Bond University, the Law Library and the General Library: A Recent Case Study

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The Gold Coast region of South-East Queensland, some eighty kilometres from Brisbane, the State capital and major population centre, is not only Australia's major tourist destination but is the fastest growing urban area in the country. It presently ranks seventh in size of population. When it becomes contiguous with Brisbane early next century, the combined area will form the second largest conurbation in Australia.

Bond University, Australia's first university funded entirely from private sources, is a non-profit organization involved in the delivery of higher education in the Gold Coast region. Just over four years ago it accepted its foundation students into its $300 million, high quality campus facilities provided by the then University joint venture partners, Bond Corporation and EIE International. While the current student population is 1660, about 25% of overseas origin, the existing facilities will accommodate about 3000. The University already has 850 alumni of whom some 290 hold law degrees.

The functions of teaching and research which are at the core of its operation as an organization, are concentrated in four Schools:

> The School of Law[1]; the School of Business; the School of Information Technology and the School of Humanities and Social Sciences.

Bond University Campus, Gold Coast, Queensland

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1   At any one time between 34% and 41% of the students in the University have been studying in the Law School.

The academic programmes of the Schools, which are presented over a year divided into trimesters, are supported by a number of entities within the University. These were originally called Offices but they have changed names, been reduced in size and number, and have in other ways been transformed over the past four years.

The Office of Computing and Information Technology[2] was dismembered in 1991 and the University Library, formerly a sub-department, then became operationally unattached.

Previously in late 1989, some months after teaching commenced, the library collection had been split into two.

The law books and specialist law library staff were then relocated to a separate law library in the same building as the Law School and situated at some distance from the general library[3] which retained the balance of the library collections and staff.

At the time of relocation, not only did five staff go with the law collection, but also many of the tasks and administrative responsibilities associated with the management of a separate library: for example, receipt and despatch of bibliographic materials; circulation of library stock to clients; rostering of staff and library opening and closing times. Nevertheless, no decision was then made to place the Law Library (and therefore the Law Librarian and his staff) under the formal administrative control of the Dean of the Law School, even though strong arguments can be made for such an arrangement, especially where the Law School and its library are physically proximate. Instead, administrative control over collections in both libraries (and the Law Librarian and his staff) was left with the Library Manager in the general library.

If this incomplete separation was intended to ensure provision of the best possible library service to faculty members and students in the School of Law, then that goal has not yet been achieved because problems have emerged: problems that can be attributed to the nature of the policy itself and the manner in which that policy was developed and implemented.

Problems which stem from what is a de facto division of control over the same collection, with the consequent differences in values and perceptions, have inevitably arisen between the Law Librarian and Library Manager[4]. Such problems, however, are not unique to Bond University but are present for many of the same reasons in other Australian universities with academic law libraries.

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2   This Office coordinated library and information services, computer and communications services and educational technology and production within the University.

3   Now called the "Main Library".

4   Five different individuals have occupied this position since the establishment of the University.

At Bond, while many members of the Law School trust that formal control over the Law Library will ultimately come to the School, it is not as active at present in its support for the notion as it used to be. The School sees itself as having mainly achieved its objectives as far as University structures go and the daily consequences of split administrative control over the Law Library are largely hidden from its view.

Notwithstanding such difficulties, the Law Library has recently enjoyed a major expansion in its accommodation. It now occupies an area of 1347 square metres, mainly on two levels of the Law School building, and contains 265 seats and a collection of 63,000 volume equivalents. This is evidence of very satisfactory progress for a law library at our stage of development and with a client population of our current size.

This paper will examine some of the features of the Bond University experience, and identify the stages followed in the development and application of the policies leading to the commencement of law teaching and the provision of law library facilities at the University, as well as the main policy actors and what they hoped to achieve. It will attempt to place them in their organizational and historical context.

Organizational Beginnings

The institution that was to become Bond University was first conceived in 1985 as a result of discussions between the Perth-based businessman, Alan Bond, and his dynamic property manager in Queensland, Brian Orr. The latter convinced Bond that Queensland and not Western Australia would be the most suitable location for a private university and that the Gold Coast region should be the particular site.

Orr presented rough revenue and operating costs to Bond in December 1985 and upon these being positively received, was instructed to develop the feasibility study to the next stage, which he did during 1986.

