What a great ALTA Conference was enjoyed by all who were able to make it to the University of Auckland in early July! The well-chosen keynote topics and speakers, careful planning, great venue and no-nonsense Kiwi hospitality - all combined to make it a memorable event. Thank you to our hosts Professor Paul Rishworth, Dean of the Faculty of Law, and Professor Susan Watson, Head of the Commercial Law Department, as well as to the Conference Secretary Professor Bruce Harris and his team of hard-working colleagues.

We were provided with a great opportunity to reflect on our roles as tertiary legal educators in preparing potential law practitioners (and, by analogy, other professionals such as accountants) for their future careers. We were also able to share recent research findings through a broad range of interest group sessions that delved into diverse areas within the law discipline.

The Annual General Meeting included the launch by Robert Orr QC, Chief General Council, Australian Government Solicitor, of the ALTA Legal Research Series. Members are encouraged to contribute research papers to this searchable website hosted by Austlii <http://www.austlii.edu.au/au/journals/ALRS/> - as a venue for improving the impact of our research and for connecting law researchers not only within ALTA but also across the globe. Another item on the AGM agenda was a discussion about the potential adverse effect on legal research, including research into the teaching of law, of the Australian ERA journal rankings. Our NZ colleagues indicated that such developments are likely to have a flow-on effect for their PBRF process also. It is to be hoped that policy-makers in Canberra and Wellington will listen to the sector when they next review their quality assurance processes for research.

Meanwhile, Australian law academics are alerted to likely policy changes in the teaching and learning area. In Auckland, Professor Sally Kift addressed the AGM as well as the Legal Education Interest Group on the current Australian Learning & Teaching Council (ALTC) Academics Standards Project <http://www.altc.edu.au/standards/disciplines/law/>. Sally and Professor Mark Israel have been appointed the joint Discipline Scholars for Law in 2010 with the task to draft standards in the form of threshold learning outcomes for the Bachelor of Laws. These standards identify the skills, knowledge and other attributes that can be expected as minimum requirements for LLB graduates. The Project also seeks to establish a repository of evidence-based resources (to be known as the ‘Good Practice Space’) to support their development in Law Schools. Colleagues, who teach law as part of other discipline programs, will be facing similar issues as accounting and other disciplines go through the same process. Sally has provided a report for the Newsletter and Australian members (as well as those from other jurisdictions with an interest in teaching and learning) are encouraged to read the report and provide feedback on their recently released consultation document.

Another significant development for the tertiary teaching of law is the proposed revision of the Australian Qualifications Framework. The AQF Council released a consultation paper to ‘strengthen the qualifications framework’ in July 2010 <http://www.aqf.edu.au/>. It includes:

- A draft structure of 10 levels and the criteria for each
- Draft qualification type descriptors for each of the existing qualification types
- Draft specifications for selected AQF qualification types
- Draft policies for the issuance of qualifications, registers of qualifications, qualification pathways and linkages, generic skills in qualifications, and the addition or removal of qualification types.
Of particular interest to ALTA members who teach in Australian Law Schools will be the classification of the correct level (between Levels 7 and 10), and the correct qualification descriptor, of the following degrees:

- Bachelor of Laws (LLB – also referred to in the ALTC Standard Project)
- Honours degree in Law
- Juris Doctor (JD)
- Master of Laws (LLM)
- Doctor of Juridical Science (SJD) and Doctor of Philosophy (PhD).

Some potential implications of this review of the classification and descriptors for Australian law qualifications include:

- What is the appropriate level of an LLB and of an Honours degree in Law?
- What is the appropriate level for the combined or double degrees incorporating an LLB?
- What is the appropriate nomenclature(s) for ‘graduate entry’ first degrees in law? Can it equally be either an LLB or a JD?
- Should a JD be classified as a Level 8 or Level 9 qualification? Can it be either level depending on the particular JD program?
- If JDs are all expected to be at Level 9, could this require Law Schools who offer JDs to review their capacity to do so because this might require major changes to pedagogy as well as assessment practices?
- Could the introduction of an AQF distinction between a Level 9 JD and a Level 7 LLB affect the status of the LLB? (If so, what could be the economic ramifications for lower socio-economic status level students currently studying the LLB?)

