

The Honourable Justice Francois Kunc
Chair, LSC Admissions Committee
PO Box H326
Sydney NSW 1215

By email: submissions@legalservicescouncil.org.au

Dear Justice Kunc,

Re: Proposed revisions to the Accreditation Standards for Australian Law Courses

The Law Institute of Victoria (**'LIV'**) welcomes the opportunity to provide the Legal Services Council's Admissions Committee (**'Council'**) and the Law Admissions Consultative Committee (**'LACC'**) with its views on the proposed revisions to the Accreditation Standards for Australian Law Courses (**'Standards'**).

As Victoria's peak body for lawyers, representing over 20,200 members of the Victorian Legal Profession and the individuals who work with them, the LIV understands the importance of maintaining clear uniform standards for guiding educators and improving consistency in course delivery.

The Law Institute of Victoria partnered with ACAP University College to deliver a Practical Legal Training (**'PLT'**) course for Victorian law graduates. This PLT genuinely connects students with the legal profession, providing valuable networking, mentoring and career opportunities, and free Graduate LIV membership.

The proposed revisions seek to update the Standards to address the emergence of online delivery methods and new digital technologies in the wake of the COVID-19 pandemic, as well as other matters identified during consultation such as intensive and block delivery models.

Specifically, the consultation paper outlines revisions to achieve the following:

- clarify that the Standards support online delivery as an appropriate and effective method for achieving learning outcomes, and that education providers continue to have the flexibility to choose between fully in-person, fully-online or blended delivery models.
- introduce a new definition of 'teaching methods' to provide clearer guidance on what may count towards the prescribed hours of teaching for each Priestley 11 subject.
- update the Standards to reflect the importance of active learning and student engagement in the context of online learning environments, by introducing definitions and a new requirement

to consider the number of hours dedicated to active/direct interaction (with reference to a minimum threshold of 18 hours).

- introduce a new requirement for admitting authorities to consider the allocation of assessments, assessment methods, and proportion conducted under invigilation (at minimum 50%) to provide quality assurance that a student's grade reflects their competence and understanding.
- include additional guidance on block and intensive course delivery models, outlining that they may only be used for Priestly 11 subjects where it is 'appropriate in all the circumstances.'
- other minor revisions in response to prior stakeholder feedback,

The letter that follows responds to these revisions guided by the three questions outlined in the consultation paper

Executive Summary

The LIV broadly supports the draft revisions insofar as they provide law schools with the flexibility to select the course delivery method best suited to their needs, whilst recognising that there are limitations to the use of online, virtual and intensive/block delivery models.

Promoting innovation in course delivery through integrating online and block learning practices encourages law schools to cater to a broader array of students with more complex accessibility requirements, including those who live in remote, regional or rural areas, those who have work, carer or other commitments during regular teaching hours and those who are otherwise impaired from travelling to campus.

However the LIV shares the view that the study of law should be rooted in human interaction. As noted by Hon. Andrew Scott Bell, Chief Justice of New South Wales Supreme Court.

The practice of law involves many soft skills which cannot be acquired by watching a recorded lecture, posting in a discussion forum or attending a Zoom tutorial. Interpersonal skills and connections critical for full participation in the profession can be formed by participating in on-campus extra-curricular activities, socialising with peers, and having informal conversations with teaching staff before, during and after classes.¹

The LIV believes that the approach taken in the draft revisions – integrating online and block/intensive course delivery practices into the Standards, coupled with minimum requirements for direct interaction, active learning and invigilated assessments – strikes the correct balance between flexibility and ensuring competency. Though law schools should have the choice to deliver fully online and/or intensive courses

¹ The Honorable Andrew Scott Bell, 'Comparing Online Legal Education: Past, Present and Future' (Speech, Remarks for launch of Luke Nottage and Mokoto Ibuski (eds) 3 August 2023) 24.

and assessments, they must still bear the burden of proving to accreditors that they are designed so that students engage with the material in a meaningful way (noting that this hurdle is often lower for in-person or blended courses).

