

John Keeler Oral History – Interviewed by Stephen Beaumont and transcribed by Mark Seeliger.

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This interview is with John Keeler formerly an Associate Professor in the Law School at the University of Adelaide. John was born close to Windsor in England. He was educated in Windsor and then at Jesus College at the University of Oxford where he graduated with a BA in Jurisprudence in 1963 and then a Bachelor in Civil Law in 1964. From Oxford John moved directly to the Law School at the University of Adelaide where he has spent his entire career formally retiring in 2002 but where he remained active as an adjunct Associate Professor. During his time at Adelaide John had served on the University Council in the 1980s and 1990s and on many other committees, both within the Law School and more widely. John was long active in Staff Association affairs and was a habituate the University Staff Club where he was a founder and long serving member of the famous 'Table Four'.

So John, it's been a long career at the University, can we start with you describing something of your origins, your early life and what brought you to Adelaide?

My parents were evacuated from Romford in Essex to Windsor when the bombing started in the Second World War and the evacuation was because my mother was pregnant with me. So, I was born just outside Windsor and educated in Windsor, initially at the local catholic primary school where my grandmother Sue had been one of the original suffragettes, an early woman to qualify as a primary school teacher reception class teacher. From there I took the bus and went to the local Windsor Grammar School and from there I went to Oxford. I got to Oxford on a scholarship. The person who interviewed me was the Lord Don at Jesus College, Arthur Rodgerson. Fortunately he and I had some kind of mental compatibility which meant initially that I got the scholarship and I got to Oxford. Secondly, that he took an interest in me. When I went up for the scholarship and he interviewed me he asked me the standard question 'what did I think I would like to do after I finished the degree?' State school did not prepare one for interviews of such questions and my response was that on the whole I thought I would like to come out with Don and teach at Oxford, but before I did that, I would like to teach in a university in Canada or Australia for 3 or 4 years. Anyway, after 3 years I did the BA in Jurisprudence and didn't do as well I had expected or hoped. It was by then he had accepted the position of Professor, I think as Professor of Law at the University of Adelaide, and his idea had been that I should succeed him at Oxford. But since I had not done very much my friend succeeded him which was interesting because my first teaching experience was actually taking classes with him so the final year in the year behind me was [inaudible] part of [inaudible] and my [inaudible]. But after having come here and having worked out that I was to succeed him, looked at me and said how about Adelaide. That was in line with what you suggested. And so I applied for a lectureship at the University of Adelaide I'm not sure that Arthur wrote one of the official references but certainly his friends in Oxford wrote me official references and perhaps learnt an element of Oxford education and an element of patronage, who knows. I got a lectureship here and arrived in August 1964.

Directly for the position at the University of Adelaide?

Yep. The [inaudible] exam was in June. The results came out end of June the beginning of July. And again, there was a good deal of fortune. I did well enough in that to justify the appointment by the time I got here.

Very Good!

The ship actually sailed, the Iberia sailed on July 21st which was no more than six weeks after the exam.

My word, OK. So straight from the university at Oxford to the University of Adelaide. That must have been quite a contrast in experience in academically, the urban experience and everything?

I think in some ways that is hard to remember because Oxford is obviously a residential university and I had been there for 4 years, two years living in college and two years at Windsor. And yet as a residential university one gets accustomed to a city which was about two or three hundred thousand, but a university city. On the other hand, one's home was Windsor which was twenty or thirty thousand and my parents had come from London. So I suppose my early first experience was Oxford, Windsor, London and Adelaide has wider streets and a more open appearance than any of these three. Certainly it doesn't have what I suppose is essentially an eighteenth-nineteenth century castle. It goes back to the eleventh century in the centre and it doesn't have policies that go back to the 14th and 15th century all around ...ah...so yes it's different. Also Oxford is an elitist system. Yet as a university I knew that every college had 2....3...more Dons, I knew that there were certain people, important people teaching law there. And yes, I've encountered several of them. But I haven't encountered anything that resembles a Department of Law or a Faculty of Law. Because on the whole one doesn't, one may come across two or three people whom I identify as being from different colleges taking a graduate seminar and I certainly encountered that, but there was never a question asked I suppose of joining a group of people who were responsible for a curriculum or syllabus overall. So that was different. It was also a relatively small experience, not by comparison with Oxford by what it had become. When I arrived I was the tenth member of the staff of the Law School. One of them, only one of them, being younger than me and described as a teacher rather than a lecturer at times. The Law School had earlier in the year moved into new quarters which at the time were, I think I would call it, the first floor of the Napier building. People who know the Napier building will recognise it, the one with the orange band around it from the outside. The Law School moved there as its final home for an institution which was never going to have more than 250 students. It had more than 250 students at the time I arrived and lasted in those quarters until January 1967 by which time we had 375 students. So we were 50% bigger so we moved to a building which was supposed to take five or six hundred. It now has two extra floors most of which the Law school could get hold of but there are 1500 students enrolled in law degrees at any one time now.

