Legal Education Associate Deans (LEAD) Network
Email: [redacted]
With cc to [redacted]

The Admissions Committee of the Legal Services Council (Council) and
the Law Admissions Consultative Committee (LACC)
By Email: submissions@legalservicescouncil.org.au

20 June 2025

Dear Council and LACC,

Thank you for the opportunity to respond to the proposed amendments to the Accreditation Standards for Australian Law Courses.

We respond to these proposals on behalf of the Legal Education Associate Deans (LEAD) Network, a group comprised of Associate Deans Teaching and Learning, or equivalent, from Australian law schools. We note that this is a submission on behalf of the group, and that individual members of LEAD and/or their Deans or law schools may make separate submissions to the proposed amendments.

The most substantive item we would like to note is the addition of 'and statutory interpretation' to many (but not all) references to 'prescribed area of knowledge'. We completely understand, and support, how important statutory interpretation is in the law curriculum. However, other skills and knowledges are also important. This discussion is likely more something for consideration in relation to the prescribed areas of knowledge in the future, but we would feel remiss if we did not identify this as a key feature of the proposed amendments to the Accreditation Standards.

We now turn to consider the definitions section of the proposed amendments to the Accreditation Standards.

2. DEFINITIONS AND INTERPRETATION

We refer the new definition of assessment method:

> **assessment method** is the manner by which a student's learning may be tested and evaluated to be able to award a grade. Examples of different assessment methods include examinations, research essays, reflective notes and vivas, class participation, mooting and mock trials, oral examinations, problem solving exercises and practical tests, submissions and advice.

This definition appears to assume that all assessment is *of* learning (such as invigilated exams at the end of a unit) and does not distinguish this from other purposes of assessment, including assessment for learning (such as interim assessment for feedback to students to aid in the learning process) and assessment as learning (where students learn as part of the assessment, such as tasks that simulate real-life experiences).

We suggest the use of the term 'reflective journals' or 'reflective reports' rather than 'reflective notes' to better represent these sorts of tasks as assessments rather than notes that students may create for their own study purposes. We think this will embody the most common terminology used for these types of assessments (noting that these are examples and that different law schools may use alternative terminology).

Further, we suggest removing 'and' before 'vivas', 'and' before 'mock trials', and the 'and' before 'practical tests' so that each assessment is a separate assessment task, worthy individually. You may also wish to add examples like negotiations, simulations and/or client interviewing.

We agree with deleting the definition of face-to-face as other definitions cover the field.

Regarding the definition of invigilation, we recommend re-wording as follows:

> invigilation means supervision whether in-person, online, by technological or other means, or a combination of means, to ensure the academic integrity of the grade awarded to a student by the assessment method. For example, invigilation may be by using suitable automated supervision software or an examiner observing or supervising a student in the ***physical or online*** presence of the examiner ~~***(whether in-person or online)***~~***. [Our suggested changes are emphasised in bold and italics]***

We are concerned that the definition of law course as currently expressed is too broad, given the focus of the Accreditation Standards is on the requirements for admission to practice. The proposed definition is:

> **law course** means a tertiary academic course in law, whether or not it leads to a degree in law.

This definition includes specialised graduate diploma, Masters courses and TAFE courses, and so courses that do not form the basis of the academic requirements for admission to practice. We understand that the definition of law course needs to be broad enough to cover public and private providers of academic qualifications for admission to practice, as well as the importance that the definition is right given this forms the basis for the Standards as set out in 4. We recommend revising this definition to:

> **law course** means a tertiary academic course fulfilling a prescribed area of knowledge and statutory interpretation, whether or not it leads to a degree in law.

We believe that this will address early exit awards that may be in place where students may not complete an LLB or JD, but not be so broad as to cover other LLM and specialised qualifications not designed to meet the requirements for admission to practice.

In the definition of law school, we recommend the term 'unit' be changed to 'body', so that the term 'unit' may be consistently interpreted throughout the document as a subject that is part of a law course. Further, we recommend simplifying the definition of law school so that it reads as follows:

> **law school** includes an academic body within a university or another institution responsible for conducting a law course.

