DISTANT VOICES, TOLL ROADS/NIGHT WATCHMEN AND *LAW MADE SIMPLE*: REFLECTIONS ON MENTORING, NETWORKING AND A VARIED SELECTION OF RESEARCH AND PUBLISHING TOPICS

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ABSTRACT

This paper is an outcome of a successful symposium conducted by ALAA in December 2021, which caused me, as the presenter of this paper, to reflect on how my own experience of research and publishing might serve as a guide to others embarking on their academic legal careers.

In the sharing of these experiences, allowance must be made for the age barrier between myself and those towards whom this advice is aimed. However, it shows that research can arise from the most unusual circumstances, illustrated in how my military experience was used to advantage 40 years later in a submission to a parliamentary Standing Committee, and my work for local government gave rise to research into local Bill procedure. The section on access to legal education illustrates how the selection of a writer of the foreword for a research monograph gave rise to welcome publicity. Legal publishing is also well covered, with the importance of recognising advantages as they are offered. Hopefully the early career academic will be encouraged by the random research and publication opportunities I experienced to pursue similar opportunities as and when they might arise.

I IMPLICATIONS OF THE CHOICE OF A CAREER

In December 2021, a presentation was organised by ALAA regarding early researchers and their choice of mentors and research topics.[1] This was a highly successful symposium, obviously of great help to early researchers, and for my part it generated a great deal of reflection as to how I had developed some of my research projects and entered legal publishing, both as an author and an editor. Of course, everyone has had a different experience in this respect, but I considered how my own experiences might serve as a guide to others who are just embarking on their legal academic careers.

Thinking back to my first interaction with the law in 1953 gave me cause to consider how matters have changed regarding the law, career choices and their outcomes. In this respect I have recorded how my various research ideas arose from my own personal experience and were subsequently developed into research projects. The second part of the paper relates to the possibilities of legal publishing and how chance encounters can open up into major publishing opportunities.

When I started working in the law in the UK, in some ways it was much easier because there were no real legal career choices other than entering articles to train as a solicitor or study for the bar exams. Even then, the concept of articles in most firms of solicitors still involved a payment to the law firm for the privilege of entering articles. The idea of studying for a university law degree was, for most, a distant choice, dependent on whether you could win a scholarship to pay for your tertiary studies or whether your parents could financially support you, although the latter was an opportunity open only to the very few.

II RESEARCH INTO MILITARY LAW

A *Early Origins*

Looking back on my career in the law, I realise that it was not the clever selection of the right path towards academia or finding a position in the legal profession, but more the result of serendipity. When I left school in 1953, like everyone else in the UK the only choice was serving for two years in National Service, with most being recruited into the army. I was selected for the Royal Army Service Corps, not a fashionable army regiment — whilst it was not a cavalry regiment, it was at least responsible for the operation of mule trains! These never formed part of my army life, which was much more prosaic in that I learned to touch-type, a skill that has remained with me long after my abilities in shooting and the use of the bayonet have disappeared.

The two worst places to be posted in the British army were Aldershot and Catterick Camp in Yorkshire — unfortunately, I experienced both. I started my training at Aldershot, which has been described as ‘a terrifying place … the town was bristling with military, generals bore

[1] Liam Elphick, ‘Early Career Journeys in Legal Academia’ (Zoom Panel, ALAA, Monash University Law School, 2 December 2021).

down on you from all directions, the continuous snap of salutes sounded like cricket balls on a fast wicket, sergeant-majors roared like lions, and there was an overwhelming air of disciplined doom'.[2] What a relief when, after my basic training, I was posted away to Catterick, in the north of England, where the winters were so cold that the sheep tried to get into the army billets for warmth; that is if they could get past the snow piled up against the billet doors. There were no chairs to sit on, as they had been chopped up for firewood many years before I arrived.

