

DRAFT MARCH 2008 - for dissemination and comment in accordance with the 'Coogee Sands' resolution passed at CALD Meeting 2008/1, Sydney, 4 March 2008, with a view to finalisation at CALD Meeting 2008/2 in Cairns, 9 & 10 July 2008.

Council of Australian Law Deans



Standards for Australian Law Schools

The Standards¹

Adopted in principle, 4 March 2008

¹ Extracted from Christopher Roper (with input from the CALD Standing Committee on Standards and Accreditation), *Standards for Australian Law Schools: Final Report* (Council of Australian Law Deans, March 2008) and adopted in principle at CALD Meeting 2008/1, Sydney, 4 March 2008.

COUNCIL OF AUSTRALIAN LAW DEANS (CALD)

'Coogee Sands' Resolution²

That the Council of Australian Law Deans (CALD) adopts in principle the standards for Australian law schools set out in Chapter 5 of the Roper Report,³ and commits to a process of certification of compliance with the standards, subject to the following:

- (i) that the Deans disseminate the standards within their law schools and other relevant communities, with a view to bringing any feedback to the next CALD meeting to be held in Cairns on 9 and 10 July 2008;
- (ii) that the Deans give further thought to the implementation of the standards in light of the discussions that took place at the CALD meeting in Sydney on 3 and 4 March 2008, with a view to adopting a position on the matter at the next CALD meeting to be held in Cairns on 9 and 10 July 2008; and
- (iii) that, in particular, and with a view to preparing the ground for the possible use of the standards for the purposes of accreditation, the Deans seek to more closely identify which standards are core or minimum standards and which standards are aspirational.

² Passed unanimously, CALD Meeting 2008/1, University of New South Wales Faculty of Law, Sydney, Tuesday 4 March 2008.

³ Christopher Roper (with input from the CALD Standing Committee on Standards and Accreditation), *Standards for Australian Law Schools: Final Report* (Council of Australian Law Deans, March 2008).

The Standards

Definitions

Law course⁴ The course of study leading to a degree which is recognised by the law admitting authority in the jurisdiction as providing the academic requirements for the purposes of admission to practice as a legal practitioner. In some institutions this would be known as 'law program' and the term 'course' would refer to individual units or subjects within the program.

Law school⁵ Any university unit principally responsible for offering a degree in law, completion of which is recognised by at least one Australian admitting authority as satisfying most or all of that authority's academic requirements for admission to legal practice.

1. Fundamental issues, mission and objectives

1.1 Academic autonomy

1.1.1 The law school has the responsibility, authority and capacity to be able to design, develop and deliver a law course which meets these Standards.

1.2 Aspiration in regard to these Standards

1.2.1 The law school seeks to exceed the requirements of these Standards.

⁴ The definition of *Law course* links the course to the requirements for admission to practice. This approach has been adopted as it is the one adopted in the CALD Constitution for defining a law school.

⁵ The definition of *Law school* is the same as that in the CALD Constitution.

1.3 Statement of mission and objectives

- 1.3.1 The law school has defined its mission and the objectives of the law course, and has made them known to students and other stakeholders.
- 1.3.2 The law school's mission encompasses teaching, research and community engagement.
- 1.3.3 The law school's mission encompasses a commitment to the rule of law, and the promotion of the highest standards of ethical conduct and professional responsibility.⁶

2. The law course

2.1 Educational outcome

- 2.1.1 The law school has identified, defined and disseminated the attributes that law students should exhibit on graduation.

2.2 Curriculum design and educational methods

- 2.2.1 The law school has a curriculum model and teaching and learning methods that promote the educational objectives of the law course.
- 2.2.2 The teaching and learning methods encourage students to be active participants in the learning process and to engage with the law in an analytical and critical way.
- 2.2.3 Appropriate tuition, either face to face or electronically, is provided to enable students to develop the knowledge, understanding and skills set out in Standard 2.3.1.

⁶ See object (e) of the Australian Academy of Law which is –
“To promote the highest standards of ethical conduct and professional responsibility amongst all members of the legal community, including the use of legal skills not merely for material personal reward but also in the service of society.”

2.3 Curriculum content

2.3.1 The curriculum includes coverage of all of the academic requirements specified for the purposes of admission to practice as a legal practitioner in Australia,

2.3.2 General requirements: The curriculum seeks to develop knowledge, understanding, skills and values: knowledge of the law; understanding of legal principle and of the context within which legal issues arise; skills of research, analysis, reasoning, problem-solving, and communication; and the values of ethical legal practice and professional responsibility.