My word! And so after Rodgerson was the professor or were there more professors back in 1964?

In 1964 there were two professors. Dan O'Connell had a personal chair, Arthur came as the Bonython professor and was supposed to manage the law school. This was largely, not because I think Dan wanted to be a research professor, but because Vic Edgloe, the Registrar, hadn't liked the way Dan had run the law school when he was acting head of the law school in the previous years. In Edgloe's estimation I think too much of the...too many of the resources that had been granted to the law school had been gone into Dan's speciality of international law, and I think there was a

feeling that what they wanted was somebody who would, after all, would be the professor and manager for the law school which, at the time, was the only law school in South Australia and where a degree in law was a prerequisite to going on to articles and being able to practice, and Arthur, although he was being sought after as an academic at Jesus College for some time, had been a practising member of the northern circuit. And his visits to Adelaide needed to be suggested to the faculty by a professor of the University of Oxford, Rupert Cross, who had come here for a few months on study leave and really liked Adelaide.

Rupert Cross from... from Oxford?

From Northern College, Oxford. He was a great man in the history of, I suppose, English law. Rupert was blinded at the age of two and his specialities were evidence and criminal law. He gave some of the first lectures I ever attended at the University of Oxford and he'd been the person presiding over the seminars in evidence in the post graduate course I did. But he died at eighty. He'd been put up at St Marks in various ways. He appreciated the good things in life, and the things he particularly appreciated by name were the Barossa valley and the McLaren Vale and Coopers Brewery (*laughing*).

OK. Which no doubt enlivened his lectures!

They enlightened mine. I'm not sure they enlightened his. I have one very early student memory of Rupert. Arthur had arranged a moot [?] between ourselves in another College, I don't remember. The moot [?] was held in the senior common room of Jesus College. It was therefore in an elegant seventeenth century panelled room around a polished elegant round table, on one side of which was myself and two of my colleagues of Jesus College and on the other opposite seat Rupert was the judge. He was sitting at the head of the table. One of the things I had to ask was that the drunkenness should not be treated as a defence, or allowable as a defence in murder cases. And in an over enthusiastic way I'd gone back, discovered various quotations from [inaudible] written about criminal law in the 17th century, the course of which he made various comments about wine and alcohol, those noxious substances and toxins by taking the line that noxious and toxic substances shouldn't be allowable as defence, all of which was a little more difficult because Rupert was smiling sympathetically, of course being blind you couldn't of course read anything into him (*laughing*).

Wonderful! Well in 1964 in Adelaide, that was Henry Bastian, Vice Chancellor?

Yep. I didn't think much about Vice Chancellors in those days. At that stage...Vice Chancellor...the university was very small at that stage. From memory it was probably about 5000 against the 25 000 it is now, it might have been smaller. A friend of mine Michael Harris, he became a colleague of mine 66 – 67 lecturer. Michael had graduated in 1963. So this is the year of the 50th Anniversary. I don't think that he will be able to come. But he tells me that his cohorts which are about 25. When I arrived it was probably there were probably 45 or 50 being admitted each year but not that many graduating. In 1967 I think '66 or '67 we were told that the law school had to have a quota. The quota was set at 100 and we didn't fill it. The first time the quota filled was probably a year or two after that...'68.... perhaps...'67 or '68. One person who got in the next year, but by the 1970s the quota was 140 and we were excluding 50 or 60 applicants a year, and so it's gone on I think we now reckon something over 300 a year. Then there are two other law schools.

Who defined...who established the quota system? Was it the university?

Yes. The university insisted we have it. We didn't propose it.

Does the university still have discretion on how many students are admitted to particular disciplines?

Try in my own mind to work out the history of that is really very complicated. The system for many years was the Commonwealth essentially set quotas for the university. It became an interesting proposition because there was an overall quota but then there were quotas within different fields. So that for instance the Commonwealth still set a very clear quota for medical students and perhaps dental students. Umm.....funding was attached to numbers. Quotas in areas like medicine and eventually law kept people out that in other areas it was necessary to fill the quota in order to get anticipated funding. I don't know when this happened but by the 1980's and 1990's, this university was going to fall short in some areas. It had a certain discretion that it could go above quota in others. And so, if it was falling short in arts or science, it tended to increase the numbers which it actually admitted in law or commerce or disciplines where there was...they were in high demand and so there were occasions when a routine whereby we spend some months in one year establishing what the quota in law should be and the number was approved by the university system in November or December, and at time of enrolments, if we were short in other fields and we couldn't actually fill those fields, and so the number that had been so painfully arrived at and agreed was by then the say so of the Deputy Vice Chancellor increased and the university overall could match the number of enrolments we were supposed to have. Anyway, I don't know whether we had an official quota anymore. But I do know that something over 300 there was one torrid year, a couple of torrid years, where whatever number we thought we were going to have, certainly one of the last classes I was teaching the class was 450 in the first year class and I think a year or two later it may have been even bigger than that.