Nevertheless, it was where my legal career began — in 'A' Staff Branch of the military administration, which dealt with court martials, the exercise of justice for all military personnel based on the English *Manual of Military Law*. My work involved the preparation for, the conduct of and the conclusion of court martial proceedings with the confirmation of sentence, if the accused was found guilty, by the General Officer Commanding Northumbrian Military District. Little did I know that this time was to be the most enjoyable part of my military life, as very soon I was plucked from my cosy time in the office and sent on a long drill and battle course at Golden Hill Fort on the Isle of Wight — but that is another episode of my military life outside the scope of this paper. Nevertheless, my subsequent military career, which included a further 17 years with the British Army Reserves, did impact on my subsequent legal research output.

So it was that this early experience of the law gave rise to a major research project nearly 40 years later, when I was part of the University of Technology Sydney ('UTS') Faculty of Law from 1989 onwards.

B *Inquiry into Military Justice Procedures in the Australian Defence Force*[3]

The UTS Faculty of Law in 1997 was just beginning to develop a research ethos, and it just so happened that a mutual interest into research was shared by myself as the new Dean of the Faculty, Penny Croft, a comparatively newly appointed law lecturer, and Danielle Manion, a recent law graduate. Prompted by a press notice in February 1998 by the Defence Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade of the Commonwealth Parliament inviting submissions relating to an inquiry into military justice procedures in the Australian Defence Force, it was decided to develop and submit a report for consideration by the committee. This was not a random choice by the three of us, but a joint realisation that military justice procedures impacted on:

1. Australia's possible breach of art 14(1) of the International Covenant on Civil and Political Rights ('ICCPR') by failing to guarantee military personnel an independent and impartial tribunal under the *Defence Force Discipline Act 1982* ('DFDA');

[2] Anthony Carson, *A Rose by Any Other Name* (Penguin, 1962) 92.
[3] Joint Standing Committee on Foreign Affairs, Defence and Trade, Defence Sub-Committee, Parliament of Australia, *Military Justice Procedures in the Australian Defence Force* (21 June 1999).

2. The 'service connection test' in relation to the jurisdiction of military tribunals consistent with ch III of the Constitution; and

3. The constitutionality of the appointment of the Judge Advocate General ('JAG') under the DFDA given the JAG's reporting function under s 196A.[4]

It is not the intention of this paper to go into the intricacies of the submission made by the UTS research team, but to describe the implications and consequences of such a submission.

C *The Submission*

It will be appreciated that any submission to a parliamentary committee, whether it involves the Commonwealth or a State Parliament, requires a well-prepared brief. The UTS brief incorporated two submissions. The first, Submission No 20,[5] consisted of seven pages, recorded in Hansard, providing recommendations on:

1. Art 14(1) of the ICCPR: 'Since the UK has recently amended its legislation to comply with the Commission's [European Commission on Human Rights, Convention on Human Rights and Fundamental Freedoms] finding in *Findlay v United Kingdom*, Australia should similarly amend the DFDA to ensure that an accused person before a court martial is guaranteed a fair trial by an impartial and independent tribunal in accordance with Article 14 (1) of the ICCPR.'

2. The 'service connection test': 'Given the increased recognition of human rights in our society, particularly the right to a fair trial by an independent and impartial tribunal, it seems incongruous that military personnel should not be afforded basic guarantees in the trial of service offences in times of peace. Such guarantees could be ensured by constituting a separate Ch III military court to deal with services offences that extend beyond merely disciplinary offences. Alternatively, military tribunals should be restricted to the purely disciplinary aspects of service offences, as advocated by Justice Deane in *Re Tracey.*'

3. The JAG under the DFDA: 'Under the DFDA, the JAG fulfils both a reporting and a judicial function. Pursuant to s 196A of the DFDA, the JAG is required to furnish an annual report to the Minister on the operation of the DFDA, its Regulations and Rules, and the operation of any other Law of the Commonwealth or of the ACT, which relates to the discipline of the defence force. Given the finding of the Court in *Re Wilson*, the constitutionality of this function is now in question. Accordingly, this function should be removed from the role of the JAG, or the JAG should not be a Ch III judge.'

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[4] Ibid 32.
[5] David Barker, Penny Croft and Danielle Manion, 'Evidence to Joint Standing Committee on Foreign Affairs, Defence and Trade, Defence Sub-Committee, Inquiry into Military Justice Procedures in the Australian Defence Force' (Submission, 1998).