Specific comments in relation to each draft provision are outlined below.

Consultation Questions

Do you support the drafting of the proposed revisions set out in the Draft Revised Standards?

Online delivery of law courses

The LIV supports the proposed revisions to section 4.1. and 4.6. respectively.

It may be appropriate to include reference in the explanatory notes to the requirements for providers to only offer overseas students up to one-third of their course online, with reference to Standard 8 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*.²

Teaching hours, active learning and student engagement

The LIV supports the proposed revisions to section 4.5. and 4.6. respectively.

Members noted that it may be beneficial to include reference in the explanatory notes to how law schools that integrate assistive technology such as screen readers, text-to-speech software and closed captions make engagement more 'active' for functionally impaired, neurodiverse and linguistically diverse students will be viewed more favorably by accreditors.

Invigilated assessments

The LIV supports the proposed revisions to 4.7.

We note that it is important to ensure that law schools continue to have sufficient flexibility to choose between different methods for invigilating assessments, given that the preceding years have required law schools to rapidly respond to technology which has exacerbated the risk of potential collusion and cheating in a very short timeframe. We acknowledge that, in the short term, this has at times led to reliance on ineffective methods of invigilation (particularly where students are using external software whilst taking an online assessment). The LIV considers that the minimum requirements outlined in section 4.7. should support law schools as they continue to innovate and adopt the least intrusive, most impactful methods of assessment.

² Department of Education, 'Standard 8: Overseas student visa requirements' ESOS Framework (15 August 2022) <<https://www.education.gov.au/esos-framework/resources/standard-8-overseas-student-visa-requirements>>.

Intensive and block learning models

The LIV supports the proposed revisions to 4.3.

We consider that it may assist law schools to provide additional clarity in the explanatory notes about the 'circumstances' in which an intensive or block delivery can be used for a prescribed area of knowledge. This might include reference to whether the duration of the intensive will permit sufficient breaks for students to digest material, whether the breadth and depth of content is equal to or less than that offered in a comparable non-accelerated course, and whether the condensed timeframe for assessments is resulting in unsatisfactory student performance, etc.

Other minor revisions

We have no specific comments in relation to the other minor revisions.

Do you agree with the proposed transitional period for the Revised Standards?

The LIV supports the proposal for a staggered two-year implementation period to facilitate transition.

LIV members noted that it is nonetheless critical to ensure students who are currently completing or applying for courses that are accredited under the existing Standards are not adversely impacted if those courses no longer comply with the new Standards following the transition phase. The Committee should avoid imposing obligations on current students to retake new courses or units as this would prove burdensome on those who may have already entered the profession.

Do you have any other comments?

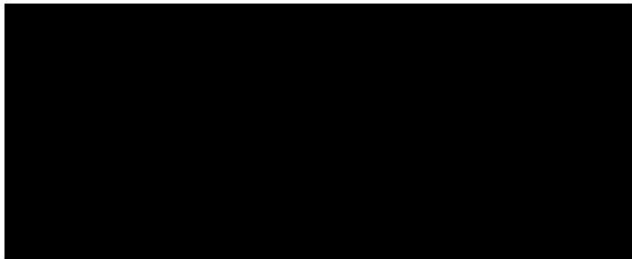
LIV members have recounted their own experiences with in-person and online teaching methods, however overall, it is noted that appropriate courses involve good design, good teaching, and proactive students to make a good learning experience.

Beyond the Standards, members also considered whether there was greater scope for law schools to teach practical skills that are required for early-career lawyers such as drafting agreements and letters of advice. Though the LIV notes that this is primarily the purview of Practical Legal Training providers, it is notable that some students question whether exposure to these processes should only come at the conclusion of a law degree.

Next steps

If your or your office would like to discuss any of the comments in this letter, please feel free to contact me or Basil Jones, Legal Policy Officer, at [REDACTED]

Sincerely yours,



Adam Awty
Chief Executive Officer

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Chief Executive