created. These are: The Sir Leo Cussen Chair of Law (Professor P. L. Waller); The Sir John Latham Chair of Law (Professor D. C. Jackson); and The Sir Isaac Isaacs Chair (to be filled during 1966). In addition, the dean was appointed to be The Sir Owen Dixon Professor of Law.

Two special lectureships in law are at present held by very distinguished lawyers: one by Emeritus Professor F. R. Beasley, formerly dean of the faculty of Law in the University of Western Australia, and the other by Mr. W. T. Charles, formerly The Honourable Mr. Justice Charles of the Supreme Courts of Western Nigeria and of Zambia.

Monash is fortunate to have Mr. Gerald Dworkin (reader in law in the London School of Economics and Political Science) as a visiting senior lecturer in the law school for two years from October, 1965.

Five senior lecturers (Mr. P. G. Nash, Mr. P. J. Hocker, Mr. P. W. Hogg, Mr. A. Harari, and Mr. H. B. Connell) and three lecturers (Mr. J. I. Fajgenbaum, Mr. B. M. Dwyer, and Mr. F. Trindade) complete the permanent academic staff at the time of writing. Mr. P. G. Nash, who is the sub-dean, has recently been elected to the foundation chair of Law in the University of Papua and New Guinea and will be leaving Monash at the end of July, 1966. All members of the law school wish him success and congratulate him on his appointment, but his departure from Monash will be felt as a serious loss.

In this, the third year of law teaching, there are 413 undergraduate students enrolled for law degree courses and some 25 students from other faculties enrolled for law subjects. In addition, one Ph.D. candidate and three LL.M. candidates are enrolled. It is expected that total student numbers will rise to approximately 1,100 by 1970; and thereafter growth will be controlled so as not to exceed 1,200 in all.

*Architect's sketch of the law school building*