With the Oral Hearing of the Defence Sub-Committee set to be held on 19 June 1998, the UTS research team was granted the opportunity to submit further explanation of our previously submitted written evidence, as Supplementary Submission 20.1, on:

1. Art 14(1) of the ICCPR, which culminated in the statement that '[i]t is therefore our view that there is a strong possibility of an individual relying upon the first Optional Protocol of the ICCPR and arguing that Australia is in breach of s 14(1) of the ICCPR'.

2. The 'service connection test', which incorporated the final paragraph:

> The majority of problems within the 'service connection' test are that it:
>
> - is too vague and wide.
> - ousts Chapter III judges and thus fails to guarantee judicial independence.
> - makes no distinction between peace and wartime disciplinary situations.
>
> We would thus recommend the creation of a Chapter III military court as already stated in our original submission at page 295.

No further comments were added to '3. The JAG under the DFDA'.[6]

D *The Oral Hearing of the Submission*

The oral hearing occupied approximately an hour and a half of submissions made by the UTS team, which were subjected to considerable and vigorous cross examination by the Sub-Committee. One reason for this might have been that most of the submissions dealt with instances relating to military justice, which the submissions attempted to question or were in answer to such submissions. The UTS submission was unique in that it was made by a university law school and was the only submission by a person or organisation outside of the military. It was obvious to an onlooker that the Sub-Committee relished the opportunity to be involved with an entirely different cross-section of participants who both questioned the current process of Australian military law and made proposals for its reform.

E *Outcome of the Inquiry*

There were two basic outcomes from the UTS submission. The first was that the press was caught up in the unique nature of the UTS arguments. A full-page spread in the *Sydney Morning Herald* was titled 'UTS Law Dean Questions the Legitimacy of the Australian Government's System of Military Law'.[7]

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[6] David Barker, Penny Croft and Danielle Manion, 'Evidence to Joint Standing Committee on Foreign Affairs, Defence and Trade, Defence Sub-Committee, Inquiry into Military Justice Procedures in the Australian Defence Force — Supplement' (1998) 289.

[7] 'UTS Law Dean Questions the Legitimacy of the Australia Government's System of Military Law', *The Sydney Morning Herald* (Sydney, 1988).

The second was that, in October 2007, in what was claimed to be 'a significant milestone for military justice',[8] the Australian Military Court ('AMC') was established and the inaugural military judges sworn in. The new court provided members of the Australian Defence Force with an even more transparent and impartial military justice system, reflecting the world's best practice. An examination of the establishment of this new AMC would reveal that it replaced the system of individual trials by court martial or Defence Force magistrates, a move advocated in the UTS submissions to the inquiry. Of course, it would be inappropriate to claim that this was solely the effect of the UTS submission, but it would have had some effect in the application of these reforms.

However, for those who are fully aware of the implications of military law, there was a sequel to this decision. In *Lane v Morrison* (2009) the High Court held that the creation of the AMC, and the conferral of military jurisdiction on it, were invalid.[9] There was subsequent legislation to restore the military justice system to its pre-amendment form, and these changes were upheld in *Haskins v Commonwealth* (2011).[10] It could be argued that these decisions brought the work of the UTS military law research team full circle. The conclusion to be drawn from this history is that quite a significant section of research can arise from an original or early interest if coupled with an enthusiastic team of researchers.

III PRIVATE LOCAL BILL PROCEDURE: TOLL ROADS AND NIGHT WATCHMEN

It is the focus of this paper to encourage potential researchers to consider developing research projects arising from the most unlikely circumstances or in the most unusual situations. My research into private local Bill procedure would be the most esoteric example of such a situation. My National Service was followed by 16 years in local government. For most, this would not be the most fulfilling of employment experiences. However, for me it gave rise to my MPhil project, 'Local Legislation in Guildford: Its Nature and Impact Described in the Context of a Commentary on the Part Played in the Development of Local Government in England',[11] which serves as an unusual outcome from my time as a local government employee. This most unlikely and idiosyncratic research project arose because of my employment from 1965 to 1972 as a Senior Legal Officer at Guildford Council in Surrey in the UK, during the time when the council promoted the *Guildford Corporation Act 1967*. A subsequent period of full-time study at the University of Kent in 1970–71 and the writing of the research thesis culminated in the award of the MPhil in 1983.