HMM. I arrived at the university in 1975 which was in the middle of, or toward the end of, the Whitlam era when there was enormous expansion of universities, was that a period of a great increase in numbers in law?

No, it wasn't because in 1970 the quota for law had been fixed at up to 140. We were getting many more applications than that but we were kept at 140. It had all sorts of interesting spinoffs. For a while it was thought that Flinders would have a Law School and the Law Society for 3 or 4 years actually established a transition course because you couldn't get into law at Adelaide but you were going to finish at the Flinders Law School when the Flinders Law School opened. But the Flinders Law School didn't in fact open in the 1970s. It didn't open until 1991. The Law Society couldn't maintain that course. Those people that did the course were awarded a certificate to a large practice but they were only 3 or 4 years of entrance to that particular course. And after that students who couldn't get into Adelaide went often to Tasmania, and then when the university system expanded in all law schools opened by the 90s or by the late 80's they were going to Tasmania and Bond. Eventually Darwin got a law school and so Adelaide students were going interstate. Mainly if they could get into Adelaide they stayed in Adelaide rather than go to ANU or Sydney but there were university...there were law schools that were easier to get into and they would go to those. But the Law school itself had a different sort of problem really. The professors wanted it to expand; it wanted more fees in. The university was holding the quota. The profession, as I say, started its own course and

expectation their own and children of Adelaide practitioners found themselves going to Tasmania or Darwin or Bond and so the profession put a lot of pressure on the law school to expand its quota. In fact what the law school did for a little while in the 1980's was reduce it. It was lacking resources from the university and it reduced the quota to 125 with a plan to increase it later on. This of course put the profession markedly against them and they ducked that the opening of the Flinders law school by the late 1990's. The politics had become really, really very difficult. Politics were ostensibly that the Dawkins revolution was over treading the university and universities were being made to change in various ways for a Commonwealth government. But by 1996 more or less achieved and the Commonwealth government wanted to demonstrate that it was not running the universities in every way. Lots of universities wanted to expand to have law schools or expand in different disciplines, the Commonwealth delegated the decisions more or less to State governments. Flinders was much more honest despite the efforts of Frank Burnet. Flinders was much more on side with State government than the University of Adelaide. The University of Adelaide was offering an expansion of the quota in its existing law school from 125 to about 200. Flinders was offering a new law school and the State government opted to back Flinders. But while there was huge response from the Adelaide law school for an expansion in the 1990's for other reasons which became a huge in the late 1990's with what I describe as the first operation of quota systems. Flinders opened in 1991. And since then we have seen law at the University of South Australia. That's....what 5 years old now?

Hmm. A great many lawyers were then produced?

Yes. Yes, despite the pressure from the profession in the '70's and into the early '80's. I still remember one ludicrous bit of correspondence in 1975 the year I was Dean of the law school here. My predecessor had been Ivan Shearer. Ivan had a letter from the President of the Law Society stating that there was a great shortage of lawyers in the profession. The university and the Law School needed to expand their quota and indeed they need to double their quota. Nothing happened of course. We didn't double our quota. My successor Grant took over as Dean in 1977 and within a few months he had a letter from the same person, who was by now no longer President of the Law Society but Chair of the Council of the Professions for South Australia, explaining that there was a massive surplus of lawyers in South Australia and it was necessary to halve the quota; halve that quota which he said should be doubled 4 years before. Had we done it, an extra cohort would have been going through and he would have demanded that we reduce by 20. One of the things we actually had in mind was not so much the pressure from the profession which in my estimation came from two sources. One was the general democratic notion people that wanted to do law should be able to do law but there was also an element that relevant practitioners weren't able to get into Adelaide and they had to go elsewhere. Despite that, one of the things that we tried to consider was indeed about roughly how many graduates we thought that the profession could absorb, and it actually was around 140 to 150 a year. So when Flinders opened and we went up to 180 and the number of entrants to law courses within a couple of years was up to 280 – 300, let alone what would happen 10 years later when we were taking 400 and Flinders was taking 120 and so on, an evident disconnect between the number of people, number of students coming to read law in Adelaide when the capacity of South Australia, the need for South Australia for lawyers which is why it became very easy for the Adelaide Law school in particular to start arguing from the late or mid 1990's on and we've been arguing for nearly 20 years now. We've had no option but to be a national

law school. I can't remember I was Head of the Department and acting dean 1993-1994 and one of those years I think all but one of our honours students went interstate for their careers but.....

What do you mean by National Law School?

It's just saying that we aren't training people for what South Australia's wants. There's a better demand which says that nationally we need and this is of course mainly in Queensland or maybe West Australia. The demand is for commercial lawyers or environmental lawyers. We actually had to aim very clearly for national standards, proper international standards because there is no point in aiming for local standards.

But aren't interstate universities producing enormous numbers of lawyers as well?

