

CALD Update



In his final column in the ALTA Newsletter Professor Michael Coper, the immediate past Chair of CALD, outlined the wide scope, and the significance, of the Council of Australian Law Deans current agenda. Much of the credit for formulating and driving that agenda must go to Michael, whose energy and commitment to advancing the legitimate interests of legal academics and law students in a chronically difficult (not to say hostile) funding environment, has been inspirational. Given the breadth of CALD's agenda, and the recent change of Federal government, I thought it might be worthwhile to draw particular attention to two projects which the Council expects to bring to completion in the next few months.

The first is CALD's revised submission to the Deputy Prime Minister and (Federal) Minister for Education, Julia Gillard, concerning the funding of legal education. As Michael has already indicated, although governments are not easily moved on matters as contentious and complex as this, the Law Deans have consistently argued that existing financial arrangements are not only inadequate but methodologically flawed in fundamental respects. It is no real answer to this argument to point to the fact that individual universities have it in their power to "redistribute" operating grant monies internally according to a formula or formulae more generous to law programmes than that presently applied to universities by the Federal government itself.

CALD can hardly argue that other disciplines are being over-funded according to current arrangements. One need only recall the recent changes that were made to the funding of the Economics and Commerce discipline cluster to appreciate how inappropriate and unhelpful such a general assertion would be as the basis of a submission by Law Deans. There are however reasons for believing that a well researched and sensibly argued submission might be more sympathetically received at this point in the electoral cycle than at any time over the past decade. The Federal government claims to be committed to significantly improving support for education, including higher education. The Australian Law Students Association (ALSA) has written a powerful submission on the adverse impact on law programmes, from the point of view of students, of the present under-funding of legal education. And the Law Council of Australia has shown renewed interest in and strong support for budget measures aimed at improving the quality of Australian legal education. Of course none of these developments guarantees the better treatment of law schools by the Federal funding authorities, but at the very least they do provide reasons for cautious optimism in this regard.

The second and, in my view, closely related matter is the CALD project on developing standards for law schools and legal education. At its last meeting the Council resolved to "commit to a process of certification of compliance" with the standards set out in the draft report prepared, with the assistance of Chris Roper, by CALD's Standing Committee on Standards and Accreditation. All the Deans present or represented at that meeting undertook to "disseminate the standards within their law schools and other relevant communities" with a view to adopting those standards, subject to any agreed revisions or amendments, by the end of the year.

The importance and implications of subscribing to a set of agreed (minimum and aspirational) standards extend well beyond issues of accreditation. Their relevance to any convincing case that is to be made by CALD for more favourable Federal funding arrangements for legal education in Australia should certainly be clear to members of ALTA. For this if no other reason the draft standards that have been circulated by the Law Deans for general comment warrant close and critical reading by all interested parties. CALD is scheduled to meet next in Cairns in early July. The draft standards and your comments on them will be high on our agenda, as will the draft submission to the Federal Minister proposing improvements in funding for Australian law schools.

W J Ford

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