Some of these questions may well be ‘purely academic’ and the underlying concerns may well be over-stated. Members can be assured that the Council of Australian Law Deans is engaged with the issue and held a special meeting to discuss the AQF paper in August. A senior officer from the AQF addressed the meeting (to which a NZ Law Dean had also been invited). CALD is in the process of corresponding with the AQF on behalf of the discipline. If you are interested in exploring this further, I encourage you to read the AQF paper and to discuss with your Deans or Assistant Deans (Teaching & Learning).

This Newsletter has been edited by our new ALTA Administrative Coordinator, Nathalie (Nat) Poludiewski. We welcome Nat in this new role that builds upon her prior experience as part of the ALTA Secretariat, having worked on the Legal Education Review and the Legal Education Digest.

At the AGM, we thanked her predecessor Katherine (Kat) Poludniewski for her many contributions to ALTA over recent years and wished her well with her future career. We also welcomed Associate Professor Jennifer Corrin, University of Queensland, to the ALTA Executive. Jennifer has been the Convenor for the South Pacific Interest Group for many years and brings a wealth of experience and a deep interest in the Pacific dimension to ALTA’s operations.

I commend this Newsletter to you with its update on a range of matters that are of interest to law academics.

Professor Rosalind Mason
ALTA Chairperson
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ALTA Conference 2011

My Lawyer Rules: Assuring legal and education standards

Brisbane, Queensland 3–5 July 2011
www.alta2011.com

My Lawyer Rules: Assuring legal and education standards

This theme responds to the current focus on higher education standards for teaching and learning as well as for research quality. Australia is establishing the Tertiary Education Quality and Standards Agency (TEQSA) which will regulate the sector against agreed standards for higher education, and the ALTC Discipline Scholars for Law - one of whom is QUT’s own Prof Sally Kift - are currently developing threshold learning outcomes for the Bachelor of Laws.

Both Australia and New Zealand have established quality assurance processes for measuring the quality of research outputs.

The theme also responds to the Australian move towards national standards for the legal profession.

It is therefore timely to explore the issue of standards for the legal education, and for the legal profession, with Australian teachers of law.

Keynote Speakers

Currently confirmed to join the conference include:

Professor Sally Kift
ALTC Senior Fellow
ALTC Discipline Scholar: Law
QUT Faculty of Law

Dr Carol Nicoll
Chief Executive Officer
Australian Learning and Teaching Council

Professor Richard Johnstone
Griffith Law School
Griffith University

www.alta2011.com

For general inquiries please contact alta2011@qut.edu.au, or to subscribe to the 2011 ALTA Conference Mailing List please enter your details at: http://www.alta2011.com/subscribe.html
University of Auckland
65th Annual ALTA Conference Report

Persistent rain failed to dampen the enjoyment of the 65th Annual ALTA Conference hosted by the Faculty of Law and the Department of Commercial Law of The University of Auckland from 4 to 7 July 2010. The ALTA Conference last came to Auckland in 1983.

The Conference commenced with an elegant reception in the Owen G Glenn Building foyer on the Sunday night. Monday, the first business day of the conference, began with a traditional Maori powhiri on the University's Waipapa Marae. The powhiri was conducted by Maori students from the Faculty of Law who not only welcomed, but entertained with their waiata, dance, haka and confidence in the Maori language.

The day reflected the multicultural nature of New Zealand society by ending with a Pacific Island themed dinner in the University’s Fale Pasifika. The Fale is built in the dominant exposed round beam style of a Samoan meeting house. The highlight of the evening was a bracket of vibrant drumming and colourful dancing from the University’s Pacific Tamure Polynesian Entertainers.

Between the powhiri and the dinner the business sessions of the day were built around the conference theme: “Power, regulation and responsibility; lawyers in times of transition”. The Chief Justice of New Zealand, Dame Sian Elias, and Professor Jeremy Waldron of New York University Law School and Chichele Professor-Elect of Social and Political Theory, Oxford University, presented papers at the first plenary session. Both papers built off the principle of the rule of law.