One of the remarkable, paradoxical to me but still, of the early years of the Howard government which by then was building on the Dawkins' revolution and so on, was that when I came here I visited a number of universities and their Law Schools. By 2000 there were 7 Law Schools in Australia. If you are going to say you are national you are going to have to be competitive and going to have to stay with those seven or eight because your graduates are going to have to be preferable to those of 30 other universities. We have no option but to aim for the highest level, high level nationally.

Has Adelaide achieved that?

We're still in the top 8 or 9 of Australian law schools on thinking of the ranking system used. Whether or not that is good enough is doubtful and I'm entirely certain that our present Dean would think that inadequate. At various stages I think we have been better than that, and I'm sure that at various stages we've been seen as being worse than that. So I think that for the moment the Adelaide law school was in a reasonable situation and one from which it can improve and will aim to improve.

You mentioned that over the years that the profession has been anxious to see the number of trainee lawyers increase and also how it felt too many lawyers had been produced. Now with 3 law schools in South Australia does the profession have a view?

No, I haven't asked it. I know that the things that have worried the profession in recent years are not so much the number of graduates but the fact that such a high proportion of the best ones either choose to move interstate immediately and avoid some of the difficulties of finding positions in Adelaide but also that some of those that do stay find themselves limited by what the Adelaide profession offers and move interstate within 3 or 4 years. I think they are more worried about their capacity to retrain our best students and our best graduates now than they are about the number. I think they have got to the stage of thinking, well, law graduates do move interstate, law graduates do actually embark on careers other than law. Lots of law graduates change careers from law after 4 or 5 years and I think that probably across the nation now in Adelaide a bit more of the law degree isn't just for lawyers. And if people don't make it or don't want to make it law then they can do other things. It is a shame that we can't keep the best of those who do want to.

I want to get back to the university in just a minute, but it occurs to me that the nature of the professions more widely has changed so that in many instances some knowledge of the law is now

very useful and so this presents an opening for lawyers to move into other areas so they use them and bring those skills with them?

That was our theory. When we found we moved from 120 to 180 at the end of the 1980's or in the 1980's and eventually we did in the 1990's, it was done at the same time as we introduced under the Deanship of Jim Hancock, who was very dedicated to it, a system whereby we moved from minority, by then I think a minority, of the group of eight universities which focussed on a straight 4 year law degree and moved to a system of encouraging people to do doctorate degrees, and in some ways effectively we made it compulsory. We....partly it was by changing the entry system. But the thing that actually clinched it was that nobody could qualify for an LLB degree unless they qualified or obtained a degree in another field. On the whole we thought that that would probably encourage double degrees in arts and international studies. Though Jim went to enormous lengths to ensure that the double degree was as widely available as possible and in the end I think the only double degrees which weren't possible were law-medicine and law-dentistry. Medicine did have a degree for people who weren't going to be doctors. It's called Bachelor of Medical Science and that was a double degree. A double degree in law was much more difficult. In pretty well all the other programs, arrangements were done so that it is possible to do the double degree, the two degrees, in five years and that wasn't possible with engineering. But it didn't mean we didn't have people with a double degree in law and engineering. So yes the idea was that law could...lawyers could benefit because they would have specialities open to them where they could make use of their expertise in science or engineering. So that they would be able to get into patent law or things like that much more easily. But at the same time engineering, for instance, had always been very focussed on people being project managers and so their double degree with engineering, entrepreneurship and financing and so on. What tended to happen, in fact, was that the first double degrees that were most popular were arts, and then it became law - commerce because the overlap between accountancy and law is very strong. Wasn't entirely what we wanted.

And very lucrative!

During the period before the global financial crisis it was an area given. Since then I gather it's still Ok if you want to make instalments for your day.....moving with the times.

This move to double degrees, did it change the quality of the students as they evolved through the course?

No. It didn't at all mainly because entry was so competitive and initially when we introduced it, early 1990 perhaps, we were very sure about it and we didn't accept anybody into law on the basis of TER or any fixed score. We worked on the basis that the best predictor was university performance, within university performance, and so our criterion for entry was how well you had done in the first year of the course that you'd been doing before. I don't know. The net result was that in a bad year, we, our criterion for the bottom entry was people who got credit in half the subjects they done. Nearly all the people who got into law actually had done better than that, but that was the bottom. We weren't allowed to do that for long after 1991 because some schools and some applicants didn't like the thought that they wouldn't do well enough in first year to get into law when they could get straight into law at Flinders on the basis of TER, and so by the mid-late 1990's we had a duel system whereby the very top people, with 98 and above, could be given automatic entry to law and the rest of it was still done on the basis of how well they had done in first year. But as I say, competition was

so high that there was no loss of quality. But by being required to study another discipline for a year before entering into law this would have meant that most law students would be that little bit more mature.

Was there a perceptible difference in the student's active life, the student calibre?

