

SIR DAVID HUGHES PARRY, WELSH LAW ACADEMIC –  
CONTRIBUTOR TO THE FOUNDATION OF MODERN NEW  
ZEALAND UNIVERSITY EDUCATION AND ITS EVENTUAL  
LEGAL EDUCATION OUTCOMES

---

*David Barker AM\**

ABSTRACT

This article examines the background and influence of the leading Welsh Legal Scholar David Hughes Parry who chaired the committee on New Zealand Universities and whose Report was published in 1960. Besides his role as a leading legal educator, a major part of this presentation is concerned with the role of the Parry Report which was to be regarded as watershed in the history of higher education in New Zealand. The report led to the demise in 1962 of the federal University of New Zealand and the granting of the designation and title of ‘university’ to each of the then four ‘colleges’ of the former federal University of New Zealand.

The report was also recognised for its challenging and resonating observations in respect of the culture of contemporary New Zealand Universities wherein teaching was regarded as being their sole function. Because of financial limitations there was little, if any, innovative research being supported and undertaken. The Parry Report held that the need to address and remedy this deficiency was essential.

This article examines the period following the publication of the Parry Report which saw a dramatic growth in New Zealand’s universities as new universities were founded, and New Zealand law schools benefitting from the increased emphasis on the general improvement of facilities. This, along with improved academic and teaching standards, owed a great deal to the implementation of the recommendations within the Report.

---

\* Emeritus Professor, Senior Researcher AUSTLII, UTS.

## I INTRODUCTION

There is a major challenge in dealing with such a wide-ranging topic of reviewing the career of an outstanding law academic, who also had an important influence on the development of the modern New Zealand Universities system. The dilemma is knowing how to ensure that appropriate emphasis is given to explaining the character and background of the individual concerned, while maintaining the focus on the outcome of his influence as a law academic. It is also relevant to consider how this led to him being invited to chair a committee whose Report had such an important effect on the development of the modern New Zealand university system.

Hughes Parry studied for his first law and economics degree in 1910 at Aberystwyth University College, Wales, where he was awarded first-class honours. He subsequently enlisted in World War I, saw active service in France where he was wounded, returning to the United Kingdom for the remainder of the War. At the end of his military service, he undertook further legal studies at Peterhouse College, University of Cambridge. This led to an appointment in 1920 as an assistant lecturer at the Aberystwyth Law Department. However, his formative years (1930 to 1959) as Professor of Law were spent at the London School of Economics (LSE), University of London where had been appointed as a lecturer in 1924 and Reader in 1928. It was during this time covering a period of almost thirty years that his tenure as Head of the Law Department has been described as seeing ‘the Law department emerge as one of the most important centres of legal scholarship in the United Kingdom and, indeed, the common-law world.’<sup>1</sup> For those unfamiliar with the University of London, at that time it was an amalgamation of Colleges, most of which had law schools, the principal of which other than the LSE, were Kings College (headed by Harold Potter) and University College (George Keeton). Among other leading law academics was LCB (Jim) Gower who was one of the first law academics to realize the problem facing law academics as caught between teaching law as a critical subject while at the same time preparing students for practice.

Hughes Parry was not only an active law academic, but he also took a keen interest in the Society of Public Teachers in Law, becoming its President in 1948-49, always insisting that that a university legal education was a part of an essential stage in the intending lawyer’s preparation for professional practice.

His role in academic administration was enhanced when he was elected as Vice-Chancellor of the University of London 1945-48. It was therefore not surprising that 1947 Hughes Parry was appointed as director of the newly founded Institute of Advanced Legal Studies (IALS). It was this role, especially its connection with its collation of information on legal research degrees within British and Commonwealth universities, which brought Hughes Parry to the notice of the wider international legal community.

---

<sup>1</sup> R Gwynedd Parry, *David Hughes Parry – A Jurist in Society* (University of Wales Press, 2010) 45.

