

Law Admissions Consultative Committee

Accreditation Standards for Australian Law Courses

(July 2018)

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1. INTRODUCTION

Since 2006, at the request of the Council of Chief Justices, LACC has promoted the development of uniform standards for accrediting, monitoring, reviewing and re-accrediting law courses for admission purposes. Because of the potential costs to law schools of responding to different regulatory requirements, LACC has also encouraged Admitting Authorities, where possible, to participate in, and to adapt to their purposes, accreditation and review processes undertaken by other regulators.

LACC therefore encouraged and supported the development and adoption of the CALD Standards for Australian Law Schools in 2009; but Admitting Authorities have subsequently found that the CALD Standards do not offer sufficiently precise criteria for an Admitting Authority to be confident of applying each standard consistently in all cases.

These Standards have therefore been prepared for use by Admitting Authorities. Where appropriate, they seek to be sufficiently flexible not to inhibit innovation in legal education. Further, they are designed to provide greater certainty for law schools about the matters which an Admitting Authority will consider relevant when accrediting, monitoring or reaccrediting a law course.

They are intended to complement, rather than supplant, standards employed by other regulators or external reviewers, including the CALD Standards for Australian Law Schools and, where an Admitting Authority considers it appropriate, to be used in conjunction with processes adopted by those other regulators, external reviewers or any independent reviews undertaken by the CALD Standards Committee.

These Standards will require more detailed documentation and responses from law schools to the relevant Admitting Authority that might formerly have been the case. It is envisaged, however, that re-accreditation reviews under these Standards would not be conducted at intervals of less than 5 years. Each Admitting Authority will adopt other mechanisms for more frequent monitoring of law courses and for approving significant course changes.

2. DEFINITIONS AND INTERPRETATION

2.1 Definitions

In this document, unless the context requires otherwise –

Admission Rules means the LACC Model Admission Rules 2015.

Admitting Authority means the body responsible for all or any of accrediting, monitoring, reviewing and reaccrediting a law course for the purpose of preparing students for admission to the legal profession.

AQF means the Australian Qualifications Framework.

CALD means the Council of Australian Law Deans.

CALD Standards means the CALD *Standards for Australian Law Schools*.

communication means the imparting or exchanging of information by oral, visual or verbal (including written) means.

direct interaction occurs when two or more persons, whether or not they are in each other's physical presence, are in synchronous or asynchronous communication with one another.

EFTSL means Equivalent Full Time Student Load.

element means –

- (a) in the case of a law school that follows the topics listed for a prescribed area of knowledge set out in Schedule 1 of the Admission Rules, one of those topics; or
- (b) in the case of a law school that follows the topics set out in the guidelines provided for an prescribed area of knowledge set out in that Schedule, a topic included in the law school's curriculum for that area of knowledge.

face-to-face means where two or more persons –

- (a) are in each other's physical presence; or
- (b) are in synchronous on-line communication,

and each is able either or both to hear and to see the other.

in-person means where two or more persons are in the physical presence of the others.

LACC means the Law Admissions Consultative Committee.

law school includes –

- (a) an academic unit within a university responsible for conducting a tertiary academic course in Australia that leads to a degree or other qualification in law; or
- (b) another institution conducting a tertiary academic course that leads to a qualification in law, other than a University degree in law,

and, in each case, that complies with the standards set out in this document.

on-line means connected to, served by, or available through a computer or telecommunications system.

prescribed area of knowledge means an area of knowledge prescribed in Schedule 1 of the Admission Rules.

self-accrediting provider means a registered higher education provider that has been authorised under section 45 of the *Tertiary Education Quality and Standards Agency Act 2011* (Cth) to self-accredit courses of study that lead to a higher education award that the provider offers or confers.

TEQSA means the Tertiary Education Quality and Standards Agency.

2.2 Interpretation

Headings are for convenience only, and do not affect interpretation. The following rules also apply in interpreting this document, except where the context makes it clear that a rule is not intended to apply.