It was good for us. There were various parts especially the arts faculties that liked it too because we made students do the previous degree they had 3 years with students who might never have gone into arts at all, and they had 3 years to persuade them that they would like to do honours in arts so that the double degree was in fact a bit 'arty', rather popular with the arts faculty in particular. The compulsory double degree did terminate soon after 2001. There was a review of the law school in 2001. And again with influence from the profession looking to admissions because they didn't see why a university should insist that people have two degrees when the profession didn't. And it was a non-democratic and so we now have the single degree available again. I don't know that many people do it because if you are going into a work force where you need to be competitive and you need to be competitive with people from across Australia have done two degrees. Because there is the Melbourne model, everybody from Melbourne will have another degree. But apart from that, even in the 1990's, more than 80% of graduates in law from University of New South Wales, Melbourne and Monash had got double degrees so that people from Adelaide with a single degree going into a national competition were putting themselves at a considerable disadvantage. Its competitive pressures that in the end shape what people do, and so while the double degree isn't compulsory any more, it's only a minority of people who remain the norm. It remains the norm.

Can we move, John...to... you've had a long association with activities more widely in the university can you talk about those and how they started?

Well they started right back in 1964 to 1966. After [inaudible] background he had a staff of ten. But it was interesting staff.... ah...Arthur was not yet forty and he and Dan were clearly the oldest members of the staff.....ah...Horst was probably thirty two; Alex Castle was just coming up to thirty;...ah...Colin Howard left at the end of the year for a term in Melbourne in his early to mid-thirties, he was replaced with people in their early thirties, and the rest of us were in our twenty's, and the youngest was twenty two. Mike and I were twenty three. David and [inaudible] were twenty five or twenty six....ah....It wasn't clear I think in Arthur's mind whether being collegiate in a group such as that was the same as being collegiate in a senior at Oxford or whether it was as much of a mentoring experience as anything else, and he treated it that way. The type of mentoring that was part of acquiring a collegiate experience he was a....he made use of the university staff club and he was a member of 'Table Four' which I think had been founded by ...Frank from psychology with a lot of psychologists like Tony and Carmel Young from Classics who was the professor joined it from time to time. But there were lots of stories and so on. It became a table where the older collegiate thing was just about possible but was still a very young table...lecturers, senior lecturers in there thirty's...very university....ah... It was actually enormously stimulating. A thing that drove Frank and Carmel was not the search in their specific fields, part of their life, but not part of driving characteristics but they were enormously intellectually serious over a very wide field and so it became easy for extraverts that they were, wizards with that intellectual curiosity, attract people of all kinds to that table. Now, once you attract people of all kinds, especially if you get researchers, but then other things will happen. 'Table Four' provided a lot of committee members for the staff club

so it was good. Usually they weren't credited to start with, but they were members of the committee. Arthur, as part of his collegiate style, was willing to accept the notion that professors should take responsible positions in the Staff Association. In 1996 he became president and he persuaded David Cellier and myself to the committee and we got various things to do. Over time more members of 'Table Four' joined the Staff Association and staff club and the thing about both the club and the association was that one became interested in other parts of the university as well as one's own 'neck of the woods.' And of course it attracted such a wide range of people and some of them were professors. Jack Smart from philosophy would come over. It had people who were running departments. Not always 'catholic', I mean not always committed. 'Table Four' not only produced therefore members of the staff club committees, Staff Association committees, it began to develop people who eventually....ah....became 'Table Four' was one of the places where the move towards elected heads of departments took off. In fact it formally took off with a request signed by twenty members of the Staff Association for a special general meeting to discuss it.

A special general meeting of...?

Of the Staff Association to discuss it was the topic, and more than half the signatures came from 'Table Four'. There was also the type of people that want Departmental government for elected heads of schools and [inaudible] university consists of [inaudible] as it did with Geoff Badger as Vice Chancellor. 'Table Four' came to provide people who became heads of school and I have to say by 1975 when you arrived I was president of the Staff Association and Dean of Law. This business was about both active members of the Staff Association and as Dean we were all members of the then Education Committee and the Academic Board. Ah....Regardless of that, Geoff Badger had established a committee system where there was something called the [inaudible] committee, not one of the university's most successful experiment, but it was supposed to be a committee that looked to the long term future of the university, but also got the job of writing the university's submissions to the Australian University's Commission for Resources, so it really had to be a university like thing, and another 'Table Four' constituent and I as well as others from different parts of the university. Max from engineering were members of that initial planning committee. So 'Table Four' sort of expanded into the university life in lots of ways.

And to some degree then to serve as a catalyst for the move from professorial government of the department to departmental government. Is that the governance?

It certainly had its substantive role. It was not on its own. Obviously it didn't do it on its own. It couldn't have done it on its own. But because it was the kind of place that did attract other people even though they weren't members of it, there are those who would come once a week or once a fortnight and talk things over. The Staff Association's first effort was a bit of a damp squid. That first special general meeting to set up a committee to report back as to whether or not it was a good professorial one professor as head of department was a good idea. It was chaired by a psychologist called Don McNicholl, who became a Vice Chancellor at two universities, in Tasmania I think later in his career, and it recommended against it, and brought back his report to another general meeting of the Staff Association which took place more than a year later.