## II THE FOUNDATION OF THE FEDERAL UNIVERSITY OF NEW ZEALAND

The establishment of a university system in New Zealand originated with the impetus from the country's Scots Presbyterians who needed an institution in which to train their ministers. As they had strong influence in the Province of Otago, this led to the foundation of the University of Otago in the Province's capital Dunedin in 1869.<sup>2</sup> 'Other universities opened in Christchurch (Canterbury) in 1873, Auckland in 1883, and Wellington (Victoria) in 1899; Massey (Palmerston North) followed in 1964, Waikato (in Hamilton) in 1965, and Lincoln (Outside Christchurch, Canterbury) in 1990.'<sup>3</sup>

In 1870, very soon after the creation of Otago University, the New Zealand Government decided to take control of the university movement, which resulted in the enactment<sup>4</sup> of the *New Zealand University Act 1870* (NZ).<sup>5</sup> An immediate outcome was that Otago University was discontinued as an independent institution with its degree awarding powers suspended and its subsequent amalgamation into the new national university. As the legislation states, it was enacted 'to promote sound learning in the Colony of New Zealand'.<sup>6</sup> It could be argued that the legislation was 'more than a vehicle for the promotion of education... [It was actually] a further means of maintaining central political control over the development of university education in the country.'<sup>7</sup> One might conclude that the wider outcome of the legislation could be assumed as being that 'the founding of the national University of New Zealand was accordingly driven by wider political and social motives.'<sup>8</sup>

## III THE OUTCOME OF THE 1879 ACT AND SUBSEQUENT LEGISLATION

Both the initial legislation of 1870 and the subsequent *University of New Zealand Act 1874* (NZ), which created the Christchurch (Canterbury) University College, set out that the prime function of the University of New Zealand was to serve as an examining body for its constituent institutions: the Act provided:

The University hereby established is so established not for the purpose of teaching, but for the purpose of ...ascertaining by means of examination the persons who have acquired proficiency in Literature, Science or Art by the pursuit of a liberal course of education, and of rewarding them by academic degrees and certificates of proficiency as evidence of their respective attainments.<sup>9</sup>

---

<sup>2</sup> Ibid 113.

<sup>3</sup> Michael King, *The Penguin History of New Zealand* (Penguin Books, 2003) 209.

<sup>4</sup> *New Zealand University Act 1870* (NZ).

<sup>5</sup> Parry (n 1) 113.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> *University of New Zealand Act 1874* (NZ) s 4.

The outcome of this legislation was that the University, while having no responsibility for teaching within the constituent institutions, would still be responsible for prescribing the curriculum.

It is obvious that the outcome of the legislation was to create an uneasy relationship between the various parties which would remain unresolved for many decades.

However, a Charter granted in 1876 gave recognition to degrees in arts, law, medicine, and music. A supplementary charter in 1884 recognised degrees in science. Nevertheless, there were ongoing arguments regarding requirements for the degrees, syllabuses, standards and methods of examination. In 1879 this resulted in the outcome of the University Senate deciding that all examinations both for degrees and honours should in future be conducted by examiners in Britain.

#### IV THE ROYAL COMMISSION ON UNIVERSITY EDUCATION IN NEW ZEALAND 1925

The setting up of this Royal Commission in 1924 was to examine the situation and consider the future of the relationship between the national university and the regional colleges. One of the factors for the Commission was the demand for the reorganisation of the University of New Zealand into four independent universities. The Commission consisted of Sir Harry Reichel, Principal of the University College of North Wales in Bangor and Frank Tate, Director of Education in the Australian State of Victoria. The terms of reference for the commission were:

to examine the existing facilities for university education and the way in which they worked; the constitution of the Senate and the question whether special interest such as agriculture, industry and commerce should be represented thereon; the question of separate universities or the improvement of the semi-federal system of affiliated colleges; the standard and scope of the examinations conducted by the university; the method of examination; the question whether entrance examination should give place to a system of ‘accrediting’; the relation of university secondary and technical education; the provision for university teaching and research; and anything else which the Commissioners felt worthy to report.<sup>10</sup>

In its report, the Commission agreed that while dissolution of the federal University and the establishment of four independent universities was ultimately inevitable, the time for this was not yet appropriate. It therefore recommended the retention of a federal university with the appointment of an academic head or principal. Other recommendations included the setting up of an Academic Board responsible for curricula and examination requirements, a Secondary Schools Board to look after entrance qualifications, and a Council of Legal Education. It also urged for the provision of better financial support for universities generally and for libraries.<sup>11</sup> It should be noted that the Royal Commission devoted a considerable amount of its time and report to the question of legal education (some 15 pages), stating ‘[a] great amount of evidence

---

<sup>10</sup> ‘The Royal Commission – 1925’ in AH McLintock (ed), *An Encyclopedia of New Zealand* (Web Page, 1966) <<https://teara.govt.nz/en/1966/education-university-university-of-new-zealand/page-8>>.