The Chief Justice spoke to a provocative title: “‘Law, Like Love’; why ‘guardians of the law’s rationality’ fail to satisfy”. Dame Sian reminded the legal academy of its value to the wider legal community:

“Academic lawyers have a greater freedom than others involved in the development of the law. In particular they have the freedom to identify the questions that must be asked... If the common law is properly to be seen as a method of change, the health of our law schools as producers of legal literature is now critical to the common law as a system. The advantages of academic input are also captured in statute law reform processes, where also the remorseless treadmill impacts on the ability of practitioners to contribute as effectively as formerly”.

Professor Waldron was concerned with the responsibility that the rule of law imposes on lawyers as advisers to government:

“... the Rule of Law should constrain lawyers in everything they do for their clients and for whatever moral goal or goals of social justice they are pursuing: they should pursue these aims through the Rule of Law, not around it, or in spite of it... Government lawyers should not be in the business of looking for pockets of unregulated discretion or loopholes in such regulations as do exist. They should not be advising their political bosses that they are entitled to avoid the impact of legal constraint where it is ambiguous or unclear”.

The Publishers’ Plenary on the Monday afternoon saw a trans-Tasman panel chaired by Professor Brian Opeskin (Macquarie Law School) address the issues around the interface between the legal academy and law reform bodies.

The responsibilities of legal advisers to government, and how law teachers may best train such advisers, was picked up again at the Tuesday Plenary by Robert Orr QC, Chief General Counsel, Australian Government Solicitor and Dr David Collins QC, the Solicitor-General of New Zealand. Both men, as the respective heads in Australia and New Zealand of the large teams of lawyers providing advice to government, were in a good position to identify the expertise and skills they expected in their colleagues. In step with Jeremy Waldron of the day before, Dr Collins said:
"... [T]he most critical principle is a requirement that public sector lawyers act in the interests of the public. This is an obligation closely associated with the rule of law... [T]he call for unconditional enthusiasm for a client's interests... does not sit happily with at least some general conceptions of the role and responsibilities of contemporary government lawyers and that as such, the zealousness obligation ought to be tempered for lawyers employed in the public sector‖.

The LexisNexis conference dinner was held on the Tuesday evening at the Royal New Zealand Yacht Squadron Club Rooms on the harbour edge. The LexisNexis - ALTA Law Teaching Awards were presented and Auckland Crown Solicitor, Simon Moore SC, delivered an entertaining after dinner speech. Those with energy still to burn enjoyed a vigorous bracket of dancing at the end of the evening.

At the final plenary session on the Wednesday, Professor Mary Keyes of Griffiths Law School addressed “Globalisation’s challenge to legal education and private law” and Dr Robert Joseph of Waikato Law School addressed “Power, regulation and responsibility in a 21st Century Maori governance context”. The respective perspectives of the private lawyer and the Maori lawyer brought a complementary balance to the strong traditional public law orientation of the plenary sessions of the previous two days.

An extensive interest group programme was at the heart of the conference. Twenty-eight different interest groups met in 49 sessions to hear the presentation of 142 papers. The Legal Education Interest Group led with 21 papers. Across the substantive law papers presented, 58 fell within private law and 60 within public law. Engaging paper titles included: “Wherever you hang your hat may be home, but is it ‘residential accommodation’ for GST purposes?”; “It’s just a game? Law’s reach in the virtual worlds” and “Skulls full of mush: reflections upon ‘thinking like a lawyer’ as a threshold concept”. The interest group programme was the culmination of not only an immense amount of research and writing by presenters, but also the result of a lot of work by the interest group conveners and the conference committee interest group co-ordinators.

In all the conference was a vigorous three days of intellectual stimulation, learning, friend making and fun for the 224 law teachers (from 47 law schools in Australia, England, Hong Kong, New Zealand, Vanuatu, Wales and the United States) and others who attended. The conference was greatly helped by the generous support of ten publisher and law firm sponsors: LexisNexis; Russell McVeagh; Routledge; Thomson Reuters; CCH; The Federation Press; DLA Phillips Fox; Palgrave Macmillan and Oxford University Press.