We recommend consideration be given to including reference to Schedule 1 of the Legal Profession Uniform Admission Rules 2015 at footnote 2, in addition to the LACC Statement on Statutory Interpretation (2009), to ensure that these are readily referenced from the Accreditation Standards. Perhaps both documents could be added to the Accreditation Standards as an Appendix.

We submit that the definition of synchronous online learning would benefit from either expansion via removal of the word 'synchronous' such that the defined term is 'online learning' or otherwise modification to reflect what we think is intended. The phrase 'interactive online chatroom discussions' may not reflect the 'direct interaction' specified at the beginning of the proposed definition. Discussion boards on common Learning Management Systems (LMS) used by institutions do not necessarily require real-time interaction. In some cases, teachers and students seeking real time interaction may utilise other platforms which may not enable production of an artefact of learning. In other cases, students and teachers may not, practically, be able to engage in a synchronous manner but can still engage asynchronously via LMS discussion boards, providing a valuable student learning opportunity. If the intent is to capture real-time interaction via an online chatroom, and exclude other valuable asynchronous learning opportunities, a qualifier to the examples would better achieve this:

> **synchronous online learning** means direct interaction between a student, teacher and/or other students in a virtual or online environment. Examples include attending live-stream lectures (but not listening to a pre-recorded lecture), videoconference calls and ***real-time*** interactive online chatroom ***discussions (but not asynchronous engagement in online discussion boards)***. ***[Our suggested changes are emphasised in bold and italics]***

We think it is important to use the word 'asynchronous' here to distinguish this from the direct interaction this definition seeks to address. We note that with live-stream classes (which we submit would be of more utility than 'lecture' as 'class' would encompass a tutorial, seminar or lecture), students may not be able to engage with the teacher in real-time (only via discussion boards or email, which would only be read/responded to by the teacher outside of the class), unless a teaching assistant is present to monitor any chat function, which is an expense many law schools could not afford. As such, a livestream lecture could be passive learning although in real-time. Further, a livestream class may also screen pre-recorded content.

On the definition of teaching method, we note that the typical flipped classroom model involves student preparation, which often involves reviewing a pre-recorded teaching artefact in addition to other preparation. Further, teachers commonly expect students to prepare for a tutorial by attempting the tutorial work before attending and participating in a tutorial. Ideally, the restrictive phrase '(but not student preparation or self-directed study)' would be removed from this definition, as student preparation and self-directed study (including through the research process) is often an inherent part of teaching pedagogy, reflected in subject design and development of teaching and learning resources. Subject design may include things like flipped classrooms and other innovations. Finally, research undertaken for some assessments would appear to be excluded from the definition through this phrase, although is inherently part of the student preparation is an inherent part of the learning process. In the alternative, some of these issues may be mitigated in part by an amendment to the definition:

> **teaching method** means the way in which the law school communicates and teaches the content of the law course to students, which may depend on the delivery mode. Examples include lectures, workshops, seminars, tutorials, flipped classrooms, group discussions, group work, problem solving, moots, role-play, programmed sessions and simulations (but not ***independent*** student preparation or self-directed study). ***[Our suggested change is emphasised in bold and italics]***

We note the proposed amendments to the Standards and make the following specific comments relating to the Standards.

4. THE STANDARDS

In the *Explanatory note* to 4.3 (a), we note that the length of semesters and trimesters, varies from institution to institution. And so it may be worthwhile considering the removal of the usual time frames for semesters and trimesters. Given the inclusion of 36 teaching hours in 4.5 (b) (iii) for prescribed areas of knowledge, the number of weeks is less important than this, more specific requirement. This could be amended to read:

> An accelerated mode may include intensives, which are units taught during compressed timeframes outside the usual ~~***12-week***~~ semester (i.e. two terms a year) or ~~***nine-week***~~ trimester (i.e. three terms a year) and might be taught over a winter or summer break, or through block learning models during shorter, but more frequent, terms. ***[Our suggested changes are emphasised in bold and italics]***
>
> The Admitting Authority may seek further information and data from the law school, for example, in relation to student attendance requirements and whether the intensive or block delivery would enable students to acquire the appropriate level of understanding and competence in the prescribed area/(s) of knowledge and statutory interpretation.