2.3.3 In particular, the curriculum, seeks to develop –

a. knowledge and understanding of –

- the fundamental doctrines, concepts, principles, and values of Australian law
- the fundamental areas of the substantive law
- the sources of that law and how it is made and developed, and of the institutions within which that law is administered
- the theory, philosophy, and role of law, and the dynamics of legal change
- the broader context within which legal issues arise, including, for example, the political, social, historical, philosophical, and economic context
- international and comparative perspectives on Australian law and of international developments in the law
- the principles of ethical conduct and the role and responsibility of lawyers, including, for example, their *pro bono* obligations.

- b. the intellectual and practical skills needed to research and analyse the law from primary sources, and to apply the findings of such work to the solution of legal problems.
- c. the ability to communicate these findings, both orally and in writing.
- d. internalisation of the values that underpin the principles of ethical conduct and professional responsibility.

2.4 Course duration

- 2.4.1 The law course requires the completion of the equivalent of at least three years full-time study of law.

2.5 Curriculum dissemination

- 2.5.1 The law school publishes a description of the content and structure of the curriculum and duration of the course that guides both staff and students on the level of knowledge and understanding, skills and attributes expected of students at each stage of the course.

2.6 Granting of credit and recognition of prior learning

- 2.6.1 The law school has published policies in regard to the granting of status or credit and the recognition of prior learning.
- 2.6.2 The policies do not undermine the integrity of the law degree or the capacity of the law school to comply with these Standards.

2.7 Course management

- 2.7.1 The law school has the responsibility, authority and capacity to plan, implement and review the curriculum to achieve the objectives of the law course.

- 2.7.2 In respect of the curriculum, the law school consults widely in the professional and other environments in which graduates will be expected to work.

3. Assessment of students

3.1 Assessment methods and standards

- 3.1.1 The law school has defined, documented and published the methods used for assessment, including the criteria for progression in the course.
- 3.1.2 The reliability and validity of assessment methods are evaluated and new assessment methods are developed where required.
- 3.1.3 The law school in its assessments requires all students to achieve an appropriate academic standard.

3.2 Relationship between assessment and learning

- 3.2.1 The assessment principles, methods and practices are appropriate for the educational objectives of the law course.

4. Academic staff

4.1 Staff numbers, profile and duties

- 4.1.1 The law school has sufficient members of academic staff to meet the needs of the law course and otherwise to fulfil its mission and the requirements of these Standards.
- 4.1.2 The profile of the law school's academic staff reflects an appropriate range of experienced members.

4.1.3 The profile of the law school's academic staff reflects an appropriate number of full-time staff or an appropriate mix of full-time staff and those with other arrangements.

4.1.4 The teaching load expected of staff is consistent with the law school being able to achieve its aspirations in regard to research and community engagement.

4.2 Staff qualifications

4.2.1 Members of the law school's academic staff have qualifications and experience appropriate to fulfil the mission of the law school and to meet the requirements of these Standards.

4.3 Staff appointment, promotion and development

4.3.1 The law school has published appointment and promotion policies that recognise and reward meritorious achievement.

4.3.2 The law school's employment practices are non-discriminatory.

4.3.3 Members of academic staff have the opportunity to engage in appropriate staff development.

4.4 Academic freedom

4.4.1 The law school has published policies, or is subject to its university's published policies, in regard to the maintenance of academic freedom.

4.5 Employment conditions

4.5.1 The law school has published policies, or is subject to its university's published policies, in regard to fair and reasonable conditions of employment.

4.6 Part time and casual teaching staff

4.6.1 The law school has defined the role and responsibilities of part time and casual teachers who contribute to the delivery of the law course and the responsibilities of the law school to those teachers.

5. The law library or law collection

In this section the term “law library” also refers to the “law collection” where there is not a distinct law library but there is a distinctive and identifiable law collection in the university’s library.

5.1 General provisions

Recognising that the law library has a distinctive role in the university, and is appropriately described, to underline the parallel with the essential equipment of the scientist, as “the lawyer’s laboratory” –

5.1.1 The law library is able to be an active and responsive force in the educational life of the law school, effectively supporting the school’s teaching, research and service programs.

5.1.2 The law library has sufficient, and a consistent supply of, financial resources to support the law school’s teaching, research and service programs.

5.1.3 The law library uses up-to-date information technology.

5.1.4 Adequate library and information technology provision is available to all students studying in the law course, whether full-time, part-time, face to face, on line, or by distance learning, as appropriate.

5.2 Administration of the law library

- 5.2.1 The law school is able to participate effectively in the growth and development of the law library and the use of its resources.
- 5.2.2 The law library has a manager who is appropriately qualified to manage a law library and whose primary responsibility is the management of the law library.
- 5.2.3 The law library has competent and appropriately qualified staff, sufficient in number to provide appropriate library and informational resource services and support for the law school's programs.