Bruce Harris
2009-10 Conference Secretary
OXFORD UNIVERSITY PRESS ANNOUNCES THE WINNERS OF CONNECTING WITH LAW SHORT FILM COMPETITION 2010

In its third year the Connecting with Law Short Film Competition has gone from strength to strength with another batch of student made short films that take an instructive, original and engaging approach to helping others connect with the law.

Oxford University Press would like to congratulate this year's winners:

FIRST Prize — $1500
La Spettatice Istruttrice
Dave Joyce, James Runingham, Dan Czimbler, Giovanni Merino, Michael Magoo
The University of Melbourne

SECOND Prize — $500
Law Is All Around You
Raymond Chant-Wells, Thomas Williams
The University of Western Australia

THIRD Prize — $250
Lawless
Tim Nguyen, Kim Welch, Justin McGowan, Hannah Wilkinson
University of Southern Queensland


A DVD of the winning and commended entries is available. If you are interested in receiving a copy please email us at: [bigpond.au@oup.com](mailto:bigpond.au@oup.com)

The commended entries all received a selection from the Law Guidebook Series and an Australian Law Dictionary.

Oxford University Press would like to thank all the students who entered for making this such an informative and entertaining competition. In addition, a big thank you goes to all the lecturers and bookshop staff who got involved.

We are also pleased to announce that the short film competition will be going ahead in 2011. Let us know if you would like to get your students involved and connect with the law.
The recent Auckland 2010 ALTA conference was a huge success and the New Zealand executive would like to pass on its thanks and congratulations to the organisers. The event created a lot of good will towards ALTA in New Zealand and it is the intention of the NZ Executive to build upon this. For our own part, the ALTA NZ lunch was a great event and led to a variety of constructive suggestions and comments from those who attended. The main message that came from all our contacts and discussions was the desire in New Zealand for more such events and the need to build greater collegiality across New Zealand legal academia. The NZ Executive will, in the coming few months attempt to address some of these issues.

Unfortunately, due to the loss of our administrator and the resignation of our Finance Officer putting this good will into practice has taken longer than we would like. We would however like to thank Brenda Markham for her huge efforts in managing the ALTA finances for the past six years. We would also like to extend our thanks to Camilla Morsch for her role in setting up the NZ newsletter.

It has become clear to the NZ Executive, however, that we need more involvement from the New Zealand membership if the ideas put forward at the conference are to be delivered. We are therefore keen to hear from individuals who would wish to take up a role on the Executive and/or within their Department. Once our new administrator is in place we hope to take this request to the membership in combination with a survey on the future of ALTA New Zealand. The ALTA executive is also exploring the possibility of working more closely with the New Zealand Law Deans and further information will be provided on this in a later update.

John Hopkins
Honorary ALTA NZ Secretary

LexisNexis-ALTA Awards
for Excellence and Innovation in the Teaching of Law 2011

Be Excellent.
Be Innovative.
Be Rewarded.

Recognition
Since 2008, the LexisNexis-ALTA Award has become a symbol of recognition for Excellence and Innovation in the Teaching of Law. This year, LexisNexis and the Australasian Law Teachers Association (ALTA) invite you to submit your entries for Major and Early Career categories.

Award
The winner of the major category will receive an engraved medal, cash award of $AU4000, and a one year ALTA membership. The winner of the early career teacher category will receive an engraved medal, cash award of $AU1000, and a one year ALTA membership.


Edition Two 2010  8
Monroe E. Price International Media Law Moot Court Competition

The Programme in Comparative Media Law and Policy, at the Centre for Socio-Legal Studies, University of Oxford, is pleased to announce that registration has opened for the 4th Monroe E. Price International Media Law Moot Court Competition. The purpose of the competition is to stimulate an interest in freedom of expression issues, but it can also appeal to students with an interest in human rights or regulation more generally. The international nature of this competition will encourage students to gain knowledge from legal systems different from their own by carrying out comparative study and research of regional and international standards to cultivate their arguments in both writing and oral forms. In previous competitions we have welcomed teams from Africa, Asia, Europe, the Middle East and North America. In 2011 we would be delighted to have some teams from Australia and New Zealand join us!

The oral rounds of this exciting competition are held at the University of Oxford and offer students an opportunity to argue a case before a bench of prestigious judges from different legal systems and backgrounds. The finals of the competition will be held from 30 March – 2 April 2011.

