

The Law School Shift

The Act of 1850 establishing the University of Sydney empowered it to grant degrees in Arts, Law and Medicine after examinations. The Act did not specify that only those who had first graduated in Arts could qualify for a degree in Law or Medicine, but for the first 25 years in the life of the University the Senate set that as a condition.

Although the Senate introduced by-laws to establish Faculties of Law and Medicine in 1856, four years after it established the Faculty of Arts, it did not appoint a Professor of Medicine until 1883 nor in Law until 1890. But the University examined and conferred degrees in Law and Medicine before Professors were appointed. In Law, a barrister-of-law was appointed as part-time Reader in Jurisprudence in 1858 to give some evening lectures at the University, but that position was discontinued in 1869. A part-time lecturer was appointed in 1883 but he resigned in 1885. A Board of Examiners was appointed in 1864, and between that date and 1886, nine had been awarded an LLB and sixteen a Doctorate of Law.

In Law there were several Fellows of Senate well qualified in the law who could act as examiners. But that was not so in Medicine where apart from Sir Charles Nicholson, M.D. and John Smith M.D., (Professor of Chemistry and Experimental Philosophy in the Faculty of Arts), the University had to rely on general practitioners. Between 1866 and 1877 after which a BA degree was no longer a prerequisite to enrol in Medicine, the Senate had graduated eleven as MB, BS, and one an MD.

The Senate specified the subjects to be examined for both the Bachelor and Doctoral degrees in Law and Medicine. It was not surprising that the Professors of Medicine and Law, who were responsible for teaching as well as examining, persuaded Senate to make extensive changes in their by-laws.

While he was part-time Reader in Jurisprudence, and later when he became a Judge, Mr J.F. Hargrave was critical of the location of his evening lectures. The distance of the University from the city, the lack of convenient public transport to the University, and the very poor state of the roads and paths and lighting at the University discouraged the enrolment and attendance of students. The lectures would have been better attended, he maintained, had they been given in, for example, the Supreme Court Building. His experience would have influenced Sir William Manning, the Chancellor of the University and former Chief Justice, when the Challis Bequest

rescued the University from its dire poverty and made it financially possible to appoint a Professor and Lecturer and to create a Law School.

In 1889 Manning appointed a Senate Committee, comprised only of its members qualified in the law. It proposed the appointment of a Professor and several part-time lecturers. Senate approved the Committee's proposals, and appointed Pitt Cobbett, MA DCL (Oxon) who arrived early in 1890, and four very able young barristers as part-time Challis Lecturers.

From the outset the Law School was located near the Law Courts. That would not have seemed strange to Cobbett. After graduating from University of Oxford he had been "called to Gray's Inn" (located near the Law Courts in London) which was one of the four Inns with the right to admit persons to practise at the Bar. Instruction at the Inns of Court in preparation for the bar examinations was given by part-time lecturers.

Before the Law School was created, it was not possible to get a Sydney LLB without first acquiring a Sydney Arts degree or equivalent. The first Professor and Dean of Medicine appointed in 1883 had rejected the idea that an Arts degree was essential for a liberal education, as had the Dean of Science when that Faculty was created in 1882. Cobbett was not so certain and he certainly preferred entrants to the Law School to have an Arts degree, as did his successor Peden.

However shortly after he arrived in Sydney, Cobbett proposed that the curriculum devised by a Senate Committee be changed to make the LLB a full-time three-year course instead of two (except for Arts graduates), and that students be permitted to enter the first year of the LLB course after two years of Arts instead of three, and then to take a three-years course in the Law School. Senate approved his proposals, as it did in 1897 when the by-laws were changed to enable enrolments in a five-year LLB course for those who had passed the Senior Public Examination or equivalent. Doubtless Cobbitt was influenced by the general by-laws of 1890 which allowed students to enrol directly in science, medicine and law faculties.

The articulated clerks system for potential solicitors added to the strength of the case for a down-town law school, and when in the nineteen fifties the Faculty of Law made a provisional proposal to re-locate the Law School on the University campus, the Solicitors Law Society objected and had some influence on the Law Faculty's decision to change its mind on location. The articulated clerks' system continued, although becoming progressively less effective, until the College of Law was established in 1972 to provide a full-time skills course.