5.3 Law library services and facilities

- 5.3.1 The law library provides an appropriate range and depth of reference, instructional, bibliographic and other services to meet the needs of the law school's teaching, research and service programs.
- 5.3.2 The physical facilities for the law library are sufficient in size, location, and design, in relation to the law school's programs and enrolment, to accommodate the law school's students and teaching staff and the law library's services, collections, staff, operations, and equipment.

5.4 The collection

- 5.4.1 The collection of the law library is, as a minimum –
 - a. all public general Acts of the Commonwealth of Australia and of the jurisdiction in which the law school is located, in official or reprint form
 - b. all statutory instruments and other secondary legislation of the Commonwealth of Australia and the jurisdiction in which the law school is located, in original or reprint form, relevant to the subjects taught

- c. all reported decisions of the superior courts of Australia and of the jurisdiction in which the law school is located that are relevant to the subjects taught, together with such decisions of other courts as are necessary to the understanding of those subjects
- d. parliamentary materials of the Commonwealth of Australia and of the jurisdiction in which the law school is located, including Bills, parliamentary papers, and reports of parliamentary proceedings, appropriate to the subjects taught
- e. such other official publications of the Commonwealth of Australia and the government of the jurisdiction in which the law school is located as are necessary to support the teaching and research objectives of the law school
- f. where teaching is provided in the law of any legal system other than that of Australia and of the jurisdiction in which the law school is located, primary legal materials and official publications from that legal system, sufficient to support the objectives of such teaching
- g. such secondary works (including textbooks, monographs and periodicals) relating to the law of the Commonwealth of Australia and of the jurisdiction in which the law school is located
- h. primary and secondary comparative material from other legal systems which are the subject of study in the law school, and as are adequate to support the school's teaching and research program
- i. those tools, such as general law encyclopedias, citators, periodical indexes, and current awareness services, which are necessary for the identification and updating of primary and secondary legal materials for the legal systems in which teaching and research are undertaken.

5.4.2 The collection is accessible in printed form or electronically, or both.

6. Resources and infrastructure

6.1 Generally

6.1.1 The law school has adequate resources and infrastructure to enable it to fulfil its mission.

6.2 Physical facilities

6.2.1 The law school has sufficient physical facilities, for both staff and students, to ensure that its educational and research objectives can be achieved.

6.2.2 The law school has sufficient facilities to enable quiet study and research by students and staff.

6.2.3 The learning environment for students is reviewed and updated regularly to reflect developments in educational practices.

6.3 Information technology

6.3.1 The law school has sufficient information and communication technology facilities, for both staff and students, to ensure the law course can be delivered adequately.

6.3.2 The law school has adequate information and communication technology to support its educational, research and community outreach programs.

7. Course evaluation

7.1 The law school has course evaluation procedures that regularly monitor the curriculum, quality of teaching and student progress, and identify and address concerns.

7.2 Measures of, and information about, graduate attributes are used as feedback to course development.

8. The nexus between teaching and research

- 8.1 The law school fosters the relationship between research and teaching.
- 8.2 The interaction between research and teaching is reflected in the curriculum. This interaction influences teaching, and encourages and prepares students to engage in legal research and the development of the law.

9. Governance and administration

9.1 The institution in which the law school is situated

- 9.1.1 The law school is part of a university or, if not, is part of an institution which has power to award degrees.

9.2 Governance

- 9.2.1 The law school's governance structures and functions are defined, including the school's relationships within the university or institution.

9.3 Academic leadership

- 9.3.1 The title of the academic head of the law school is 'dean'.
- 9.3.2 The responsibilities of the dean are clearly stated.
- 9.3.3 The dean has the authority and support needed to discharge the responsibilities of the position and those necessitated by these Standards.

9.4 Budget and resource allocation

- 9.4.1 The law school has a dedicated operational budget and the responsibility for managing it.

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9.4.2 The law school has sufficient autonomy to direct resources in order to achieve its mission.

9.5 Administrative staff and management

9.5.1 The law school has appropriate administrative staff to support the implementation of the school's educational program and other activities, and to manage and deploy its resources.

9.6 Interaction with the legal profession

9.6.1 The law school seeks to engage with the legal profession and the legal sector generally.

10. Continuous renewal and improvement

10.1 The law school has procedures for regular reviews and updating of its structure and functions to rectify deficiencies and to meet changing needs.

10.2 The process of renewal is capable of leading to revisions of policies and practices of the law school in accordance with past experience, present activities and future perspectives.