<sup>11</sup> *Ibid.*

was tendered to show that legal education in New Zealand is at present upon a very unsatisfactory footing'.<sup>12</sup>

While most of these recommendations were incorporated in the *New Zealand University Amendment Act 1926* (NZ),<sup>13</sup> for various reasons it was decided that the appointment of a principal was unnecessary, and as a compromise the provision was made for the appointment of the part-time position of a chief executive.

## V THE COMMITTEE ON NEW ZEALAND UNIVERSITIES 1959 – THE PARRY REPORT

By the late 1950s there was a growing mood of crisis within the New Zealand university sector and the minister of education of the New Zealand government responded in July 1959 by inviting Sir David Hughes Parry to chair a committee on the country's university system ('the Parry Report'). One explanation for the creation of the Committee has been given in the following terms:

Those who cherished it seized the opportunity offered by a Committee on the Universities in 1959 to fan the sparks into flame, but were not themselves responsible for promoting the committee. Two factors, one almost fortuitous, were more directly responsible: first, Labour Government, returning to power in 1957, had in its election campaign promised that the whole field of education would be examined by an expert committee; and those concerned with the universities, fearful lest university education be brought under a general survey, urged that a special committee of overseas university men should be given the university assignment. The second factor was the demand on the Government for increased expenditure on the university, and in particular for the greatly increased salary scale...a demand urged by Grants Committee, Councils and Teachers' Association at a time when Government was faced by difficult internal conditions imposed by an adverse balance of trade. The Labour government, never unfriendly to education, but in principle against wide salary margins and foreseeing consequential demands from the higher ranks of the Public Service, wanted expert and authoritative backing for the steps it would have to take. Thus, it appointed the Parry Committee.<sup>14</sup>

The other members of the Committee were Geoffrey G Andrew, University of British Columbia, and RW Harman, a distinguished Australian industrialist. The terms of reference for the Committee were extensive, it being required 'to review the function, organization, resource and financing of New Zealand's universities, and to provide a strategy for development.'<sup>15</sup>

There is no doubt that Hughes Parry, together with his distinguished colleagues, enthusiastically took on the challenge of the committee's terms of reference. They have been described as

---

<sup>12</sup> Ibid.

<sup>13</sup> *New Zealand University Amendment Act 1926* (NZ).

<sup>14</sup> 'Dissolution of University of New Zealand' in AH McLintock (ed), *An Encyclopaedia of New Zealand* (Web Page, 1966) <<https://teara.govt.nz/en/1966/education-university-university-of-new-zealand/page-13>>.

<sup>15</sup> Ibid 7.

[visiting] every corner of the country collecting evidence, including the four constituent universities and two agricultural colleges of the university, and received submissions from 138 interested persons and organizations... No stone was left unturned, as the committee visited lecture theatres, laboratories, student common rooms, refectories and halls of residence and sites where new buildings were being proposed.<sup>16</sup>

From the very start when it was published the report was unequivocal in what was required for a future successful university system in New Zealand, stating that the state had to properly finance the sector without threatening its independence. In fact, the opening words of the report emphasis this approach: ‘What role the universities should play in the New Zealand community will depend in large measure upon the kind of society New Zealand wants and is willing to pay for.’<sup>17</sup> In this respect when reviewing the financial aspects of the report the committee urged a more generous salary scale for academic staff. As regards buildings they supported a plan which had been put forward by the New Zealand University Grants Committee for the next 10 years but urged that it needed to be accelerated, while emphasising the need for developing a forward policy about halls of residence. In their view, as has been stated before, they considered that university libraries were inadequately funded and needed to be supported by immediate special grants of £10,000. Also, they recognised the current culture of New Zealand universities where teaching was regarded as their sole function as inappropriate. The Parry report acknowledged that this deficiency should be immediately reformed declaring that: ‘to advocate the separation of teaching from research is to invite social and cultural, no less than scientific stagnation. Society, if it is to make advances, must have institutions in which teaching and research go hand to hand, in which students can come in contact and become excited by the possibilities of research and its relation to human progress.’<sup>18</sup>