More details can be found at: http://pricemootcourt.socleg.ox.ac.uk

For further information, please contact louise.scott@csls.ox.ac.uk. We look forward to another exciting competition!

CLEAA 2010 Annual Conference

The Continuing Legal Education Association of Australasia (CLEAA) will hold its annual conference at Sydney’s Luna Park on 28-29 October 2010. The Conference theme is “Good Learning: Good for Professional Practice, Good for Life”. The Conference will start with an Open Forum “Continuing Legal Education – Secret Weapon for Success and Satisfaction in Law, or Just Another Compliance Event?”. The Forum is a free event to registered guests.

Other topics include “How to Make Learning Legal Ethics Interesting and Effective”, “Do CPD Providers Need Quality Standards and a Voluntary Code of Conduct?”, “How to Create and Effective Learning Culture”, “How to Develop Lawyer Leadership Capabilities” and “What is the Role for Legal Education and CPD in Resilience and Well-Being Initiatives for the Legal Profession?”

Conference fees and registration details are available at www.cleaa.asn.au or contact the CLEAA Secretariat at lreeves@leocussen.vic.edu.au
Drafting Standards for the Bachelor of Laws

In the last ALTA Newsletter, we outlined the Federal Labor Government’s plans for a new quality and regulatory agency based on recommendations stemming from the Bradley Review of Higher Education. Before the election, the Labor government began the establishment of the Tertiary Education Quality and Standards Agency (TEQSA) with Prof. Denise Bradley as Interim Chair and Mr Ian Hawke as Interim CEO. Given bi-partisan support, work on the formation of TEQSA seems likely to continue with a view to having the Agency fully operational from 2012.

TEQSA is to be charged with evaluating the performance of institutions and their programs of study against a range of standards criteria. These criteria will include those set out in the Australian Qualifications Framework (AQF) which is currently under revision. They will also be aligned with the academic standards that discipline communities nationally agree represent the core minimum or ‘Threshold Learning Outcomes’ (TLOs) for their graduates – what law students should know, understand and be able to do on graduation. The Australian Learning and Teaching Council (ALTC) has established the Learning and Teaching Academic Standards (LTAS) project to help discipline communities define these academic standards, which is where we come in.

We – Sally Kift (Queensland University of Technology) and Mark Israel (University of Western Australia) – have been appointed by the ALTC as joint Discipline Scholars: Law. Together with Rachael Field (Senior Lecturer at QUT) as Project Officer, we started on this project in February and report to the Department of Education, Employment and Workplace Relations in December.

Following consultation with law academics, regulators, professionals, judges and students across the sector, we are producing a statement of six TLOs for the Bachelor of Laws. These TLOs deal with: knowledge; ethical disposition; thinking skills; research skills; communication and collaboration; and self management. We have sought to develop TLOs that are clear, flexible and have legitimacy. They should also make it possible for Law Schools to meet concurrent requirements from the Australian Government, the professional Admitting Authorities, the Council of Australian Law Deans’ proposed Law Schools Standards Committee, and their own institutions.

While there are a range of reasons for the project, its value for Australian law graduates should be that they can demonstrate more easily to prospective employers inside and outside Australia that they have a particular base of knowledge, understanding and skills. It would, of course, be open to and sensible for graduates to indicate that they have additional knowledge and skills and for particular law schools to make more advanced claims about all their graduates.

The project should offer some help for law schools involved in curriculum reform projects. Standards, after all, should not mean standardisation and should not unduly restrict law schools’ autonomy nor impede their efforts to develop the curriculum for the Bachelor of Laws and innovate in terms of delivery. Several institutions have already indicated that they are using the Draft TLOs as a starting point to help map coverage of those skills and areas of knowledge across the curriculum.

Standards also have a role to play in protecting the tertiary education sector as a whole. In a 2009 discussion paper, the Australian Universities Quality Agency (AUQA) argued that the Standards agenda would underpin expansion in domestic and international student numbers and enhance both equity and excellence in higher education. AUQA concluded: ‘Higher education’s strategic importance to Australia’s economic and social prosperity makes it imperative that our institutions have robust strategies for demonstrating students’ academic achievement’ (p.4).

