

CANBERRA UNIVERSITY COLLEGE

Department of Law - Annual Report 1952.

Teaching Programme.

(i) University of Melbourne Courses.

Six subjects were offered for the LL.B. course: Introduction to Legal Method, Legal History, Contract, Tort, Public International Law and Private International Law, as well as the three law subjects of the Commerce course: Commercial Law I and II and Elementary Jurisprudence and Constitutional Law. In addition, students availed themselves of the facilities for external study at the University of Melbourne for Criminal Law and Evidence.

(ii) The Department also made itself responsible for a short course in Public International Law to cadets of the Department of External Affairs and three Patent Law subjects to officers of the Patent Office (Department of the Attorney-General).

Staff.

The staff of the department was appreciably strengthened by the addition of a second full-time member in Mr. L.F.E. Goldie who conducted three full courses in addition to the cadet course and instruction on Legal Method to Patent Officers. Dr. Fleming taught three subjects, the rest of the instruction being borne by five part-time lecturers (only 1 for the LL.B. course). It is the policy of the department to reserve full-time staff for the LL.B. course where higher standards of instruction are both necessary and more fully rewarded.

Enrolments & Examinations in the LL.B. course.

Enrolment of beginners for first year subjects was satisfactory but as in previous years the wastage has been considerable. Of six new entrants, one discontinued the course at an early stage by reason of permanent departure from Canberra, three were unsuccessful in their examinations (of these only one will be continuing the course) so that in effect only 50% have survived to continue their effort in the coming year and of these only two-thirds acquitted themselves with success in the examinations.

By contrast, the remainder of the student body have done well. Their examination results justify the conclusion that part-time law students at Canberra can compete on favourable terms with full-time undergraduates of the University of Melbourne. Of twenty-one entries, there were 4 very good 2nd Class Honours (one tying for first place in the Melbourne class list), 1 3rd Class Honours and 9 passes. In the aggregate, we had 4 failures and 3 supplementaries, giving a rate of pass of $66\frac{2}{3}\%$ plus inclusive of the unsatisfactory First Year.

It is anticipated that 2 students will graduate in the coming year.

Research & Publications.

(i) Dr. Fleming.

Articles:	The Action Per Quod Servitium Amisit	26A.L.J. 122
	Inter-State Enforcement of Maintenance & Alimony Decrees	407
	Evasion of Law & Divorce Adjudication	1 Intern & Comparative L.Q. 381
Notes:	Australian Commentary	" 66,262
	Case Comment	15 Mod.L.R. 229

(ii) Mr. Goldie

Notes: Nationality - Mandates	1 Intern. & Comparative L.Q. 557
Review of Commonwealth Legis- lation	2 Annual L.R.(W.A.)425

Library.

The strengthening of the library has continued to absorb much attention and, although our holdings are, as yet, moderate for advanced work, they are approaching a fair minimum standard for undergraduate needs. In view of the very high cost of legal publications, accessions of text books have had to be greatly restricted in order to make it possible to acquire major sets and reference material. We were fortunate to secure a complete set of New South Wales reports and have also added the Australian Digest as well as major portions of the British Yearbook of International Law and the Annual Digest of Public International Law Cases in so far as these volumes were available on the market.

General Observations.

While progress in these various directions has been satisfactory, it is appropriate to draw attention to certain aspects impinging on the work of the department which call for improvement or amelioration. First, the inadequacy of secretarial assistance is making itself increasingly felt as the result of expanding staff and commitments. While certain departments of the College have their own secretaries, this advantage has not only been denied to us but the sole general typist has been almost exclusively drawn within the ambit of other departments and in view of the appointment of a Professor of French, is unlikely to be available at all in the future. It has, moreover, been found that secretarial work in legal matter makes demands, both intellectual and linguistic, which cannot be adequately met without at least some continuity and certain minimum standard of familiarity with affairs. In view of the heavy teaching commitments by members of the staff, the additional burden of doing their own typing cannot but be regarded as undesirable.

Secondly, it is believed that insufficient appreciation has hitherto been accorded to the nature of the teaching commitments of the department which apart from the Commerce law subjects, is responsible for the whole gamut of 18 law subjects of the LL.B. course. While the classes are regrettably small, it is impossible to evade responsibility for steering students through the whole of their course, and although it has been found feasible to allow certain minor subjects to be taken externally, tuition must at some time or another be made available at the College in all the remaining subjects. In view of the small full-time staff and dearth of outside talent, this state of affairs has in the first place necessitated the teaching of between 3 and 4 subjects by the former which compares very unfavourably even with comparatively small law schools like those in Tasmania and Western Australia. Additionally (and this is generally overlooked), by reason of the wide coverage of the LL.B. course, it is never much more than half the number of subjects which is repeated the following year. This leads to a dissipation of effort quite unparalleled either in the other departments of the College or in the law faculties of the State Universities where the individual lecturer is responsible for no more than 2 subjects which normally do not vary throughout his career.

The effects of the present system are twofold, though inter-connected: specialisation, the desirability of which is generally conceded by professional opinion, is thus rendered

3.

virtually impossible and opportunities for independent work and publications are set at a premium which some university teachers would regard as unattainable. While existing conditions can perhaps be borne as a temporary measure, their continuance for any length of time will ultimately have repercussions on the attractiveness of teaching posts at the College which give cause for some apprehension.

J.G. FLEMING.

Head of Department of Law.

2nd February, 1953.