- (a) A reference to –
 - (i) a legislative provision or legislation (including subordinate legislation) is to that provision or legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
 - (ii) a document (including this document) is to that document or provision as amended, supplemented or replaced;
 - (iii) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of that person; and
 - (iv) anything (including a right, obligation or concept) includes each part of it.
- (b) A singular word includes the plural and vice versa.
- (c) If a word or phrase is defined, any other grammatical form of that word or phrase has a corresponding meaning.
- (d) If an example is given of anything (including a right, obligation or concept) such as by saying it includes something else, the example does not limit the scope of the thing.
- (e) In deciding whether a student will have acquired or demonstrated **appropriate understanding and competence** in relation to an element or area of knowledge, as the case requires, an Admitting Authority will have regard to –
 - (i) the Level 7 criteria specified in the AQF;
 - (ii) the Threshold Learning Outcomes for the LLB or JD as the case requires; and
 - (iii) any other matter that the Admitting Authority considers relevant.

3. PURPOSES OF THE STANDARDS

The purposes of these Standards are –

- (a) to assist an Admitting Authority, when accrediting, monitoring, reviewing or re-accrediting a law course, to determine whether that law course –
 - (i) will provide for a student to acquire and demonstrate appropriate understanding and competence in each element of a prescribed area of knowledge; and

- (ii) meets the requirements of the LACC *Statement on Statutory Interpretation* ;
- (b) to provide clear, tangible guidance about what evidence is required to satisfy each standard relating to –
 - (i) the nature of a law course;
 - (ii) the duration of a law course;
 - (iii) the content of a law course;
 - (iv) teaching a prescribed area of knowledge; and
 - (v) assessment of a student's understanding and competence; and
- (c) to provide greater certainty for law schools about the matters which an Admitting Authority will consider relevant when accrediting, monitoring or reaccrediting a law course.

4. THE STANDARDS

4.1 The nature of the law course

- The course is a tertiary academic course in law, accredited in Australia, whether or not it leads to a degree in law.

(a) *Explanatory note*

The course must be "a coherent sequence of units of study leading to the award of a qualification" in law.¹

The qualification must be a degree or another similar qualification in law, awarded upon successful completion of a tertiary academic course.

A law course is "a tertiary academic course ... accredited in Australia" for the purposes of these Standards if it is either -

- (i) provided by a self-accrediting provider on the National Register of Higher Education Providers;
- (ii) currently accredited by TEQSA as leading to a regulated higher education award; or
- (iii) conducted by or on behalf of the New South Wales Legal Profession Admission Board.

(b) *How can a law school show that it has met this standard?*

A law school needs to provide the Admitting Authority with evidence that -

¹ See the definition of "course of study" in the *Higher Education Standards Framework: Advice to Minister*, Australian Government, December 2014, p 35.

- (i) the law course leads to a degree or similar qualification in law; and
- (ii) is comprised of a coherent sequence of units of study which form a course designated as a law course; and
- (iii) the law course is–
 - (A) provided by a self-accrediting provider on the National Register of Higher Education Providers;
 - (B) accredited by TEQSA as a course of study leading to a higher education award; or
 - (C) conducted by or on behalf of the New South Wales Legal Profession Admission Board.

4.2 The duration of the law course

- The law course includes the equivalent of at least three years' full-time study of law.

(a) *Explanatory note*

The total credit points for the law subjects or units in the course must equal or exceed an EFTSL of 3.0.

The course may be offered in a full-time, part-time or accelerated mode.

The LACC *Statement on Duration of Legal Studies*, provides that this requirement refers to three calendar years and that –

A law course that can be completed in fewer than three years may be accredited ... if the relevant law school satisfies the Admitting Authority that the course is, indeed, the equivalent of a three calendar year full-time course undertaken at the relevant law school, in terms of the breadth and depth of its content, the teaching methods to be employed and the assessment criteria and methodology.²

(b) *How can a law school show that it has met this standard?*

A law school needs to provide the Admitting Authority with evidence -

- (i) that the credit points allocated for the law course in total are equal to or exceed those required for an EFTSL of 3.0; and
- (ii) if the course can be completed in less than three calendar years, that the course is, indeed, the equivalent of a three calendar year full-time course undertaken at the relevant law school, in terms of the breadth and depth of its content, the teaching methods employed, and the applicable assessment criteria and methodology.

² See www1.lawcouncil.asn.au/LACC.