Private Bills are an interesting part of many Commonwealth countries' legislation. In the UK, public Bills provide for matters that affect the country, such as adequate facilities for travel by land or water, as compared to private Acts that provide for such local services as lighting,

[8] Cristy Symington, 'A New Military Court' (14 December 2007) *Lawyers Weekly* 20.
[9] *Lane v Morrison* (2009) CLR 230.
[10] *Haskins v Commonwealth of Australia* [2011] HCA 29.
[11] David Barker, 'Local Legislation in Guildford: Its Nature and Impact Described in the Context of a Commentary on the Part Played by Local Acts in the Development of Local Government in England' (MPhil Thesis, The University of Kent, 1983).

watching, street paving and cleansing. Outside private local government Bill legislation, private Bills have been used for the promotion of insurance companies, canals, railways and major toll roads. As a matter of general interest, you will still find local Acts being promoted within Australian State legislatures.

However, this paper is concerned with the effect of the local Acts of Guildford and how they became part of an MPhil thesis. To any newcomer to local Acts of Parliament, it is most probably helpful to place the particular *Guildford* Corporation *Act 1967* into context by a brief reference to the early history of Guildford and the effect of local legislation on its development, particularly as it is regarded as one of those towns that have made substantial use of such private legislation to meet the ever-changing needs of the community.

The principal reasons for the promotion of the *Guildford Corporation Act 1967* can be summarised as follows. First, the owners of the Godalming Navigation canal, the Stevens family, wished to transfer it to the National Trust. The problem was that many of the original commissioners of the Navigation had been appointed under the powers of a previous Guildford local Act, which meant that the council would still have some liability for the canal even after it had been transferred. Second, the council had the right to collect the sum of a penny in respect of each sheep that passed over the major bridge crossing the Navigation in Guildford. This was known as the 'Guildford Pence'. To resolve this problem, it was suggested that the Navigation be transferred to the Guildford Corporation, with a subsequent re-transfer to the National Trust. The advice that the council received was that the most appropriate process to achieve this was by the promotion of a local government Bill, which if approved would become a local Act of Parliament.[12]

The outcome was not only the *Guildford Corporation Act 1967*, but a further attempt by the successor local authority to the Guildford Borough Council — the Guildford District Council — to promote a Bill for the siting of a new Surrey County Hall in Guildford on a local open space, Stoke Park, which resulted in the local Bill being entitled The Stoke Park Guildford Bill. The promotion of this Bill had all the usual issues — pressure groups, amenity societies and influential lobbyists pitting those who viewed the proposal as the culmination of the Guildford historic claim to be recognised as the County Town of Surrey against others who considered it to be the desecration of a respected open space for the satisfaction of misplaced civic aggrandisement, with a complete disregard for the wishes of the majority of Guildford ratepayers. It is not surprising, when viewed in retrospect, that a great deal of passion was created on both sides, not only within Guildford itself, but in the national media and in the House of Lords. The proceedings of the Bill, which eventually ended in failure, included correspondence in *The Times* and an ill-tempered debate in the House of Lords, where the depth of ill-feeling over the failure led one of the members to remark: 'My Lords, I suspect that there is something strange in the atmosphere of your Lordships' house this afternoon.'[13]

[12] Ibid 81.
[13] Ibid 165.

Re-reading my completed thesis now removes any doubt that my former employment at Guildford Council and my involvement in the preparations for the *Guildford Corporation Act 1967* assisted me in researching and writing the thesis, and the experience helped me in the networking and interviewing of those involved in that particular Act and subsequent local legislation when I was completing my research on the topic.