In this report, we provide an update on our activities since April.

- We ran a National Forum in Melbourne on 7th June for all Associate and Assistant Deans with responsibility for learning and teaching in law. Almost 40 academics attended, drawn from almost every Australian Law School. The Forum reviewed a full draft of the TLOs for the undergraduate law degree to ensure they were developed according to agreed principles. The group was addressed via pre-recorded video by Prof. Clark Cunningham, W. Lee Burge Professor of Law and Ethics, Georgia State University College of Law. As a result of the Forum, Associate and Assistant Deans in Law have established a permanent network that will continue to operate long after the LTAS Project has ended. The network has been endorsed by CALD with an interim organising committee, comprised of Kate Galloway (James Cook University), Dr Claire Macken (Deakin University) and Prof. Vicki Wanye (University of South Australia). The network will meet in Melbourne in late September. As part of this meeting, Associate and Assistant Deans are helping develop material that can support law schools in their implementation of the TLOs. This should include the identification of examples of best practice, resources and peer reviewers for the LTAS project.

• On 17th June, we met with the Law Admissions Consultative Committee in Melbourne to brief them on the project and receive feedback on drafts of TLO 1 and 2 (Draft 2.1) relating to knowledge and ethical disposition.

• In July in Auckland, Sally Kift provided CALD and the New Zealand Law Deans with an update on the progress of the TLO development and the aggregated feedback collected to date. With minor amendments, CALD endorsed TLOs 1 and 2, the content of the remaining TLOs and the proposal to draft non-binding supporting Notes.

• While in Auckland, Sally spoke at the Australasian Law Teachers Association AGM and presented a paper at the annual conference outlining the progress of the Project and the proposed TLOs.

• Briefings have also been given, on request, to a range of institutions including the Australian Catholic University, Australian National University, Queensland University of Technology, University of Technology Sydney, and University of Western Australia.

• Over September and October, we are conducting a process of consultation across Australia for legal academics, interested students and members of the profession. Hubs are planned for Adelaide, Brisbane, Canberra, Darwin, Gold Coast, Hobart, Melbourne, Perth, Sydney, and Wollongong. The sessions have been organised to inform the discipline community about the project, and seek feedback to support drafting of the final statement. An additional teleconference is planned for 15 October for those unable to attend a face-to-face meeting. Further information about venues and dates may be found on our website.

• Finally, we have been running focus groups in the Northern Territory, Queensland, and Western Australia in order to gather responses to the proposed TLOs from students and recent graduates.

In July, we circulated a third draft of the Standards Statement to all Law Schools and invited comment. The Consultation Paper, Draft Standards Statement for the Bachelor of Laws, is also available on our website. In most cases, consultations have ended with a broad acceptance that the discipline-based standards need not be very detailed as long as guidance on how to interpret each TLO was contained in a non-prescriptive and evolving set of Notes. These Notes will contain information about the provenance of each TLO, an exploration of the terminology used in the TLOs, and could evolve to provide examples of the TLOs’ implementation in terms of demonstrating students’ achievement. The project also aims to contribute material to a peer-reviewed repository of useful resources to provide practical assistance to discipline academics regarding standards implementation and measurement. Higher education providers and TEQSA should also be able to access the repository for assistance in developing standards-related processes. Eventually, and this should continue to develop once the Project and its website are handed over to CALD, the Notes could include reference to relevant resources held in the repository as the repository is developed by the ALTC over time. We have already started to list contributions under ‘Resources’ on our website. If you are aware of other useful resources, please alert Rachael Field r.field@qut.edu.au. It would be extremely helpful if you could either provide a link to the webpage (url) or a digital copy.

We remain convinced that the Academic Standards that are being developed by the discipline community are preferable to any that might be imposed from outside. The LTAS project provides a significant opportunity for legal academics, professionals, regulators and students to contribute to the creation of meaningful learning outcomes. We thank all of those people in ALTA who have already taken a keen interest in our work and invite all members to contribute if they wish.

You can find out more about our work at http://www.altc.edu.au/standards/disciplines/law. We can be contacted at sally.kift@altc.edu.au, mark.israel@altc.edu.au or r.field@qut.edu.au.