He was assisted in this task by an enthusiastic American, Jo Ann Cracknell, who had been active in attempts to secure the establishment of a public university on the Gold Coast[5], and who was appointed to the staff of Brian Orr Development Consultant Pty. Ltd. (hereafter cited as BODC) as a research assistant early in 1986. In what Orr considered to be her most significant contribution to the foundation of Bond University, Cracknell introduced Orr to the retired former Registrar of Macquarie University, John Ford[6], who also now joined BODC as adviser to help prepare the feasibility studies and to assist with the establishment of an advisory council (Orr, 1991b).

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5   A public sector tertiary educational institution was established as the Gold Coast College of Advanced Education in December 1985. It accepted its foundation students in 1986, and in 1990 amalgamated with Griffith University in Brisbane.

6   Registrar from 1965 to December 1985.

Ford was subsequently appointed secretary to the Advisory Council and Secretary to Bond University after its formation, an association cut short only by his death just prior to the opening of the University in May 1989.

Until the appointment of Dr. Don Watts as first Vice-Chancellor, it was Ford's model of the Australian liberal arts college, as typified by Macquarie, that dominated planning (Orr, 1991b). Notwithstanding some tinkering, the basic structure of this model is still in place.

The earliest written statement of the programme to be offered by the new university (Brian Orr Development Consultant Pty. Ltd., 1986a:4-5) was that it would be "....a university specializing in medical technology and international business skills...." and in particular would have certain "departments of study". Over time, the University's central orientation was to change sharply, from the sciences and technology towards business and the social sciences, consistent with the indications of the market place.

By the end of 1987, these "departments of study" had coalesced into four multi-disciplinary "schools" consistent with the Macquarie model:

1. The School of Business and Law;
2. The School of Information and Computing Sciences;
3. The School of Humanities and Social Sciences; and
4. The School of Science and Technology.

Don Watts, a chemist by training and the Vice-Chancellor of Curtin University in Western Australia, was appointed Vice-Chancellor of Bond University in March 1987 (the appointment to take effect from 1 July 1987)[7].

Bond University was established as Australia's twenty-first university in 1987 as a company limited by guarantee incorporated under the Companies (Queensland) Code.

To equate it with the public sector universities in Queensland established by statute, statutory provision was also made ".... in relation to the operation of Bond University and certain of the powers of the company controlling Bond University" by an Act of the Queensland Parliament[8].

The Act is brief compared with those establishing Bond University's public sector counterparts and it is the Memorandum and Articles of Association of Bond University Limited that contain most of the structural and operational details of the organization[9].

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7   At Curtin, he had played a prominent role in the transformation of the Western Australian Institute of Technology into a university, an act that sounded the death knell for the binary system of higher education in Australia.

8   Bond University Act 1987 (Qld) as amended by Bond University Amendment Act 1987 (Qld).

9   See Bond University Handbook, 1993, p. 167-172.

The University Library

In September 1986, Derek Fielding, the University Librarian at the University of Queensland, wrote to John Ford, as Secretary to the University Advisory Council, expressing his willingness to assist the Council in the planning of library services and reminding him that at Macquarie University and most other universities established since the 1950s, a chief librarian had been one of the earliest appointments because of the considerable lead time required to construct a suitable building and purchase a library collection (Bond University, 1986b-).

Ford replied that the importance of the early establishment of the library was recognised and that he expected the librarian to be one of the first appointments made after the Vice-Chancellor (Bond University, 1986b-).

Don Watts had strong views on the nature of library and information services and how provision of these should differ from that in other Australian universities with which he had been associated (Orr, 1991b).

No further correspondence appears in the University archives on the subject of the library until July/August 1987, when the Advisory Council began inviting various persons to advise the university architect on the construction of the library and information services building (and by implication, the activities that would be carried out in it), planning for which was already well underway.

Only one comprehensive proposal was received.

This proposal made much of an active "information service" model of the University library as an alternative to the traditional passive "book storage" concept more characteristic of Australian university libraries at that time. (Bond University, 1986b-). These views met with the Vice-Chancellor's approval and the proposer was engaged as a consultant, initially only until the end of 1987 but then conditionally for the whole of 1988[10].

The position of Director of Computing and Information Technology was advertised in October 1987[11]. The successful applicant wrote to Watts soon after his appointment, about his vision of a global plan for computing and information technology. This vision, never fully elaborated, was of an electronic library with virtual rather than actual items in its collection; i.e. a library containing no books (Bond University, 1986b-).