IV ACCESS TO LEGAL EDUCATION

As someone who became a lawyer from a family that, other than my brother, had never produced any lawyers, I always had an interest as to the social profile of present-day young lawyers and whether this indicated a problem of access if the Australian legal profession did not reflect the socio-economic class, ethnicity or gender composition of society at large.

This led me, when Dean of the Polytechnic of Central London Law School, to initiate an access course for disadvantaged students into the law degree programme at the Polytechnic. Subsequently at UTS, prior to and when I became Deputy Head of the Law School, I was again involved as a member of the Student Equity and Access Committee in programmes introducing disadvantaged students to the possibility of studying for a law degree.

However, I realised that there was an opportunity for further research, based on an earlier research project in 1978 by Don Anderson, John Western and Paul Boreham entitled 'Law and the Making of Legal Practitioners'.[14] As early as 1991, I took the opportunity to develop some tentative research into the possibilities of expanding access to the legal profession. The impetus for this research arose from a report on recent statistical trends in Australian legal education by then Associate Professor David Weisbrot (subsequently Dean of the University of Sydney Law School) to the Law Council of Australia's Legal Education Conference held at Bond University on 14 February 1991.[15] In his paper, Professor Weisbrot stated that 'the Australian legal profession does not reflect the socio-economic class, ethnicity or gender composition of the society at large …. the social background of young lawyers is, if anything, more elite than in previous generations'.[16]

However, due to the pressures of teaching and administration, the research, whilst continuing in an unstructured way, did not gather momentum until the opportunity arose in 1994 to engage University of Sydney law graduate Anna Maloney, who was undertaking part-time teaching but seeking a research opportunity. This coincided with Chris Roper, in his capacity as Director of the Centre for Legal Education, established in 1992, initiating several reviews and

[14] Don Anderson, John Western and Paul Boreham, 'Law and the Making of Legal Practitioners' in Roman Tomasic (ed), *Understanding Lawyers* (Law Foundation of New South Wales and George Allen & Unwin, 1978) 181, 185–6.
[15] David Weisbrot, 'Recent Statistical Trends in Australian Legal Education' (Conference Paper, Law Council, Legal Education Conference, 14 February 1991).
[16] David Weisbrot, 'Access to Legal Education in Australia' in William Twining, Neil Kibble and Rajeev Dhavan (eds), *Access to Legal Education and the Legal Profession* (Butterworths, 1989) 84, 88.

subsequent publications, together with research monographs published by the Centre. It was because of this research initiative that a grant of AUD4,000 enabled my research to go forward.

Again, it is not the intention of this paper to become involved in the minutiae of the research project. However, it did give rise to a contemporary literature review on access courses and the more pressing problem of creating a system that could adequately rank disadvantage, the difficulties of which gave rise to greater concern. A major outcome of the research was the creation of a model access course that could be adopted by university law schools in cooperation with TAFE colleges. With the completion and publication of the 1996 monograph *Access to Legal Education*,[17] the research programme would most probably not have made any further progress but for one final stroke of good advice. This was to invite the Hon Justice Michael Kirby of the High Court of Australia to write a foreword. With his usual generosity, Justice Kirby did write a foreword of four pages, which was a chapter. There was the added advantage that access into legal education is a particular concern, if not a passion of Kirby. There was also one additional advantage of his involvement that we had not envisaged. The publication of the monograph coincided with him being the principal speaker at the 1996 UTS Law Graduation Ceremony and, to the surprise of everyone, he made the major feature of his graduation speech 'Access to Legal Education' and the publication of the Centre for Legal Education monograph. This meant that there was major publicity at a gathering of lawyers and potential lawyers in the UTS Great Hall, and of course, the additional publicity for any speech given by Michael Kirby.

V PHD THESIS: 'A HISTORY OF AUSTRALIAN LEGAL EDUCATION'

It is not my intention to devote too much time to my PhD thesis, which I completed in 2016, as it could only be used as an illustration of how conventional research should be conducted.[18]

Nevertheless, I had retired, gained a great deal of experience in the topic and retained a wealth of material over the years regarding the thesis — the topic was legal education. I gained financial support through an Australian Postgraduate Award, for which I had to compete against keen competition but for which I had ample time to prepare, and it was the only research that I was able to complete without the external demands of teaching or administration. I would add that I had an excellent supervisor in Professor Brian Opeskin. Except for a minor medical episode I was able to complete my thesis within the timetabled programme. Its completion would only serve as an illustration that research can be enjoyable and fulfilling if you have unlimited time to undertake it, which is not the normal opportunity offered to the early researcher struggling to juggle the demands of excessive teaching and administration.