Mark Israel, Sally Kift and Rachael Field
ALTC Fellowship
LexisNexis-ALTA Award for Excellence and Innovation in the Teaching of Law

Partnering with the Australasian Law Teachers Association (which represents interests of law teachers and promotes excellence in legal academic teaching and research) LexisNexis recognises and rewards university lecturers who are making significant contributions to the way learning is delivered in law schools throughout the region.

Daemoni Bishop, Research Solutions Director of LexisNexis Pacific, said “the high calibre of submissions this year exemplify the quality of innovations currently taking place in teaching practice. LexisNexis is proud to recognise the exceptional work of law teachers in inspiring students to engage with their learning.”

The Winners

**Major Award Winner: Penelope Watson: Macquarie Law School, Macquarie University**

Penelope’s winning innovation is a Peer Assisted Learning program based on empowerment, teamwork and continuous learning. Students support each other outside the formal classroom through weekly PAL sessions in which later year students assist younger students to understand concepts and develop a range of legal skills. The lecturer plays an advisory/mentoring role on the PAL team.

PAL engages students by training students to take ownership of their own learning, embracing a vision of themself as teacher and learner concurrently. The work Penelope does significantly influences the curriculum of the Macquarie Law School.

Penelope says “the search for continuous improvement, really caring about students and their learning and a willingness to take considered risks are the drivers and enablers of innovation.”

She will be invited to write an article to be published on the LexisNexis website to share with the teaching community examples of effective and engaging teaching.

**Highly Commended: Julia Cassidy and Paula Gerber**

**Dr Julie Cassidy: Associate Professor School of Law, Deakin University**

Julie has pioneered the teaching of practical legal skills through experiential learning. An early adopter of technology to promote student access her innovations are an online simulation of a legal office called “Client View”. It has enabled indigenous students to study off-campus within their communities.

**Dr Paula Gerber: Senior Lecturer, Deputy Director Castan Centre for Human Rights Law; Monash University**

Paula’s innovation is her commitment to take students outside the classroom to learn (her construction law curriculum includes a
visit to a construction site). She has developed a human rights mooting competition around the *Victorian Charter of Human Rights and Responsibilities Act 2006*. This has wide influence and is being used by all Victorian universities not just Monash.

**Early Career Award Winner: Mohsen al Attar; Senior Lecturer, University of Auckland Faculty of Law**

Mohsen’s innovation is a workshop series for students of Pacific background aiming to increase enrolment of an under-represented group and to encourage older students to act as mentors to younger peers.

**Highly Commended: Melanie Schwartz; Lecturer, University of New South Wales**

Devised a ‘safe’ system that has been adopted by other law teachers – students sign up for class participation enabling discussion. Melanie also works and mentors with Indigenous students, using class activities to help them internalise learning.

**NEW 2010 AWARD - Mentor of Teaching Excellence: Professor Michael Adams: Head of Law School, University at Western Sydney.**

Nominated for his work mentoring early career academics and his staff achieve teaching excellence. His scholarly contributions in the field of Corporation Law are significant.

**The Importance of Innovation in Today’s Teaching Environment**

Educating the lawyers of tomorrow, law teachers play a vital role in engaging students in the learning of substantial legal knowledge whilst also developing key skills for success in practice. The innovations presented help overcome many of challenges facing legal educators today such as:

- An increasingly diverse student body demographic characterised by cultural and economic diversity
- Maintaining and improving teaching practice through innovation in poor funding environments. In the last 5 years, universities have moved to close the gap in government funding with annual donations and fund-raising campaigns. Universities Australia warns government-funded places do not cover the full cost of teaching presenting a risk to either quality or sustainability.
- Current educational learning theory moving away from the passive lecture model towards actively engaging students in the learning process
- The challenges and opportunities presented by new technologies
- Increasing commoditisation of legal practice and online legal services changing expectations of high street legal practice
- Increasing impact of globalisation on law school curriculum

Some key innovation themes from the submissions include:

- E-learning to create an interactive learning environment for both internal and distance students
- Variety of learning strategies to engage law students including role playing, group presentations and mooting in classroom context and practical legal placement programs outside the classroom
- Ways to identify and manage student behaviour especially those with academic difficulties, problems in their personal life or difficulty relating to peers
- Focus on providing law graduates with range of skills in addition to core knowledge to meet needs of employers.