At the time of the Director's appointment, the Associate Director had already made progress with the development of his plan for a hard copy book collection, termed "the opening day collection". The engagement of the necessary library staff and the purchase of the necessary equipment and computer hardware and

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10   He was finally appointed Associate Director of the Office of Computing and Information Technology (Information Services) in September 1988

11   The Director was to head the Office of Computing and Information Technology.

software had proceeded with this in mind.. This process never faltered with the Director's appointment..

Commentators, reviewing the period, note a general air of unreality characterising it and the project of the electronic or paperless library (Orr, 1991b; Tarr, 1991). Moreover, it is also clear that all the academic lawyers at Bond regarded it as inconceivable that they not have access to their own substantial and physically proximate law library containing mainly "real" books (Tarr, 1991; Cain, 1991).

Bond University Council held its first meeting on 17 March 1988 and a number of University planning sessions followed in the same month.. At one such meeting it was declared as "policy" that the Bond University library and information service would operate as a single central facility and that during the implementation of phase 1 of the library and information service development plan from 1988 to 1991, the establishment of branch libraries and other special collections physically apart from the central library would not be countenanced.. Thereafter, however, the establishment of separate collections might be considered.. Ford referred to guide-lines in operation at Macquarie which required that all books purchased with University funds be housed in a strong central library and be included in the University catalogue in order to promote equal accessibility to all users which, it was suggested, would not otherwise occur[12] (Bond University, 1986a-)..

The Associate Director, in a memorandum of April 1988, indicated his agreement with the sentiments expressed at the planning sessions saying that arguments used for separate collections such as "uniqueness of use" carried little weight with him (Bond University, 1986b-)..

The Law School

When the first Dean of the School of Business and Law, Steven Johnson, was appointed from the Graduate School of Business at Columbia University in late 1987, it was not envisaged that the law programme in the School would offer anything more than postgraduate courses and certain subjects within the undergraduate commerce programme (Tarr, 1991). Nevertheless, the strength of demand for law studies quickly became evident in preliminary enrolment figures.

On 16 June 1988, the twelve person University Council, whose number included two lawyers, approved a proposal to offer a full undergraduate law degree leading to a professional legal qualification from the opening of the University in May 1989.. This same meeting also emphasised the need to provide an adequate law library to support the programme..

In August 1988, J. F. Kearney, QC, a barrister resident on the Gold Coast[13], made a donation of a collection of 2000 volumes of law reports to form the basis

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12   The so-called 'Mitchell Rules'..

13   John Kearney and his wife have been generous donors on subsequent occasions to both the Law School and the Law Library..

of a law library housed in close proximity to law faculty members. There is no indication in the University archives that this departure from the policy of no separate libraries, referred to above, was resisted by staff working on development of the library collection or even commented upon.

In March 1988, the foundation Professor of Law, Dr. Tony Tarr, was appointed from Adelaide University and at the beginning of June a revised organisational structure for the School of Business and Law was developed. Professor Tarr was then designated Associate Dean and director of law programmes in the School.

The decisions made at the June meeting of the University Council (referred to above) which established the undergraduate law programme, had consequences which led ultimately to the establishment of the separate Law Library.

Prospectuses describing the proposed new programme were despatched by Professor Tarr to Supreme Court Judges and other senior members of the legal profession in Queensland. This was part of the process of mobilising support and establishing the essential contacts with the wider legal community necessary for the success of the first new course leading to a professional qualification in law since the establishment of the Law Schools at the Queensland and New South Wales Institutes of Technology in the mid 1970s. It resulted in many letters of support for what promised to be an innovative and professionally-oriented undergraduate programme. A number, however, while supportive, expressed misgivings at the law programme's association with the Business School and the negative effect this could have upon acceptance by the peak professional organizations for lawyers.

And so the drive for a separate law school began.

The Law Library

In establishing the undergraduate law degree programme and accepting the academic lawyers' contention that a library collection of "real" rather than "virtual" law books was required, an additional $1,000,000 was immediately allocated from University funds for the development of the law collection. This extra funding also provided for the appointment, in September 1988, of two eminent professional law librarians as consultants[14] to advise on the expenditure of the balance of this sum and future directions for law library development.