[17] David Barker and Anna Maloney, *Access to Legal Education* (Centre for Legal Education, 1996).
[18] David Barker, 'A History of Australian Legal Education' (PhD Thesis, Macquarie University, 2016).

VI WRITING TEXTBOOKS AND BEING A LEGAL AUTHOR

I have not been a prolific author but learned early on in my academic career that it was helpful to devote at least some time to legal writing, whether it was the preparation of lecture notes, conference papers or papers for faculty or university meetings. I have always strongly encouraged the presentation of papers at ALTA/ALAA conferences. Often this process of unlimited papers being presented at the conference has been criticised, but I have been of the view that it provides an opportunity for early researchers to gain experience before presenting on more esoteric topics to more demanding audiences. This comment recognises that many of the papers presented at ALAA conferences are of a high standard but there is also the opportunity for the presentation of papers of varying quality, affording the novice academic to gain experience in what will prove to be a lifetime journey of academic presentations. I would mention that I have consistently presented at least one paper at ALTA/ALAA conferences since 1989 and have most probably presented in excess of 100 papers at national and international conferences over the past 30 years.

When I first commenced teaching law in 1972 at a college of technology (now Solent Southampton University in the UK), I remember the advice of the head of the Department of Building Construction at the college, himself a successful author, who said: 'The best way to commence in academic authorship is to write a subsequent edition of a book already in print.'

A Law Made Simple

Although my first opportunity to undertake any legal authorship did not arise until I had been teaching for a decade, it was exactly this opportunity that was offered to me. A book with the unpretentious title of *Law Made Simple* had first been written by Colin Padfield in 1970.[19] It originally had terrible reviews but had somehow struck a chord with law students who discovered that it covered all their needs as a basic legal textbook and was attractive to the general reader. Padfield unfortunately died in 1980 and a group of academics including myself was asked to prepare a revised copy of his most recent edition. Although this was an interim arrangement, I realised that the publisher (at that time Heinemann) would require something more permanent, so offered to become the author of any subsequent editions, which they accepted. Since then, the book has gone through numerous editions and publishers, and the latest — the 14th edition, celebrating 50 years of publication — was published by Routledge in 2020,[20] by which time the number of copies published had exceeded 150,000.

B *Australian* Essential Series

In 1994, when I made a chance call into the temporary offices of the UTS Law Faculty in Harris Street, a representative of Cavendish Publishing said she was seeking someone interested in initiating an Australian series of law books based on the UK's *Essential Law* series. I was aware

[19] Colin F Padfield, *Law Made Simple* (WH Allen, 1970).
[20] David Barker, *Law Made Simple* (Routledge, 14th ed, 2020).

that Cavendish Publishing, a new UK publishing company under the management of Sonny Leong, had made a significant impact on law publishing in the UK, and thought that it was an opportunity for UTS law academics to become involved as authors of Australian legal texts. I was not disappointed, as UTS members of the Law Faculty responded to the challenge with enthusiasm. I had been appointed as the next Dean of the Law Faculty in 1997, which coincided with the ALTA Conference taking place at the Law School that same year. By this time, the first five editions of the Australian *Essential Series* had been published — including texts on administrative law (by Ian Ellis-Jones), contract law (by Geoff Monahan), law of evidence (by Colin Ying), management law (by Michael Adams) and tort law (by Anita Stuhmcke) — and so the launch of the series was able to take place at the conference.[21]

This was followed by a succession of further titles, culminating in a total of 17, including *Essential Australian Law*, which I authored. There were two spin-offs from this publishing venture. The first was that for a few years Cavendish became a major publishing sponsor at the ALTA conferences, climaxing at the 2003 Conference at the Murdoch Law School in Fremantle, which, because of the joint interests of Professor Ralph Simmonds, the Dean of Murdoch at the time, and Sonny Leong, was devoted to the Blues Brothers, with every conference delegate being issued with a pair of dark glasses![22] The other was the regular publication of the free *Australian Law Student Reporter*,[23] which incorporated a page devoted to legal updates of all Priestley law subjects. Subsequently it was a great disappointment when Cavendish sold out their publishing interests to Routledge, who decided to discontinue all the Cavendish Australian publications, bringing the *Essential Series* to an end.

