



Council of Australian Law Deans

This is a
continuing
segment
in the
ALTA
Newsletter

I am delighted to have been asked to write this inaugural column for the *ALTA Newsletter* in my capacity as Chair of the Council of Australian Law Deans ('that', declares our 2006 T-shirt, 'is what we are CALD').¹ CALD is after all the peak body of Australian law schools, and yet has traditionally kept a relatively low profile. Although each Dean undoubtedly reports back to you in the context of your own law school, it is useful for me to have this more general opportunity to tell you about CALD's current activities and aspirations.

If you look at the general landscape of peak bodies and professional associations, you will see a surprising diversity of functions—industrial, disciplinary, representational, promotional, educational—with particular examples usually determined more by history than by logic. CALD's major *raison d'être*, in my view, is advancement of the discipline; there are subsidiary functions, though many, perhaps most, hang off this overarching aspiration.

Interestingly, the Deans famously debated this very question—'why are we here?'—over dinner in Hobart in March 2006. Two broad views, and consequently differing assessments of CALD's record, were revealed. One camp was disappointed that CALD had not had more impact over the years on major issues of public policy affecting legal education (despite having made sporadic submissions on, for example, funding). The other camp evaluated CALD's record, and future potential, by reference to more limited and achievable goals—networking, information sharing, benchmarking, formulating standards, articulating aspirations, mentoring, raising the international profile of Australian legal education, all for the benefit of individual law schools and the discipline as a whole—and consequently made a more positive assessment.

The question was left unresolved, but I remain of the opinion that if one keeps clearly in view the overarching principle of advancement of the discipline, gains are possible at both levels. At the first and more ambitious level, CALD has been hampered by a lack of resources that has compelled it to be—and I say this with no disrespect to the dedicated pro bono efforts on behalf of CALD of many fine individual Deans over the years—an organisation of well-meaning amateurs that has not commanded attention. I am very pleased that CALD has recently recognised the need for, and accepted, substantial increases in the membership fee paid by each law school. Although still quite low at \$2500 for 2007, the resultant annual income of around \$75,000 will enable us both to enhance and professionalise the CALD Secretariat and to expand our capacity to undertake projects.

Reliance on membership fees alone will, however, never be enough, so I have been keen to explore additional sources of institutional support, many of which have previously been little tapped. DEST, for example, has little-known funds to support educational initiatives, especially in the international arena. Last year, DEST funded me to be part of an Australian delegation that went to Washington to discuss with the American Bar Association the greater mobility of lawyers between the two countries, which turns in part on greater recognition of Australian legal qualifications. DEST is also funding, with a grant of \$22,000, our conversion from hard copy to electronic form the CALD publication *Studying Law in Australia*, which helps to spread the word overseas about opportunities in Australia for international students. Even more significantly, we have secured from the Carrick Institute for Learning and Teaching a major initial grant of

¹ Not quite as good as the 2005 slogan ('many are chosen but few are CALD'), but passable. Suggestions welcome for the 2007 T-shirt.

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\$250,000 to enhance legal education in Australia—more on this in a moment.

But what does CALD do? Precisely how does it seek, as I have put it, to advance the discipline? How does its role contrast with that of ALTA?

One need only glance through the standard CALD agenda (or even more usefully the minutes, which I share with colleagues in my own law school and trust that other Deans do the same) to get a feel for the issues under discussion. Here is a small sample: making submissions on the RQF; formulating minimum standards for law schools and legal education; considering how to respond to law school rankings; liaising with the Law Admissions Consultative Committee (LACC, or more colloquially 'the Priestley Committee')² on requirements for admission to practice; drafting guidelines on academic misconduct for universities and admitting authorities; working for the recognition of Australian law degrees overseas; producing *Studying Law in Australia*; exploring internationalisation of the law curriculum. We also pick up on matters out of session; for example, I expect that we will shortly make a submission on the review of the Higher Education Support Act.

At our Melbourne meeting in July 2006, held in conjunction with the ALTA Conference, we had a very useful discussion with the ALTA Executive about our respective roles. My brief summary here will not do it justice, but in essence the role of ALTA was seen primarily as focused on the career development of individual academics, with the annual ALTA Conference and the production of *Legal Education Review* playing pivotal roles in supporting and fostering research, scholarship and teaching, while CALD's role was seen to extend over the whole range of matters of interest and concern to law schools. Whatever the issues of demarcation, closer cooperation was seen to be a good thing.

May I mention two final matters in this short inaugural letter. First, a major CALD undertaking over the next two years will be the Carrick project on enhancing learning and teaching, a topic which deserves a newsletter column in its own right. A significant decision was taken at the CALD meeting in Brisbane in October 2006 to improve our capacity to progress matters between meetings by establishing a number of CALD Standing Committees. The Carrick project will be progressed by the CALD Standing Committee on Legal Education, which currently includes myself, Dean Stephen Colbran (UNE), Dean Gary Davis (Flinders), and Dean Jill McKeough (UTS). The project is best explained in CALD's final submission to Carrick, of which your Dean will have a copy.

Secondly, CALD has not previously, to my knowledge, made public statements on matters of public concern, at least beyond submissions on matters relating to legal education. However, it seems to me, and the Deans have overwhelmingly agreed, that, if CALD is truly to be the peak body of Australian law schools, it is appropriate for it to speak up on, for example, controversies relating to the rule of law. Thus, CALD has made some strong statements on the David Hicks case. As CALD's resources grow, so too will its capacity to enter the fray in this way.

CALD sceptics often point to the difficulty of finding common interest amongst Australia's 29 diverse, and in many ways competitive, law schools. In my view, there is significant common interest; if there were not, it would make no sense to speak of advancement of the discipline. To give just one example, we clearly compete for international students—but there is enormous work to do first to raise the profile of Australian legal education overseas to persuade those students to come here rather than go to, say, the US or the UK.

Even more importantly, at the end of the day we are all striving to produce lawyers who are competent, ethical, and add value to society, and indeed to have a legal system which, despite the need for continuous improvement, we can be proud to defend. If that is not common interest, I don't know what is.

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² Justice Priestley, whose chairing role eponymously identified this committee for many years, stepped down from LACC last year, to be replaced as Chair by Professor Sandy Clark, consultant to Blake Dawson Waldron and former Dean of Melbourne Law School.