

EDITORIAL

MONASH LAW SCHOOL—THE FIRST DECADE

On 14th October 1963, the Council of Monash University announced that it had decided to establish a Law School at the University and that Law teaching would commence in March 1964. At the same time it was announced that Professor David Derham, now Vice-Chancellor of the University of Melbourne, had accepted appointment as Dean of the Faculty of Law. He commenced his duties as Dean of the Faculty of Law on 1st March 1964.

On 3rd March 1973 the Faculty Board of the Faculty of Law decided that the Monash Faculty of Law should publish its own law review. In the intervening period of over ten years the Law School at Monash University has grown to become the largest law school in Australia. It has an enrolment of some 1,250 students (a small percentage being part-time) in the under-graduate programme of the B.Juris., and LL.B., and some 100 students in the post-graduate programme, and a teaching staff of 58 full-time teachers, with many part-time teachers.

Teaching commenced in March 1964 with 150 students being selected and enrolled. By 1968 the Faculty of Law had its first graduate and at the end of 1968 the class of 1964 graduated. One student of that class, Mr C. R. Williams, is the assistant editor of the Monash Law Review.

Professor David Derham was Dean of the Faculty of Law until the end of 1967 when he took up his new appointment. In the following seven years the Faculty of Law has expanded and now has six Professors (including the Dean who occupies the Sir Owen Dixon Chair of Law), and one chair which is still to be filled. It was decided by the Faculty of Law to name the chairs of law after prominent jurists, and to date the Faculty Board has chosen to name the seven chairs after eminent judges of the High Court of Australia and the Victorian Supreme Court. The titles of the chairs are:

The Sir Owen Dixon Chair of Law; The Sir Leo Cussen Chair of Law; The Sir John Latham Chair of Law; the Sir Isaac Isaacs Chair of Law; The Sir Hayden Starke Chair of Law; The Henry Bournes Higgins Chair of Law; and the Sir John Barry Chair of Law (which is as yet unfilled).

It was decided that the LL.B. degree at Monash University should, for most students enrolled, be a graduate degree. More than 90 per cent of students who wish to obtain their LL.B. degree from the University must either obtain their Bachelor of Jurisprudence degree or another under-graduate degree. The Faculty of Law has encouraged the undertaking of

studies in other disciplines as a preliminary to the LL.B. degree, and in 1971 the Faculty saw the establishment of a combined Science/Law degree. Growing numbers of students have enrolled in the Arts/Law combination and in the Economics/Law combination.

For many years legal education in Victoria was tied to a fairly rigid syllabus, which allowed for little choice by the students for optional subjects in their LL.B. degree. When the Faculty moved over to semester teaching in 1972, in conjunction with the rest of the University, (a decision which the University has revoked, and which will mean that in 1975 semester teaching will end and the University will revert to the term system), the Faculty was able to introduce a variety of subjects taught both over one semester and two semesters.

In 1973, the year in which the law review was founded, the Faculty also inaugurated its Master of Laws programme by coursework. In 1973 this proved to be most popular with Melbourne practitioners: it was the first coursework post-graduate degree to be offered in this State. In 1974 the University of Melbourne embarked on a similar programme, and there has been and continues to be co-operation between the two faculties in ensuring that the limited resources are utilized as fully as possible in making available a wide range of subjects to the legal community of Victoria.

Why a Monash Law Review?

The question of whether the Faculty should have a law review occupied the minds of members of the Faculty almost as soon as the Faculty began. All Law Schools in Australia, other than the two more recently formed Law Schools in Sydney, have a law review. The tradition in the United States of America is for all Law Schools to have a law review and for these to be staffed and controlled by students. Unfortunately the publishing of a law review is an expensive item and for many years it was felt that the Faculty did not have the manpower or other resources to undertake the publication of a law review. It was also doubted whether another law review was needed. Negotiations were entered into with the University of Melbourne for the establishment of a joint University of Melbourne/Monash Law Review. After some negotiations it was mutually felt that the difficulties in establishing such a joint venture were too great, and the idea of a law review was temporarily shelved. The appointment of recent graduates from Australian and overseas universities, who had had experience as editors or on the editorial boards of university law reviews, revived and indeed led to a stronger demand for the establishment of a law review. It was felt that Monash needed an avenue through which its own staff and students could express their views on various issues. The establishment of the Victoria Law Foundation, an organization whose aims are to encourage legal research and writing (*inter alia*), in the State of Victoria, gave

the supporters of a law review new impetus. After careful consideration of the type of law review that the University might wish to publish, the composition of its editorial board, in the light of the basic question of whether the Faculty should have a law review, the steering committee appointed by the Faculty to look into this question, recommended unanimously that, with the availability of financial assistance from the Victoria Law Foundation, the Faculty should establish a law review. After some debate, concerned mainly with some of the mechanics of the decision, the Faculty endorsed the establishment of the Monash Law Review.

It was decided that for the first issue of the Monash Law Review a few invitations should be sent to prominent academics in Australia and overseas inviting them to write for the Review. We have in fact received three contributions from academics outside Monash and the fourth article in this issue is one by a full-time member of the Monash staff. In addition to articles it is also proposed to include casenotes, contributed mainly by the student editors appointed to the editorial board, and book reviews. It is proposed to publish the Law Review twice yearly.

Although there are a number of law reviews on the market, it is felt that there are inadequate opportunities for Australian lawyers (both law teachers and practitioners) to write about the increasing number of problems that face the practising legal profession and the teaching legal profession today. It is hoped that the Monash Law Review will offer another avenue to teachers, practitioners, administrators and students to discuss important and current questions of law reform, and to write on subjects that will increase the knowledge and awareness of the legal profession in our climate of ever-increasing change.

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Editor