C Law in Principle *series*

Although Sonny Leong had given up his personal publishing interests, he still retained his interest in legal publishing, so it was no surprise when on his initiative I was approached by Palgrave Macmillan, who wished to enter legal publishing in Australia. I was asked if I would like to become the Commissioning Editor for a legal textbook series, *Law in Principle*, and as I had just relinquished my role as Dean at UTS it seemed an ideal opportunity to renew my interest in legal publishing. However, I did discover that, compared to the earlier *Essential Series*, it was now more difficult to attract academics to undertake authorship of legal textbooks, despite the reputation of a publisher like Palgrave Macmillan. Part of this has been the increasing reluctance of research accreditation agencies to recognise law textbooks as research projects.

Nevertheless, the *Law in Principle* series reached six volumes before the publishers decided to relinquish legal publishing in Australia.[24]

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[21] George Marsh (ed), *The First Twenty Years: Faculty of Law, UTS, 1977–1997* (UTS Faculty of Law, 1997) 87.
[22] *2003 ALTA Conference: Changing Law* (Web Page) <http://alta.austlii.edu.au/2003_conference.html>.
[23] David Barker (ed), *Australian Law Student Reporter* (Cavendish Publishing, 2003).
[24] John Pyke, *Constitutional Law* (*Law Principles and Practice* series, Palgrave Macmillan Australia, 2013).

VII REFLECTIONS ON LEGAL RESEARCH AND LEGAL PUBLISHING

I understand for those just entering as a career academic that the time constraints are quite daunting, particularly with the current emphasis on more online teaching in these Covid-19 times placing even more pressure on law teachers. However, I trust that the description of my early experiences regarding the possibilities of research and publishing will encourage the early career law academic to seek out or accept such opportunities when offered. I would mention that my first year's teaching programme had an outline covering three sections a day (morning, afternoon and evening, five days a week with one section free a week), so that teaching/contact hours could fluctuate between 20 and 27 hours a week with a free session each week of 3 hours. In addition, I was responsible for administering a hall of residence where I collected the rent of each resident (27 of them) once a week.

However, even producing course materials for each teaching session — printed hand-outs, when I was teaching — is creating academic resource material that could come in useful later. Furthermore, while the more senior members of the school or faculty will already have a monopoly over the more traditional subjects, such as contract, torts or criminal law, in today's society even the most niche subjects can be developed into research topics or publishing ventures for the future.

In my PhD thesis and book *A History of Australian Legal Education*, I comment on one of the principal themes of legal education, which is the transition of law schools from having a teaching-only function to one that incorporates a teaching-research nexus. It was the Pearce Report of 1987 that marked the first acknowledgement that law schools should regard research as a major component of their role within the university environment.[25] It was also the Pearce Report that created the impetus for the development of legal research in its modern form in Australia. In setting out my own experience in endeavouring to capitalise on the varied opportunities for research that have arisen in my career, I hope that I will have encouraged early career academics to take similar advantage of such opportunities that might arise within their own law schools and universities. Law teaching has been described as 'a great and noble occupation'[26] and for every law academic it is important to realise that this perception of a fulfilling legal career must incorporate the concept of accepting such random research and publication opportunities as and when they arise.

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[25] Dennis Pearce, Enid Campbell and Don Harding, *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission* (Australian Government Publishing Service, 1987) 306 [9.1].

[26] Fiona Cownie and Ray Cocks, '*A Great and Noble Occupation!': The History of the Society of Legal Scholars* (Hart Publishing, 2009).