And the Staff Association committee recommended against...

No, the special committee.

I beg your pardon.

That had been set up recommended against it.

Who had set it up?

Oh the general meeting.

Right, of the Staff.....

A special general meeting voted that there should be a committee to look into it. They reported back more than a year later, a one or two page report recommending against it, and another general meeting rejected that report and set up another committee. This is again one of the two committees, I don't remember it quite as well as the other one I remember it because I chaired it. It had on it Tony Rhinfield [?], Geoff Scot, Don Stranks, Alex Castles and I think from time to time Harry Medlin on itumm... I wrote their report....ah...after lots of consultation with people who were [inaudible] but were never expected to support the proposal and ...ah...yes, that committee came back with a recommendation in favour of a system department. There was again a general meeting, I think two I think, and the Staff Association committee recommended [inaudible] which endorsed it and thereafter actually produced a proposal, the Staff Association committee produced a proposal which eventually Alex castles, Harry Medlin and Don Stranks took up to the Education Committee in seventy, late seventy three or seventy four and...ah...had the whole thing discussed variously and eventually it got approved in principle.

Was there great resistance within the university to the move to departmental governance, elected government?

The university didn't think it would work.

Mainly from the professoriate?

The professoriate of the Faculty of Medicine was reluctant. Ah... We were never clear and I still don't know in the end. There might have been some people in the university in those days including...ah...Geoff Badger was fairly open minded I think. There was a Professor of Physical and Inorganic Chemistry who was [inaudible] Jordan and you quite knew which way would go. Ah....we didn't know which way John Carver and the then Professor of Physics. He was very constructive but with al...I think with more scepticism than opposition. It got through.

Reflecting on that it was something which presumably was happening presumably was happening in the universities generally?

The movement was.... there was a general movement that by its... Adelaide just kept taking it further and it kept taking it further in ways which by then...ah...were entirely outside the original impetus Staff Association. At one level Harry Medlin was involved of course as Harry was in everything. We had a number and I guess it was...we had various reviews which...the university government and one of them was done with consultants as if it were, Neil Blewitt and David Corbett who were professors of politics at Flinders at the time...Neil...I should have known Neil better. He had done his post graduate work at Jesus College. He actually saved the whole elected head of department movement at the very first special general meeting...supported...the professors were sceptical they thought that

it wasn't worth going on with. Eventually the [inaudible] at meetings encouraged people to set up was the person who persuaded the meeting to keeping the single.

Right!

David Corbett produced the report on university governance which essentially wasn't Corbett's willing to accept that, but it essentially it was the report which basically said that the main committee of the university should be the Education Committee which should have an Executive Committee...ah...and that the Executive Committee should be the body that produced submissions and things like that, but also essentially allocate the various pools of resources that the Commonwealth gave us so that there was an executive member for staffing, executive member for research, executive member for buildings and so on....ah...and the theory of that and the practice of it was that the Education Committee was responsible for not only policy but for endorsing the various kinds of allocation of funding and ...ah...that it was responsible by receiving reports and recommendations from its Executive Committee. So...Education Committee which by now had elected heads of Departments and elected Deans on it, and it was in turn electing, not merely the chair of the Education Committee, but its Executive Committee and therefore the people who were eventually going to be chairing the committees which did talk about and deal in staffing and allocations of staffing and resources. Adelaide was the only university that ever adopted that model.

Right.

Which was ultimately deemed unworkable by a number of [inaudible] and Peter Karmel for instance advised at least one or two persons who had applied for Vice Chancellors at Adelaide to withdraw their application on the grounds that it was an unworkable model.

Right!

Eventually it collapsed under the weight of centralisation and from the Federal Government.

Hmm. During the years while that that system was operational, was it successful in your opinion?

Hard to say. It worked for me. [Inaudible] executive member for research for some time before I joined and I was the last member for staffing. Ah... In the end it broke down for two reasons. One was the Federal Government's adherence to principles of accountability meant that it wants all sorts of information much more quickly than we could deal with. Err... secondly, although it was called an Executive Committee, it had no executive authority actually. The Executive was still the Vice Chancellor and the Registrar but although got policy and various things...ah...we couldn't always, as it were, execute them...umm...we ended up with part of the funds, university funds. There was Finance Committee stuff what was to go to academic and library purposes and what was to go to other services and actually a financial crisis ensued, and once you get it into a financial crisis with that system, you need finance to take stronger influence on the other side of things. I suppose for ten years it was an interesting experiment and the university in those intervening ten years, as far as I can tell,...ah....in the words of Gavin Brown, who was the Vice Chancellor who had to kill it off. He inherited a university that was punching above its weight.

Which is a phrase one hears quite often about South Australia!