‘In this respect they recommended an immediate increase in the grant to £65,000 and to £100,000 in 1961, rising in the next few years to £150,000; and that a National Scientific Research Council be set up to coordinate the scientific research services of the State.’<sup>19</sup>

More fundamental were those recommendations relating to the structure of the University of New Zealand itself. In this respect it recommended:

That the constituent universities be given complete autonomy, subject only to a new University Grants Committee, and certain subcommittees thereof; and the University of New Zealand be dissolved as soon as possible. That a University Grants Committee be established by act of Parliament, with powers generally equal to those of the existing Committee together with the right to initiate, in consultation with the universities, plans for balanced development to meet fully the national needs. That the committee be appointed by the Government, and that it comprises a chairman, and seven members | selected from a list submitted by the universities, four not being associated with any university and three being professors or teachers. That a Universities Entrance Board

---

<sup>16</sup> ‘University committee of inquiry arrives in Dunedin’, *Otago Daily Times* (Dunedin, 6 October 1959) cited by Parry (n 1) 120 n 63.

<sup>17</sup> *Ibid* 121.

<sup>18</sup> *Ibid* 122.

<sup>19</sup> ‘Report of the Committee on New Zealand Universities’ (Report, 1959) 87.

be set up as a subcommittee of the Grants Committee with the duty, among others, of advising on any proposal by any university to establish a new faculty or a new department of study, and of considering any difficulties about equivalence of courses and transfer of students.<sup>20</sup>

## VI DISSOLUTION OF THE UNIVERSITY OF NEW ZEALAND

The Government acted promptly on the receipt of the Parry Report with the *Universities Act 1961* (NZ) providing for the creation of a reformed University Grants Committee, setting out its constitution, membership, and functions. It also established other committees and boards to complement and support the University Grants Committee, together with a new Vice-Chancellors Committee. The legislation provided for the dissolution of the University of New Zealand on 1 January 1962 and the transfer of some of its functions, including the power to confer degrees, to the individual universities. In addition, the Act also made provision for graduates of the previous University of New Zealand after it had ceased to exist by stipulating that: ‘The University Grants Committee shall have power to issue certificates relating to degrees and other academic qualifications and courses of the University of New Zealand as if that University had continued in existence.’<sup>21</sup>

## VII FURTHER REFLECTIONS ON THE INFLUENCE OF HUGHES PARRY

It is illuminating to review the influence of a leading overseas law academic from the United Kingdom who was recognised as someone with extensive experience of law reform to guide the reform of New Zealand’s tertiary education system. In this respect attention should be given to the comment that: ‘His legal credentials were undoubtedly seen as strengths, and there was an acute appreciation of the fact that the task required the deft hand of the lawyer to guide it through to a judicial outcome.’<sup>22</sup> There is no doubt that the Parry Report could be regarded as the watershed in the history of higher education in New Zealand. In conclusion his biographer, R Gwynedd Parry, has summed up his achievement in the following terms:

Unquestionably, within the report are echoes of Hughes Parry’s earlier battles to resource and manage the British university system properly and his experience of navigating university management came to bear on much of the report’s findings and conclusion. It also displays Hughes Parry’s confidence in the important role of universities in economic development and prosperity, and his belief that thriving universities could be central facilitators of national economic recover. Moreover, the report clearly reinforced the importance of universities’ independence and their role as import scrutinizers of prevailing social norms and practices.<sup>23</sup>

---

<sup>20</sup> Ibid 99.

<sup>21</sup> *Universities Act 1961* (NZ) s 54(3).

<sup>22</sup> Parry (n 1) 120.

<sup>23</sup> Ibid.