Internal University memoranda begin referring to the "law library" from August 1988 (when the 2000 volume collection was donated) and the separateness of

14   One was an American, Roy Mersky, Hyder Centennial Professor of Law and Director of Research, University of Texas at Austin, Jamail Center for Legal Research, Tarlton Law Library, and the other an Australian, Rob Brian, then Law Librarian at the University of New South Wales.

the law library operation is implicit in the comprehensive report prepared by the American consultant (Mersky, 1988).

In November 1988, Professor Tarr met the Vice-Chancellor to discuss the separation of Law from the Business School, a notion submitted as a firm proposal early in December 1988. The minutes of the University Council meeting of 26 January 1989 have the Vice-Chancellor recommending that consideration be given to the establishment of a separate Law School, a notion supported by the University Council. The Academic Senate met in February and considered submissions from Professors Tarr and Johnson in favour of the separation and at the University Council meeting of 16 March 1989, the Vice-Chancellor reported that the separation had been completed.

The 1987 Pearce report on Australian Law Schools had made much of the special nature of law libraries and the nexus between a law library and all phases of the teaching and practice of the law including the desirability of a close relationship between a law school and its library (Commonwealth Tertiary Education Commission, 1987:[19]). Its recommendations as to size, location and management of law library collections were ever in the minds of those involved in planning the facilities and programmes for the Bond Law School. Even before his appointment, Tarr had visualised a law school structure that was closer to the usual United States model than the Australian, a model predicated upon considerable autonomy for the School and which included a law library integrated both physically and administratively into the School (Tarr, 1991).

Moreover, among early faculty appointments were former deans or heads of department of other law schools. One of them, Professor Tom Cain had been appointed foundation Dean of Law at Queensland Institute of Technology[15] in 1975 and there he had consciously eschewed the law library model provided by Macquarie University, which had been the newest Australian law school at that time. At QIT, he had insisted upon the physical and virtual administrative integration of the Law Library into the Law School as a condition of his accepting appointment as Dean. Such a firm stand had apparently not been taken by the first Dean of the NSW Institute of Technology Law School[16], also founded at about the same time as QIT, and where the "Macquarie model" of a single and centralized library collection prevailed, much to the subsequent regret of its Dean (Cain, 1991).

Another early appointment, Jim Corkery, former Chairman of the Department of Law at the University of Adelaide and Tarr's deputy at Bond, was also strongly supportive of a separate law library as he had been of a separate Law School. Indeed, from the moment the Bond Law School became independent of the

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15   Now Queensland University of Technology.

16   Now the University of Technology, Sydney.

Business School, both law school administrators and academics pursued or supported a course of action that would lead to the establishment of a separate law library in the Law School. Events that now occurred at senior levels in the Office of Computing and Information Technology strengthened the position of the Law School within the University and assisted these plans.

Late in 1988, Council minutes show that concerns were being expressed over the very substantial cost overruns in relation to the development of the electronic library. Moreover, the view was expressed that there was little tangible to show for the expenditure and concerns about the viability of a satisfactory commencement collection were aired. Between 20 January and 1 February 1989 Council decided to review the whole electronic library concept. At a meeting between the deans of all Schools and the Vice-Chancellor on 16 February 1989, it was agreed to cut off funds for the electronic library and to establish a group that would effectively assume management responsibility for the Office of Computing and Information Technology on a day-to-day level. Tarr as the principal sceptic and leader of the questioning at the Deans' meeting was appointed "sponsor" of the library and he set a list of short term priorities to be addressed before May 1989 "in order to achieve satisfactory operational capacity" (Tarr, 1989; 1991).

Because Law was so strong in its personnel and in its projected student numbers, it now had a significant influence upon University policy and direction.

Little appears in the University archives to give an indication of the reaction by the Director of the Office of Computing and Information Technology to this apparent usurpation of his function but he resigned and left the University in April. The Associate Director, however, made a reasonable attempt to justify his actions but was clearly disenchanted. He too resigned and left early in July and was not replaced. Catherine Tweedie, with a background in Australian public sector university libraries and who had hitherto been operationally below the Associate Director as Manager, Library Services, now assumed effective control of the library. A "trouble-shooter" was also appointed acting Director of the Office of Computing and Information Technology.

Early in 1989, in the middle of my tenth year as Supreme Court Librarian in Perth, I was encouraged to apply for the position of Law Librarian at Bond University. I applied, was interviewed for the position, was offered it in March 1989 and accepted it at the end of April.