A law school can give the Admitting Authority the same evidence about the duration of the course that it provided for the purpose of recently being reviewed externally or being accredited by either a self-accrediting provider or by TEQSA. If the law school chooses to do this, unless the Admitting Authority determines otherwise, it will need to –

- (i) show that the recent review or accreditation required the law school to satisfy a similar standard to that required by the Board; and
- (ii) set out the relevant standard against which it was recently reviewed or accredited;
- (iii) set out when the review or accreditation occurred and by whom it was conducted, and
- (iv) give the Board copies of the principal documentary evidence that it provided for the purpose of that review or accreditation.

4.3 Learning outcomes

- The statement of learning outcomes for the course is directed to enabling students to acquire and demonstrate appropriate understanding and competence in the prescribed areas of knowledge.

(a) *Explanatory note*

TEQSA requires the specified learning outcomes for each course of study to "encompass discipline-related and generic outcomes, including ... knowledge and skills required for employment and further study related to the course of study, *including those required to be eligible to seek registration to practise where applicable*" (emphasis added).³

(b) *How can a law school establish that it has met this standard?*

A law school needs to –

- (i) set out any relevant learning outcomes for the law course; and
- (ii) show how achieving each of these outcomes will demonstrate that a student has acquired and demonstrated appropriate understanding and competence in each of the prescribed areas of knowledge.

4.4 Content of the law course

- The course includes teaching or other instruction in each of the specified elements in each of the prescribed areas of knowledge set out in Schedule 1 of the Admission Rules.

³ TEQSA, *Higher Education Standards Framework (Threshold Standards) 2015 Part A*, item 1.4, para 2c.

- The course also meets the requirements of the LACC *Statement on Statutory Interpretation*.

(a) *Explanatory note*

A prescribed area of knowledge need not be taught in a subject or unit bearing the same name as that used for the area in the Model Admission Rules. Similarly, the elements of an area of knowledge need not be taught in one subject or unit; they could be taught in several subjects or units.

An Admitting Authority may consider that the number of hours allocated to teaching a prescribed area of knowledge is relevant when determining whether that area is adequately covered.

(b) *How can a law school show that it has met this standard?*

A law school needs to -

- (i) describe where *each* element⁴ of *each* prescribed area of knowledge is taught in the law course. This might be done by way of a matrix or by mapping. Evidence could include the course syllabus, subject or unit descriptions or, by way of examples, lecture outlines or reading guides; and
- (ii) estimate the total teaching hours, whether face-to-face, on-line or in some other blended format, allocated to the teaching of each prescribed area of knowledge, and describe the teaching format for each prescribed area of knowledge indicating the predominant format and the use of other formats; and
- (iii) if the estimated number of teaching hours for any prescribed area of knowledge is less than 36 or, if teaching hours are inappropriate, either as a measure of direct interaction in teaching that area of knowledge, or because of the teaching method used (for example, some form of digital learning or of student research), demonstrate how students will nevertheless acquire appropriate understanding and competence in that area; and
- (iv) describe how the content of the law course reflects the knowledge and skills required by a student to satisfy the requirements of the LACC *Statement on Statutory Interpretation*.

4.5 **Teaching the law course**

- Each prescribed area of knowledge and any subject relating to Statutory Interpretation is taught by people qualified to teach that area of knowledge.

⁴ The term "element" is defined in clause 2.1.

- The law school uses teaching methods which enable each student to acquire the appropriate understanding and competence in each element of every prescribed area of knowledge.
- Each student in the law course has ready access to legal information resources that are sufficient in quantity and quality to enable the student to acquire the appropriate understanding and competence in each element of every prescribed area of knowledge.

(a) *Explanatory note*

The quality of teaching directly affects a student's acquisition of understanding and competence. Three dominant influences upon the quality of teaching are –

- (i) the qualifications and experience of the teachers;
- (ii) the teaching methods they employ; and
- (iii) access to legal information resources, particularly library resources.

A student needs to acquire both understanding and competence in each element of each prescribed area of knowledge. Admitting Authorities consider that this will not occur unless the teaching methods demonstrably require active learning, whereby students engage in critical analysis of the knowledge they acquire; test their knowledge by applying it to factual situations; are required to produce solutions supported by legal arguments; and reflect on the process they have followed. Admitting Authorities consider that direct interaction between students and teachers remains the primary reliable means of achieving these results.