## VIII ADDENDUM – THE DEVELOPMENT OF LEGAL EDUCATION WITHIN THE NEW ZEALAND TERTIARY EDUCATION SYSTEM

Although legal education was an emphasis of the 1925 Royal Commission it is apposite for its development to be considered within the evolution of the New Zealand Tertiary Education System. Any reader who is interested in undertaking a complete study of the history of New Zealand legal education would be well-advised to read the article by Peter Spiller in the 1993 edition of the *Legal Education Review*.<sup>24</sup>

Spiller explains that prior to 1870, while the *Legal Practitioners Act 1861* (NZ) made provision for the regulation by the Judges of the Supreme Court of New Zealand for the qualification and regulation of those wishing to qualify for admission as barristers and solicitors, there was no immediate provision made for their actual training and supervision. It was only in 1870 on the creation of the University of New Zealand that limited law classes were taught at Otago University and Canterbury University, with the University of New Zealand establishing a law degree in 1877, which by 1888 covered all the subjects specified for admission of barristers to practice. As stated by Spiller, '[o]verall, however, the progress of university legal education in the first fifty years had been painfully slow. University tuition was generally limited and at times erratic, and it was conducted largely by part-time lecturers with poor library and other resources, who instructed overwhelmingly part-time students (many of whom were not employed in law offices).'<sup>25</sup>

To reiterate, legal education was a major subject considered by the Royal Commission 1925 which devoted much of the report to its deficiencies at that time. Not only did the Royal Commission recommend a thorough strengthening of legal courses and the establishment of a properly staffed and equipped Law School at the most suitable centre, but also the creation of a Council of Legal Education which would assume the powers over legal education.<sup>26</sup> This was established by the *New Zealand University Amendment Act 1930* (NZ), with regulations governing its proceedings in 1932.<sup>27</sup>

The outcome of the Parry Report was that, with the dissolution of the University of New Zealand in 1961, each University which had a law school gained full control of its law degrees and examinations with the concept of full-time attendance of law students becoming the accepted norm. With the advent of full-time law academics, including professors, there was an expansion of law teaching as advocated in the Parry Report to include research and a broadening education with the incorporation of social and economic policies. There was also the introduction of optional subjects and the subsequent recognition to incorporate a Māori dimension into the curriculum.<sup>28</sup>

---

<sup>24</sup> Peter Spiller, 'The History of New Zealand Legal Education: A Study in Ambivalence' (1993) 4(2) *Legal Education Review* 223.

<sup>25</sup> *Ibid* 230.

<sup>26</sup> *Ibid* 232.

<sup>27</sup> Michael Cullen, 'Lawfully Occupied' (Otago District Law Society, 1970) 133.

<sup>28</sup> Robert Ludbrook, 'Law and the Polynesian' (1975) 13 *New Zealand Law Journal* 420.



At the same time there became a greater demand for practical legal training with the outcome in 1986 of the New Zealand Law Society and the Council of Legal Education inviting Neil Gold, a Canadian law professor, and highly acknowledged legal education commentator to report on professional legal training in New Zealand. Gold's recommendations included a 'more systematic, more carefully structured, goal-oriented programme of professional preparation' which would address the needs of practitioners. His Report was accepted by the Council of Legal Education with the introduction of Professional Examinations in Law regulations 1987, coming into effect in 1988.<sup>29</sup> A further review was carried out in 1990 by Christopher Roper, the Principal of the College of Law in Sydney, recommending further modifications to the practical legal training course, which were subsequently adopted.<sup>30</sup> Currently, Auckland University, Auckland University of Technology, Canterbury, Otago, Victoria University of Wellington, and Waikato have law schools.

The history of New Zealand legal education reflects how it has dealt with the similar problem faced by law teaching in other jurisdictions which is how to meet the twin objectives of training individuals as legal practitioners and providing a liberal education that facilitates the acquisition of knowledge and transferable skills.<sup>31</sup> In the concluding paragraph to his article Spiller has quoted from Gold's report, which had major consequences for modern New Zealand legal education: 'In the best of all possible worlds it is a general legal education which prepares graduates to face and adapt to change in all aspect of their lives, but especially throughout their legal careers'.<sup>32</sup>

---

<sup>29</sup> D Craig Lewis, 'Observations from an Outsider' (1988) 3 *Canterbury Law Review* 347.

<sup>30</sup> Richard Moss, 'Developments in the Professional Legal Studies Course – The Implementation of the Roper Report' (1991) 340 *Law Talk* 7-8.

<sup>31</sup> David Barker, *A History of Australian Legal Education* (Federation Press, 2017) 242.

<sup>32</sup> Spiller (n 24) 245.