The provisional decision of the Law Faculty on a re-location of the School was caused by its seriously inadequate housing, and the increasing members of full-time Arts/Law students. The Faculty, which in 1950 had two professors, four other full-time academic staff, and thirty-eight part-time staff, took the initiative. The Dean wrote to the Vice Chancellor that given the need for a new building and the Faculty's likely support of a combined Arts/Law degree as the norm, the Faculty proposed that it be re-located in a satisfactory new building on the Camperdown campus. In December 1956 the Senate decided that the future location of the law School should be within the grounds of the University.

In his submission to the Murray Committee of 1957 on the Australian Universities, the Vice Chancellor proposed the grant of £270,000 for such a new building. Although the Murray Committee recommended a grant of £2,050,000 for the University, it did not include a grant for a new Law School building.

Senate had appointed an architect to prepare plans for a new law school building on the site of the tennis courts near the main Parramatta Road gate. The preparation of those plans concentrated the minds of those opposed to the move, and in May 1963 a rescission of the 1956 decision was passed. In his chapter in *A Century Down Town* (edited by J&J Mackinolty, 1991), Emeritus Professor Morrison, who had moved the rescission motion, recalled that "at the conclusion of my address in support of (the rescission motion) the future Sir Kenneth Jacobs summed it up by saying that he had no doubt the same points had been made centuries before in opposition to get the surgeons out of the barber's shops", and that the "Dean had summed up the whole meeting by saying that it was probably the most disastrous decision ever taken in the history of the Law School.

In June 1963 the Senate responded to the Faculty's decision on the location of the Law School and instructed the architect who had drawn up plans for a building on the tennis courts site, to draw plans for a new down-town building. That was done by his firm, with Professor Peter Johnson as the design architect. The creation of a new Law School building required much planning. The University needed the State Government to make the chosen site available to the University for a building for the purposes of legal education. When the State agreed, the building for what is now known as the Old Law School could proceed, and it was opened in 1969.

Although the Murray Committee had not recommended a vote for the Law School building in the University grounds, Sir Keith Murray had not forgotten the Vice Chancellor's submission, and he had been disappointed by the decisions of the Faculty and the Senate to rebuild the Law School near the Law Courts. Before I left

England to become Vice Chancellor of Sydney in September 1967, he asked me to try and persuaded the Senate to reverse its decision. "It's not too late", he told me "The new Law School is still only a hole in the ground". At I think was my second Senate, I informed senators of Sir Keith's views, gave his views my support, and particularly as I predicted that given the prospective increase in enrolments the articulated clerks system would collapse within ten years. I received no support.

My prediction was correct. The Solicitor's Law Society changed its view on articles, which the Faculty in the sixties should have predicted, and the College of Law was established in 1972 to provide courses in skills required in the profession. That made it certain, I thought, that before long the Law School would be re-located on the Camperdown or Darlington Campus. I did not predict how long.

In the years between the completion of the Law School Building near the Courts in 1969 and the opening of the new Law School building on the Camperdown campus in 2009, there were many changes relevant to the location of the School. The College of Law was established in 1972, the staffing of the School had grown from 4 professors and 12 full-time other academic staff and 29 part-time staff in 1960, to 9 professors, 43 other full-time academic staff, and only a few part-time staff in 1980. The proportion of Arts/Law students continued to increase, there were plans to abolish direct entry to the LLB degree, and there was also a growth in postgraduate courses and in staff research. These factors, together with the need for a considerable expenditure on the existing building, estimated as over \$20 million, encouraged speculation on the case for a re-location of the law School. Professor Phegan pressed the issue early in his time as Dean from 1986-89.

The report to Senate from its Building and Grounds Committee in March 1989 had a section on the siting of the Law School. It noted that from time to time the University had given consideration to relocating the law School on the main campus. that the University had been approached by developers interested in buying the Philip Street site, and that the University was having discussions with the State Government on a possible sale. It noted the need for the university to be ready to move should the sale eventuate. Senate at its meeting in June 1989 approved the search for a site on the main campus and the appointment of architects to carry out the feasibility studies.