It was still an interesting phase for somebody who had his career from the University of New South Wales before he went to the University of Sydney. Umm...So I think it was a disaster...it was an interesting experiment

So, you were an Executive Member for staffing but equally you had, you played a strong role in the Staff Association. Did those two roles co-exist successfully?

It was very easy because they were sequential. They weren't concurrent. Even so, one of the things that I found hardest because of that background were that I inherited the job of chairing the committee which [inaudible] and a lot of others produced the first policy on annual reviews. Umm...and I was also responsible for the formal abolition of what had been understood as tenure. Again, not something that came naturally to me because I drafted a lot of the tenure statutes and negotiated on that as such, and it happened again largely because it changes the whole concept of universities. Ah... the Staff Association I joined was the University of Adelaide Staff Association and we were a constituent member of the Federation of Australian University Staff Association, but we were not a registered union. We didn't have to deal with the Industrial Commission and the Industrial Court, and the fundamental reason for, initially, that the High Court in the 1920's 1930's had construed the industrial affairs of the Commonwealth, not extending to workers and employees who were not involved in a rather restricted role in industry which excluded education and robotics work generally. In the early 1980's the High Court in the social welfare case changed its mind and suddenly we became an industry. Now having that and it was clear that we actually had to register as a union because if we didn't the entire employees of the university were wide open to poaching by public sector and other unions. We already had some precursor of this because in South Australia the... umm... the Public Service Association had already tried to take over...err...those members of the professional staff who were members of the University of Adelaide Staff Association. They'd been held off in two ways; one by the university which did a wonderful piece of, the university solicitors did a wonderful piece of legal leisure demand and managed to get the full court of the South Australian Supreme Court to hold that the then power of the University Council to have entire superintendence affairs of the university, it meant that it had entire superintendence over everything and that that excluded state industrial registration. Unions had bitterly gone around that theme. But by then we had renegotiated industrial agreements to cut...and I remember those rather vividly because the first one was negotiated by me and [inaudible]. But those members of the professional staff who were members of the Adelaide University Staff Association in October 1974...in the year my father died in England and I didn't go over. I didn't. But we held that off. But in 1981 [inaudible] and register federally. [inaudible] discovered itself in a rather nasty position in that it could only actually maintain its registration if it did things in the Commission otherwise it would lose its registration to the would be poachers, and if it did things it had to do things in accordance with the Commission, it also meant that it was exposed to Federal Government putting in arguments to the Commission. So...by the time I became Deputy member of staffing, and had been in that position for some time,...ah...there was...ah...a national industrial group, enterprise bargaining we call it these days which had already for all intense purposes, overridden our statutes and was putting pressure, very strong pressure, on us, not merely to have annual reviews of staff, but to make annual increments dependent on annual reviews of staff. Umm...now... one of the things that I made it easier to do was to negotiate with the Staff Association on the abolition of tenure, and, of tenure as it was then understood, and how and why it was to be replaced, and they were also involved in the PDR stuff. Interestingly, one of the Federal Government was Bob who ran the ACUE, was an

integral member of that particular committee and who thought that annual reviews were a good thing, that annual reviews should be used for developmental and constructive purposes, not for things that were...

Not for Industrial purposes.

Not for industrial purposes. It was a ribbon committee because it had members of the university who were supporting the other side. And initially and almost until now, almost until now, we did manage to set up the whole PDR system in a way which did emphasise its constructive part. You might say it was a tension there but it wasn't an industrial tension, there was a politically different view from elsewhere and so there was all sorts of things that I wanted to do that the Staff Association was heavily involved in, and quite keen on, even though it didn't necessarily ever happen. In one of them, for instance, was the matter of university titles... err...or academic titles Education Committee before it was the Academic Board did actually pass a resolution which had all professors and associate professors should be called 'professors', all senior lecturers and lecturers should be called 'associate professors' and that the remainder should be called 'assistant professors', and that 'professor', as in America and France, should be the generic title of the...generic name for the profession with other words used but that wouldn't have got through Council.

Was that something...I mean what was the motive force behind that? Was it nationalism or...

There were two major forces. There was an element of nationalism...internationalism about it, the internationalism being that we obviously inherited a UK system and increasingly...umm...people going on study leave in particular, were going to United States, and increasingly, even at the beginning of the 1990s, to China. Now the United States didn't understand the lecturer, what level that would be, and people who were readers and associate professors, who are really quite high in the system here, found that they were thought of as being quite junior when they went to the United States. So there was that level of internationalism. The other level of internationalism were at the time something called the pacific rim, but it was also true at the time doing more with China, and China understood American titles but didn't understand Europeans ones. Umm...so there was an international line which was being pushed quite strongly. And the other thing I suppose was that umm... it was....the other I think that academic salaries were not going to move very well at the time...umm...and that one way of reducing discontent about money was the same process by which garbage collectors became hygiene officers.

Indeed.... very good. In mentioning university titles, you have been the beneficiary of a university title since your retirement haven't you? You were awarded a Doctorate of the University a few years ago.

