Setting Standards for the LLB: The Learning and Teaching Academic Standards Project

The Australian Government has announced the creation of a new quality and regulatory agency based on recommendations stemming from the Bradley Review of Higher Education. The Tertiary Education Quality and Standards Agency (TEQSA) will be established in 2011 and build on work previously undertaken by the Australian Universities Quality Agency (AUQA), but will operate with an extended brief. Of particular interest to ALTA members is that TEQSA is to be charged with evaluating the performance of institutions and their programs of study (such as the LLB) against a range of standards criteria. These criteria will include those set out in the revised Australian Qualifications Framework (AQF), which are to be aligned with the academic standards that discipline communities nationally agree represent the core ‘threshold learning outcomes’ for their graduates.

The Australian Government has awarded the Australian Learning and Teaching Council (ALTC) $2 million to lead the Learning and Teaching Academic Standards (LTAS) project which involves facilitating and coordinating discipline communities’ definition of these academic standards in preparation for the new regulatory environment and the creation of TEQSA.

The project is driven by Discipline Scholars across a number of broad disciplinary groups including: Arts, Humanities and Social Sciences; Business, Management and Economics; Engineering and ICT; Health, Medicine and Veterinary Science; and Law.

We – Sally Kift and Mark Israel – have been appointed by the ALTC as joint Discipline Scholars: Law. Sally is professor of law at Queensland University of Technology, a Senior Fellow of the ALTC and the national teaching award winner for Law in 2003. Mark is a professor of law and criminology and has just started as Associate Dean (Learning and Teaching) in the Faculty of Law at the University of Western Australia. He won the Prime Minister’s Award for teaching in 2004. Together with Rachael Field (a Senior Lecturer at QUT) as Project Officer, we started on this project in February and will spend the rest of the year working with Law Schools and other professional groups and bodies to define the Threshold Learning Outcomes (TLOs) for the LLB. We are working to a very tight deadline and report to the Department of Education, Employment and Workplace Relations in December.

Articulating threshold learning outcomes for law

In November 2009, the Council of Australian Law Deans (CALD) agreed a set of Standards for Australian Law Schools. The purpose of the CALD Standards Project was ‘to enhance the quality of Australian law schools in all of their diverse endeavours, and to do so by assisting all Australian law schools to strive for and reach a clearly articulated set of standards’ (Coper, 2008). The final version of the CALD Standards, as formally adopted in November, 2009, is available on the CALD website.

As a result of the work carried out on the CALD Standards, Law is in a relatively strong position for this project: the Law Discipline Scholars are focusing on one degree in one discipline and already have the CALD Standards in place. While the CALD Standards are all encompassing, our work is concerned only with the ‘curriculum content’ aspect of them (at 2.3.2 and 2.3.3) and aims to convert those sections into knowledge-, skills- and attribute-based TLOs. We are seeking to identify what law students should know and what they should be able to do on graduation. For example: should all law graduates be able to work collaboratively and should we assess them for this outcome over the course of their degree? While we would all agree that law graduates should be committed to ethical practice, how do we articulate this objective in a way that is assessable and measurable, to a specified minimum level at graduation, around demonstration of professional judgment and responsibility? These questions are indicative of the types of issues on which we will be seeking advice from the legal community.

Our aim in this work is to produce a statement of TLOs that makes it possible for Law Schools to meet concurrent requirements from the Australian Government, the professional Admitting Authorities and their own institutions. Therefore, the TLOs developed should be consistent with the requirements of the new Australian Qualifications Framework (which sets out broad requirements for qualification levels, such as the bachelor’s degree and masters degree) and also mesh with the requirements of those bodies responsible for profession entry. We shall also draw on relevant developments in parallel processes in the United Kingdom (Benchmarking), Europe (Tuning), Latin America (Tuning) and the standards developed by American Bar Association.

As part of this work, we have been seeking advice from those groups with a stake in the Standards Project. In February, the ALTC convened a forum in Melbourne which brought together, among others, representatives of CALD, the Law Admissions Consultative Committee (LACC), the Australian Academy of Law (AAL) and Universities Australia (UA). We have created reference groups to oversee the project, which include representatives from these bodies and others. Professor Ros Mason from the Australasian Law Teachers Association (ALTA) is a member of the Law Discipline Reference Group, while other...
representatives have been invited from the Law Council of Australia (LCA), COAG Standing Committee on Legal Practice and Relations with the Legal Profession, Australian Law Students Association (ALSA), Young Lawyers Committee, Australasian Profession Legal Education Council (APLEC), and the judiciary.

In March, we briefed CALD at its meeting in Sydney. CALD endorsed the broad approach outlined to drafting the TLOs for the LLB and agreed to support the work of the Discipline Scholars. We will report back to CALD later in the year, at both its July and November meetings.

Law academics’ engagement in this project is crucial to ensure that the TLOs drafted are relevant, appropriately pitched and accurately articulate what academics, the profession and admitting authorities agree should be the minimum requirements for law graduates. We are committed to producing a document that can protect the reputation of Australian law schools, without adversely affecting their diversity and autonomy. By exceeding and customising the minimum national standards, individual law schools can demonstrate distinctiveness.

In addition to the discipline-based standards, the project also aims to produce a peer-reviewed repository of useful resources on learning outcomes and resources related to the standards quality and regulatory environment. The idea is that higher education providers and TEQSA will be able to access the repository for assistance in developing standards related processes. Contributions to the repository are sought from legal educators.

As part of our plan for consulting with and learning from law academics, we will run a series of hubs over the second half of the year, and a forum in June for all Law Associate and Assistant Deans with responsibility for learning and teaching, as they will have significant responsibility for implementing and assuring graduates’ attainment of the TLOs defined. Through ongoing communication with Deans, Heads of School and Law School learning and teaching leaders, we intend to ensure that all Law Schools and interested law teachers will be kept informed of progress and have the opportunity to contribute to the development of the final standards statement. ALTA members attending the ALTA Conference in Auckland in July are welcome to attend a presentation on the standards project that will be made in the legal education stream.

You can find out more about our work at http://www.altcexchange.edu.au/group/ltas-project-law. For a broad overview of the project go to http://www.altc.edu.au/standards.

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