(b) *How can a law school show that it has met this standard?*

A law school needs to satisfy the Admitting Authority that -

- (i) teachers in the program –
 - meet the AQF requirement that a teacher should have a degree one level higher than that of the course in which the person teaches, or
 - have equivalent experience in practice or teaching (which may be demonstrated by reference, say, to a person's specialist practice, scholarship, or standing in the academic community or legal profession), or
 - if a teacher does not fully meet either of the preceding criteria, that person's teaching is guided and overseen by other staff who do meet one or more of those criteria.

(A law school should provide a complete list of teaching staff (continuing, fixed-term and any casual staff employed at the date upon which accreditation

or reaccreditation is sought) and their relevant academic qualifications. The Admitting Authority may request further information about the relevant practice or teaching experience of staff who do not have the requisite higher degree.);

- (ii) the methods generally employed in teaching prescribed areas of knowledge, whether face-to-face, on-line or in a blended format, enable students to acquire appropriate understanding and competence in each element of that area of knowledge. (A law school will need to identify and explain any departures from those generally employed methods, in teaching any particular area of knowledge.); and
- (iii) the program of instruction primarily comprises either or both of –
 - (A) face-to-face instruction and learning; and
 - (B) instruction and learning involving direct interaction between teacher and student,

and enables students to acquire and demonstrate appropriate understanding and competence in each element of each prescribed area of knowledge; and
- (iv) the law school enables each student to have ready access to legal information resources, in paper or in electronic form; and
- (v) those resources are sufficient in quantity and quality to enable each student to acquire appropriate understanding and competence in each element of each prescribed area of knowledge.

It would be relevant for an Admitting Authority to know whether the law school's library has been independently assessed by the CALD Standards Committee and has been independently determined to have met, in this respect, the CALD Standards.

A law school can give an Admitting Authority the same evidence about teaching each of the prescribed areas of knowledge and Statutory Interpretation and about its legal information resources that it provided for the purpose of recently being reviewed externally or accredited by either a self-accrediting provider or by TEQSA. Unless the Admitting Authority determines otherwise, the law school will need to –

- (i) show that the recent review or accreditation required the law school to satisfy a similar standard to that required by these Standards; and
- (ii) set out the relevant standard against which it was reviewed or accredited; and
- (iii) set out when the review or accreditation occurred and by whom it was conducted; and
- (iv) give the Admitting Authority copies of the principal documentary evidence that it provided for the purpose of that review or accreditation.

4.6 Assessing understanding and competence

- Assessment requirements verify that a student has –
 - (i) acquired appropriate understanding and competence in every prescribed area of knowledge; and
 - (ii) acquired the relevant knowledge and skills set out in the LACC *Statement on Statutory Interpretation*.
- The course requires a student to achieve at least a pass grade before satisfactorily completing any subject or unit in which a prescribed area of knowledge or Statutory Interpretation is taught or assessed.

(a) *Explanatory note*

An Admitting Authority must be able to rely on a law school's minimum requirement for completion - a pass grade - as the conclusive indicator that a student has, in fact, acquired an appropriate understanding and competence in every element of a prescribed area of knowledge and has acquired the relevant knowledge and skills set out in the LACC's *Statement on Statutory Interpretation*.

(b) *How can a law school establish that it has met this standard?*

A law school needs to⁵ -

- (i) provide evidence that it requires, and that students are made aware, that all elements of each prescribed area of knowledge and all of the law school's teaching or other instruction in Statutory Interpretation are assessable; and
- (ii) provide evidence that its methods of assessment in each subject or unit in which a prescribed area of knowledge is taught confirm that a student has attained an appropriate understanding and competence in that area; and.
- (iii) provide evidence that its methods of assessment confirm that a student has achieved all of the outcomes specified in the LACC's *Statement on Statutory Interpretation*; and
- (iv) if grade descriptors apply to prescribed areas of knowledge, set out the descriptor for a pass grade; and
- (v) explain the process it uses to satisfy itself that grades awarded accurately reflect the level of student attainment

⁵ Compare TEQSA, *Higher Education Standards Framework (Threshold Standards) 2015*, Part A, item 1.4. paragraphs 3. and 4.