In relation to the reference to 'data' used in the proposed amendments, we recommend a reconsideration of whether the data is actually required, and if so, providing further clarification of what types of data would be required by the Admitting Authority, how that fits within the legislative framework on data and privacy, and an explanation on how the Admitting Authority would safeguard the data. We note that law schools would not be able to provide actual student attendance records due to privacy restrictions and that other 'data' would also need to avoid any sensitive information which may give rise to security concerns. Further, there may also be time periods set for destruction of data pursuant to institutional policy and so the data may not be available. Student achievement against learning outcomes are demonstrated through assessment tasks and the assessment tasks themselves provide better evidence of student understanding in the prescribed areas of knowledge and statutory interpretation.

Based on 4.5 (b) (iii) and 4.6 (b) (iii), it appears that the intention is that there is to be at least 36 teaching hours for each prescribed area of knowledge and that half this, so 18 hours, must meet the definition of active learning and/or direct interaction between teacher and student whether in person or via synchronous online interaction. Whilst the 36 hours as a 'benchmark' for a prescribed area of knowledge seems reasonable and appropriate, we are concerned that the additional specification of at least 18 hours being active learning and/or direct interaction may be both challenging to evidence and is, in part, dependent on factors which may be beyond a law school's control. The learning experience necessarily involves student engagement in their learning. Some of the examples given of, for example, synchronous online learning, may still involve passive

learning on the part of the student (listening to a livestream lecture), much like listening to pre-recorded lectures. Used well, pre-recorded lectures may actually prime students for more active engagement in classes that involve direct interaction, such that one facilitates or feeds into the other. The nature of some prescribed areas of knowledge also mean that some aspects can be taught and learned without extensive (or half) the time teaching time being direct interaction, while others may require more. We would recommend that this could be reframed as guidance, rather than a mandated requirement, that approximately half of the teaching hours should involve active learning and/or direct interaction. This would also be more consistent with the placement of the 18 hours of active learning or direct interaction under the heading of '*How can a law school show that it has met this standard*' rather than as part of the standards.

At page 14 at 4.7 under the third dot point (immediately preceding (a), at the top of page 14) we suggest changing 'the allocation of assessments' to 'the weighting of assessments' to make clearing that it is the weighting of assessment to which the standard is addressed rather than when an assessment is allocated during a semester, trimester or other teaching period. This said, we submit that the weighting of assessments and assessment methods should ultimately be a matter for the law school (and may be governed by institutional policy), and not the Standards.

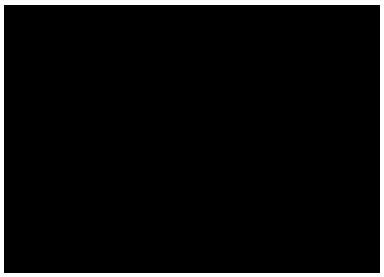
At page 14 at 4.7 (b) (iv), the inclusion of the words 'and statutory interpretation' suggests that there must be specific assessment of statutory interpretation that is conducted by invigilation that comprises at least 50 % of the assessment of statutory interpretation overall. This could be construed as requiring a law school to set an invigilated exam on statutory interpretation specifically, and that this comprise 50 % of the assessment on statutory interpretation. Such an interpretation would effectively require a law school to include in the core curriculum a subject on statutory interpretation in order to demonstrate that the requirement for invigilated assessment has been met, although statutory interpretation skills are inherent to multiple prescribed areas of knowledge. We suggest that this provision may be worded to make clear that the intention of including 'and statutory interpretation' here incorporates assessment of statutory interpretation skills within units that cover a prescribed area of knowledge, such as:

> (iv) provide evidence that at least 50% of assessments for each unit that covers a prescribed area of knowledge and statutory interpretation is conducted by invigilation ***(noting that statutory interpretation may be evaluated within assessments conducted by invigilation in one or more prescribed areas of knowledge). [Our suggested changes are emphasised in bold and italics]***

This additional text would serve to clarify that statutory interpretation does not need to be assessed in a standalone unit with 50% invigilated assessment.

Thank you for taking the time to read and consider the points made in this submission. If you would like to discuss further, please contact us via email. We look forward to seeing the next iteration of the Accreditation Standards for Australian Law Courses.

Yours sincerely,



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LEAD website: https://sites.google.com/view/lead-network/home