Yes. I found it particularly nice because I was put up for it for my services to the university and to legal education in South Australia by a group of judges and former judges, some of whom worked with me either in the faculty or on Council, but also...who also included members of my first class that I ever taught in the university. That was very nice of them. It was also nice at the actual award. The [inaudible] of the award was visibly appreciated by members of the cohort of I had taught.

A very satisfying experience!

I regarded it in what I describe as perhaps a way in which I evolved to which he referred to when I was deputy member of staff. I got a Doctorate of the University, life-membership of the MBU membership of the University Club.

Excellent. A rounded role...a series of roles

In some ways one could look back on a career like mine and say that it was actually academically a bit wasted, and I said I was the tenth member of the...to join the staff of the University of Adelaide, I was the only one that did not end up as a professor in a group eight university or equivalent. But on the other hand that was because I didn't devote enough attention to it, and perhaps I didn't do other things.

On the other hand I glanced at the internet and one can see many tributes to you as a teacher of students over the years.

Really!

Indeed! You made your mark on a generation.

I did know that again there was a....1990 I suppose.... the Law School..... instructed..... embarked on a kind of would it be worth having one profession kind of activity...trying to get back and the early executive deans of the faculty...people...the answer was a resounding no, but there were reports that people did have a section of memories of three...four or five members of staff might, I was one of them.

Very good! Very good! Thank you John. It has been a real pleasure talking to you about the recollections especially on the machinations of departmental government and the rise and fall of the Education Committee and all its significance will be something which will be of great interest for a very long time. So thank you, thank you for this conversation which I found interesting and enjoyable.

I'm glad of that. There were a couple of things I would have loved to have gone on to.

Well, John by all means.

But I'm...there were three...Ok. The first was that I didn't get onto, apart from 'Table Four'. One of the things that I came to appreciate most was the enormous contributions that a group of scientists, Harold Rodda, Harry Medlin, Gerry Lawrence made to the university overall. I think Harry was of course a great devotee of the unions as well as many other things on Council. Gerry Lawrence chaired the Library Committee for years and years but he was also the driving force behind getting to the money and getting the Council to back the establishment of the first university child care centre.

Right!

And Harold Rodda had been before I came here was a major pillar, supporter among people who, I don't think it's gone now, but it was a major feature of Australian universities for 30 years at least after I came, that had a common [inaudible] and Harold Rodda had done an enormous amount of work. But the other thing that they had done which was really really critical was that in various ways

they were the people who produced the stimulus for the university Heritage Committee, the Art Collection. They believed that the university's intellectual role in the community meant that it should be a leader in its artistic activities and appreciation, and should do things itself to stimulate that, and the Elder Conservatorium was there to do it for music, but there was nobody there to do it for the other things and....err... I think the contribution of those three to the university, in all sorts of ways, is something that really rather likely to be forgotten. Harold Rodda died before the [inaudible] was instituted. Harry Medlin got one and I was very resentful that Gerald Lawrence was knocked back for one and died earlier this year.

And died early this year or was it the end of last year?

And the other thing is the difference between...err...becoming an academic in 1964 when the contract was essentially for 50% of the time will be for your own work and being an academic now, and the other thing which would never happen now is that it wasn't clear what I was going to teach when I came here. In about...I did whatever was around as it were in about September – October – November in 1964. Around November I was told that I would be teaching Trust, which was fine but a third or a half of the course. It wasn't until February 1965 that I was told that I was doing the whole of the school on my own. Now that was a full year compulsory course and....ah....common law subject and with an English background was fine...ah...but a lot of Australians with which I have a kind of, at best, distance...we would never do that to people now. We would never say to a twenty three year old a month before the.....before a full year course starts. OK that's what you are doing, 'you are in charge of everything'. Job descriptions can be very long these days. We'd just never do it. The two things about that is that nobody pretends that 40%... 50% is time is for your own work. Now the agreement says, unless it changed, 40% teaching, 40% research, 20% administration and that's it, and nobody supervised it. You do it. It's a question of professional responsibility that you go off and you do it. You don't have annual reviews or anything like it. The list of publications, the number of grants which you have, and that's another thing.....ah...anybody who joined now will not be twenty three. But in any event they will be told what we expect of you every year is 'x' publications in 'y' kind of journals and all the rest of it. My equivalent instruction was 'You know it wouldn't hurt if you tried to publish one or two'...ah... and the 'Table Four' people would be intellectual curiosity, which I think was quite fundamental to the creativity of quite a lot of the university, were not people who published two articles a year in this or that kind of journal ever. It would have been just...if they had been made to they might have....ah... but it wasn't what we call an intellectual life was being about.

Unless the change in the character of the universities?

A complete change in character

Externally directed, enormously and managerialism.....

....because it has a certain level of advantage and yet loses an awful lot.

Hmm...Indeed. Well, again, we will have a second conclusion now. Thankyou. Very enjoyable, very interesting, and....ah...this will be something which people will read and listen to for a very long time to come, so thank you.