In 1991 the Buildings and Grounds Committee of Senate reserved a site beside the Wentworth Building for the New Law School building. The building of it was said to be dependent on the sale of the building next to the Law Courts, but as yet the University had not reached an agreement with the State Government on the ownership of the site if the University did not use it for legal education.

The decision to site the new Law School building in Darlington was not altogether popular with all staff and graduates of the Law School, and a Fellow of Senate, John McCarthy QC, was strongly opposed to it. The Dean of the Faculty from 1998-2002, Professor Jeremy Webber ignored the existence of The Senate's Facilities Planning Committee, and commissioned an architect to find a suitable site on the Camperdown campus, and he suggested a split site – the main building on the lawn tennis courts adjoining the Women's hockey pitch, and the nearby Transient building to house the law library. The Senate rejected that proposal, which had obvious difficulties.

On March 3, 2003, Senate considered The Project Definition Plan for Campus 2010. At that meeting the Chancellor welcomed to the meeting the Dean of the Faculty of Law, by then Professor McCallum, and invited him to comment on the Plan. The Dean was recorded as saying that he was happy with the outcome for the Law School and looked forward to relocation to the Darlington Campus. But the planning process was not complete, and later in 2003 there was a new plan.

The Vice Chancellor had informed Senate in November 1999 that the Minister had agreed that the University could sell the Law School building and site, and Senate approved the selection of a site on campus for a new Law School building. That reported agreement by the Minister was not followed with a legal document, and the Government has still not transferred ownership to the University. However the coupling of the sale of the old Law School with the building of a new Law School was soon abandoned. The new School was financed from University funds at a time when the yields on the University's portfolio were very high, with some small assistance from law firms and graduates. The Senate's original plan for a site next to the Wentworth Building was changed when the Campus 2010 Project Definition Plan was extended to consider three new buildings, namely the new School of Information Technologies, the Law School, and the "USYD Central" building for student services.

During 2003 Senate decided to locate the building for the School of Information Technologies on the Cleveland Street Site next to the Seymour Centre, the building for USYD Central (now the Jane Fossey Centre) on the site previously reserved for the Law School, and the New Law School Building along the edge of Victoria Park and between the Fisher Library and the Carslaw Building, which required the demolition of the Stephen Roberts Lecture Theatre and the Edgeworth David Building for Geology – which were criticized by the planners for having been built with their backs to Victoria Park! Senate then approved Design Competitions for USYD Central and the Law School.

After much planning and discussion the Facilities Planning Committee, working ^{to} of the general direction of Professor Gavin Brown, the Vice Chancellor, and to the direct control of Professor Ken Eltis, the senior Deputy Vice Chancellor, had produced a good and st quickly accepted solution to a very difficult problem, despite the demolition *quietly* of two buildings carrying famous names.

In December 2003 the Vice Chancellor reported that the three major new projects in the Camperdown and Darlington campuses would cost \$150 million, as part of the wider Campus 2010 costing \$200 million. (The costs of the finished buildings were much higher.) He also announced the winner of the design competitions, after which the Chancellor stated that the consultative phase for the designed projects could begin. The competition for the Law School was won by Francis-Jones Moreton Thorp. The Law School Building was opened in 2009.

So the Law School came to the Camperdown campus, 40 years after the Law School building next to the Law Courts was opened, and 52 years after the Murray Committee was asked to finance a move to the campus. With its joint degrees with Arts, and now Economics and Science also, the end of direct entry, a stronger emphasis on staff research, it is a much more appropriate place than "downtown", and it has shifted to a location that satisfies the wish of many Law graduates who feel that their Faculty, one of the original three, "should not be pushed across City Road to the Darlington campus" which was not acquired until 100 years after the Grose Farm land. The Law Faculty was remarkably fortunate to be given such a fine site almost 150 years after University buildings began on Grose Farm.

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