The prospect of a such an exciting challenge was a welcome one and I have not been disappointed.

Another applicant, Elizabeth Naumczyk, from the Law Library at Adelaide University, was also appointed as deputy law librarian. It may be viewed as evidence of the Law School's political weight within the University at the time

that no other School had more than one professional librarian allocated to it in the library.

One of the first tasks awaiting me when I commenced duty in July 1989, was to examine and comment upon draft floor plans for a separate law library in the law school which had been prepared by Rob Brian at the School's request.

The concept of a separate law library hereafter dominated all activities involving law collection staff, if only because the notion was actively discounted and resisted by other senior staff in the library and the Office of Computing and Information Technology, while being spoken of as a fait accompli in the School of Law. Contention arose because, in spite of the events outlined above, the library still adhered to the centralised Macquarie library model. The Law School's questioning of the model and of the managerial capacity of the senior members of the Office of Computing and Information Technology, were apparently seen as isolated and capable of resistance.

Orr, by now an enthusiastic part-time law student, who still maintained offices in the University grounds, was very supportive of the idea of the separate law library and played a significant role in ensuring acceptance of the idea within the Bond Corporation, using both his direct contacts in the company and with its University Council representatives. And this at a time when the Bond Corporation was experiencing considerable difficulties (Tarr, 1991; Orr, 1991).

The University Council, at its meeting of 21 September 1989, requested that the joint venture partners give approval and allocate funds for the immediate construction of a separate library in the School of Law building. This approval was granted, funds allocated and work commenced in October 1989. Work finished in January 1990 in time to enable full library services to be offered from the Law Library on 23 January 1990, two weeks into the third term of the University's operations.

Epilogue

The predominant United States model of the "autonomous" law library, or more properly, the law library fully integrated physically and administratively into the law school, remains as yet unrealized in Australia.
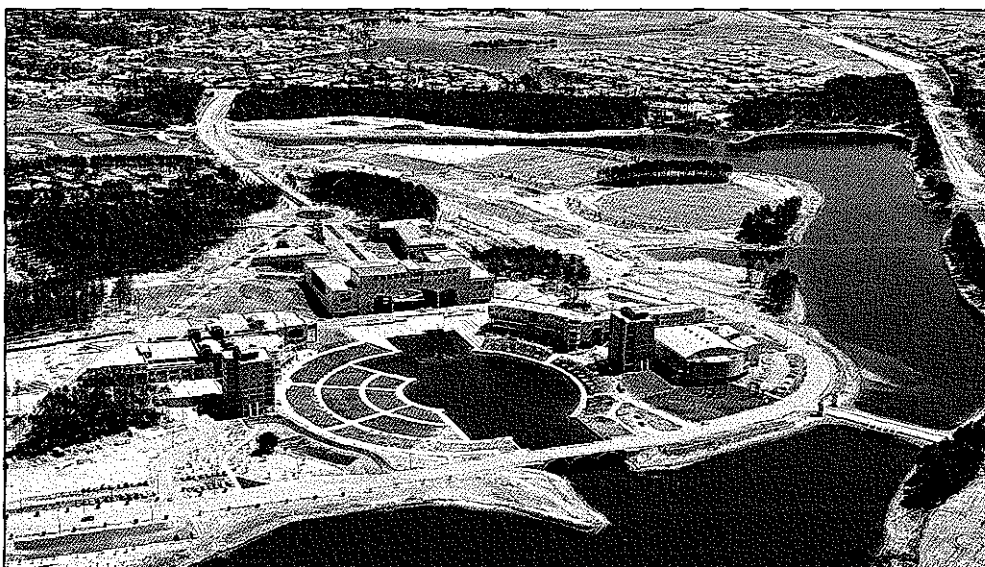
Of the older law schools, the Law Faculty at the Queensland University of Technology and its law library is probably closest to the United States model. Alone among new law schools, Bond University's is the first and so far only one to have achieved a physically integrated law library.

The other more recent law schools in Australian universities, as newcomers to long-established organizations, have all had to contend with central administrations eager to establish law programmes and provide library support in the cheapest but not necessarily most effective manner.

New law deans or heads of school have also had to contend with entrenched and powerful library bureaucracies which have been able to more or less set the agenda for the provision of law library resources in a manner that usually follows the Macquarie model of the single centralized library.

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