

# **Council of Australian Law Deans**



## **The CALD Standards for Australian Law Schools**

**As Adopted 17 November 2009**

## Part A: The Standards

### Definitions

Law course	The course or courses of study leading to a degree or degrees 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 school	Any university unit 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 and capacity 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.

### 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, professional responsibility, and community service.

## **2. The law course**

### **2.1 Educational outcome**

2.1.1 The law school has articulated 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 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.

2.2.4 The law school endeavours to provide, so far as is practicable, experiential learning opportunities for its students, including, but not limited to, clinical programs, internships, workplace experience, and *pro bono* community service.

### **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, professional responsibility, and community service.

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. awareness of and sensitivity to, and, so far as is practicable, internalisation of, the values that underpin the principles of ethical conduct, professional responsibility, and community service.

## **2.4 Course duration**

- 2.4.1 The law course requires the completion of the academic equivalent of at least three years, or six semesters, of 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 are consistent with the integrity of the law course and the capacity of the law school to comply with these Standards.

## **2.7 Course management**

- 2.7.1 The law school has the responsibility 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.

## **2.8 Postgraduate legal education**

2.8.1 So far as the law school offers educational programs in addition to the course or courses that satisfy the academic requirements for admission to legal practice, the requirements of these Standards shall apply, so far as they are applicable and appropriate.

## **2.9 Pastoral responsibility**

2.9.1 The law school's commitment to sound educational methods and outcomes includes a commitment to, and the adoption of practical measures to promote, student well-being, with particular reference to mental health and awareness of mental health issues.

# **3. Assessment of students**

## **3.1 Assessment methods and standards**

3.1.1 The law school has documented and published the methods and criteria 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 aligned with 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.

4.3.4 The law school is committed to and promotes the well-being of its staff.

## **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 all staff, including 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 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 person 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 and 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 and 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 as are necessary to support the teaching and research objectives of the law school
- h. primary and secondary comparative material from other legal systems which are the subject of study in the law school and are adequate to support the school's teaching and research programs
- 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, research and outreach objectives can be achieved.

6.2.2 The law school has sufficient facilities to enable effective 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, and to support its educational, research and community outreach programs.

## **7. Course and subject evaluation**

7.1 The law school has course and subject 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 and subject 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 equivalent 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.

### **9.3 Academic leadership**

9.3.1 Ideally, the title of the academic head of the law school is 'dean'.

9.3.2 The responsibilities of the academic head of the law school are clearly stated.

9.3.3 The academic head of the law school 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 primary responsibility for managing it.

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 programs and other activities, and to manage and deploy its resources.

### **9.6 Interaction with the legal profession and the wider community**

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

9.6.2 The law school seeks to engage with the wider community by encouraging its staff and students to use their knowledge and skills for the benefit of the community in outreach programs, including, for example, and so far as is practicable, clinical programs, law reform, public education, and other forms of *pro bono* community service.

## **10. Continuous renewal and improvement**

- 10.1 The law school has procedures for regular reviews and updating of its structure, functions, policies and practices, to rectify deficiencies and to meet changing needs.
- 10.2 The law school's teaching, research and outreach programs are responsive to legal and social change.

## **Part B: Application of the Standards**

### **11. Publication and Alteration of the Standards**

- 11.1 The Council of Australian Law Deans (CALD) shall publish a set of standards for Australian law schools, called *The CALD Standards for Australian Law Schools* ("the Standards").
- 11.2 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.
- 11.3 The Standards may be altered by CALD only after the proposed alteration has been considered by the Law Schools Standards Committee.
- 11.4 Commentaries to the Standards may be developed and amended 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.

### **12. Law Schools Standards Committee**

- 12.1 CALD shall establish a committee, to be known as the Australian Law Schools Standards Committee ("the Standards Committee").
- 12.2 The Standards Committee shall comprise at least five persons of whom at least two shall be from outside the law school sector.
- 12.3 Members of the Standards Committee shall normally hold office for five years, and are eligible for re-appointment.

- 12.4 CALD shall provide secretariat and administrative support to the Standards Committee.
- 12.5 The Standards Committee may establish panels, normally comprising at least one member of the Committee and augmented by other suitably qualified persons as appropriate.

### **13. Function of the Law Schools Standards Committee**

- 13.1 The Standards Committee, in its deliberations and decisions, will operate independently of direction from CALD.
- 13.2 The Standards Committee's functions are –
  - a. To consider and determine applications from law schools for certification as compliant with the Standards; and
  - b. To keep the Standards under review and to propose to CALD amendments from time to time.
- 13.3 The Standards Committee may –
  - a. Certify a law school as compliant with the Standards;
  - b. Provisionally certify a law school as compliant with the Standards, with that certification to be confirmed on the satisfaction of any appropriate conditions imposed by the Committee;
  - c. Hold over an application at any time, of its own volition or at the request of the applicant; or
  - d. Decline to certify a law school as compliant with the Standards.
- 13.4 A decision of the Standards Committee pursuant to clause 13.3 is not reviewable by CALD. However, the Standards Committee shall report its decisions in regard to applications for certification to the next meeting of CALD held after its decision has been made, and the report shall include its reasons for the decision. The report shall also note the applications that are under consideration.

### **14. Certification of law schools as compliant with the Law Schools Standards**

- 14.1 A law school may of its own volition apply to the Standards Committee for certification as compliant with the Standards. A law school is not obliged to seek certification, and may withdraw its application at any time.

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- 14.2 Best endeavours will be made to coordinate any application to the Standards Committee with other relevant intra-university or externally-imposed reviews.
- 14.3 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.
- 14.4 A law school seeking certification shall provide to the Standards Committee such documentation and assistance as is required by the Committee. This documentation shall include the law school's self-assessment against the Standards.
- 14.5 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.
- 14.6 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.
- 14.7 The cost of processing an application for certification shall be borne by the law school seeking certification.
- 14.8 Normally, certification shall be for a period of five years.