10.3 The law school's teaching and research programs are responsive to legal and social change.

Application of the Standards

[Note: the following is taken from Chapter 6 of the Roper report and has NOT yet been adopted by CALD. In the Coogee Sands resolution (see above), CALD committed to 'a process of certification of compliance with the Standards', but not yet to any particular process. The following was suggested in the Roper report and is included here as one example of 'a process of certification of compliance' that might be considered.]

1 The Law Schools Standards

- 1.1 The Council of Australian Law Schools (CALD) shall publish a set of standards for Australian law schools, called *The Australian Law Schools Standards* ("Standards").
- 1.2 The Standards may be altered only by CALD at a meeting at which there is a quorum and for which adequate notice of the proposed alteration has been given.
- 1.3 The Standards may be altered by CALD only after the proposed alteration has been considered by the Law Schools Standards Committee.
- 1.4 Commentaries to the Standards may be developed and amended by the Law Schools Standards Committee or by CALD. All commentaries or their changes shall be approved by CALD at a meeting for which adequate notice has been given of the proposed commentary or change of commentary.

2 Law Schools Standards Committee

- 2.1 CALD shall establish a committee, to be known as the Australian Law Schools Standards Committee ("Standards Committee").

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- 2.2 The Standards Committee shall comprise at least five persons of whom at least two shall be from outside the law school sector.
- 2.3 Members of the Standards Committee shall hold office for three years, and are eligible for re-appointment.
- 2.4 CALD shall provide secretariat and administrative support to the Standards Committee.
- 2.5 The Standards Committee may establish panels (see clause 4.3 below), comprising members of the Committee and augmented by other suitably qualified persons as appropriate.

3 Function of the Law Schools Standards Committee

- 3.1 The Standards Committee, in its deliberations and decisions, will operate independently of direction from CALD.
- 3.2 The Standards Committee's functions are –
 - To consider applications from law schools for approval as complying with the Standards.
 - To keep the Australian Law Schools Standards under review and to propose amendments, additions and deletions from time to time.
 - To develop and amend commentaries on individual standards from time to time and as circumstances require.
 - To do all consequential things which are necessary to carry out these functions, including the making and amending of these or other procedural rules.
- 3.3 The Standards Committee may approve a law school as complying with the Standards, not approve a law school because of failure to comply with the Standards, approve a

law school subject to conditions, or hold an application over pending compliance with conditions.

- 3.4 A decision of the Standards Committee pursuant to clause 3.3 is not reviewable by CALD. However, the Standards Committee shall report its decisions in regard to applications for approval to the next meeting of CALD held after its decision has been made, and the report shall include its reasons for the decision.

4 Approval of law schools as complying with the Law Schools Standards

- 4.1 A law school may of its own volition apply to the Standards Committee for approval as complying with the Standards. A law school is not obliged to seek approval.
- 4.2 Best endeavours will be made to coordinate any application to the Standards Committee with other relevant intra-university or externally-imposed reviews.
- 4.3 The Standards Committee shall normally appoint a panel to consider and advise the Committee on the application. The panel shall normally comprise at least one person from outside the law school sector.
- 4.4 A law school seeking approval shall provide to the Committee such documentation and assistance as is required by the Committee.
- 4.5 The panel appointed by the Standards Committee shall normally, as part of its consideration of an application for approval, visit the law school and meet with members of staff and other appropriate people.
- 4.6 The panel shall provide to the law school a draft of its report and recommendations, and shall consider any response from

the law school, before making its recommendation to the Standards Committee in regard to that law school.

- 4.7 The cost of processing an application for approval shall be borne by the law school seeking approval. The Standards Committee shall publish, from time to time, the basis upon which the cost is calculated, so that a law school shall know in advance what the cost of making an application for approval would be.
- 4.8 In accordance with clause 3.3, the Standards Committee may grant unconditional or conditional approval. The Standards Committee will prescribe a process whereby the law school may establish that it has met the condition/s, and should it successfully do so, it would then be granted unconditional approval.
- 4.9 A law school which has been given unconditional approval shall be designated as *An Approved Law School*.
- 4.10 Unconditional approval shall be for a period of five years.

5 Changes subsequent to approval as An Approved Law School

- 5.1 If changes occur during the five year period of approval which, in the law school's opinion, materially could alter its approval, it shall report those changes to the Standards Committee.
- 5.2 The Standards Committee shall consider the law school's report and decide whether to recommend that unconditional approval should continue or whether conditions should be imposed, or whether approval should be withdrawn, or whether any other appropriate action should be taken.
- 5.3 The Standards Committee shall report its decision to the next meeting of CALD, together with reasons for that decision.