**Photo A:** From left: Professor Rosalind Mason, Head of QUT Law School and ALTA Chairperson; Penelope Watson, 2010 Winner: ALTA/Lexis Nexis Award for Excellence and Innovation in the Teaching of Law.

**Photo B:** From left: Javier Dopico, Associate Director Pacific Texts, LexisNexis Australia; Dr Paula Gerber, Highly Commended: Award for Excellence and Innovation in the Teaching of Law; Professor Rosalind Mason, Head of QUT Law School and ALTA Chairperson.
Keeping Research on the Agenda: ALRS Tally Reaches 83!

The ALTA Law Research Series (ALRS), housed on AustLII, was formally launched at the July ALTA Conference in Auckland by Mr Robert Orr PSM QC. Mr Orr, who holds the position of Chief General Counsel, Australian Government Solicitor, congratulated ALTA and spoke of the possibilities for research provided by this important addition to the AustLII database. The Solicitor-General of Australia, Mr Stephen Gageler, also wrote to our chair Professor Rosalind Mason expressing his support for this ‘important initiative’ by ALTA.

Our administrator has emailed all members of ALTA asking for contributions to the Series. Information on ALRS including Editorial Guidelines and Frequently Asked Questions is available on the ALTA website. Authors must take personal responsibility for requesting clearance from publishers before uploading material. There is a proforma letter on the ALRS site that members can use to request permission for the uploading of previously published papers onto the AustLII site: http://www.alta.edu.au/ALTA%20Law%20Research%20Series.htm

At this point we have 83 papers on ALRS. Ideally we would like every member to have at least one paper available on the database. ALRS will assist ALTA members to make their research available internationally. When loaded in rtf, the articles will be fully searchable by the AustLII search engine, and results, including footnotes, will be included in Lawcite citation searches. The aim of the series is to provide citation indexing for each document. This means that law academics will be able to determine if their work has been used in judgments, policy documents, or any materials housed on the AustLII site. This is an exciting and revolutionary project benefiting all Australian law academics and is yet another achievement for AustLII and its pioneers - Graham Greenleaf, Andrew Mowbray and Philip Chung.

The ALRS Editorial Committee includes Dr Terry Hutchinson (Chair), Prof Rick Sarre and Prof Michael Adams with the assistance of Prof Rosalind Mason, Emeritus Prof David Barker AM and other members of the ALTA Executive Committee.

The ALRS Editorial Advisory Board includes Prof Bryan Horrigan, Prof Peter Macfarlane, Prof Kim Economides, Prof Brian Opeskin together with Professor Andrew Mowbray, Philip Chung and Professor Graham Greenleaf from AustLII.

We believe that ALRS will be of great benefit to Australian and New Zealand legal academics in a similar way as SSRN has been in the USA. The service is now available so we would invite you to load any papers you have on the site. ALTA is planning a second members’ survey this year and we will be seeking your ideas on any ways of promoting and improving this new member service.

Dr Terry Hutchinson (QUT Faculty of Law)
Foundation Chair ALRS

Photo A: Mr Robert Orr PSM QC Launching the ALRS at the ALTA AGM

Photo B: Clockwise from Left; Dr Terry Hutchinson, Professor Rick Sarre, Mr Robert Orr PSM QC, Ms Annelies Moens, Professor Rosalind Mason and Professor Kim Economides.
New Website: Using Cost-effective Multimedia To Create Engaging Learning Experiences

Would you like to incorporate multimedia into your teaching to create more effective and engaging learning experiences for your students but feel that you don’t have the funds, skills and/or confidence to do so? Professor Des Butler (Faculty of Law, QUT) was awarded an ALTC Teaching Fellowship for a program that included activities designed to share the knowledge, skills and techniques needed to create cost effective multimedia. Des has demonstrated several of his multimedia projects at previous ALTA conferences.

The Fellowship included workshops in a number of cities and the development of a website on the ALTC Exchange that features a comprehensive resources manual and instructional videos on:

Sources of Content;
Graphics manipulation using PowerPoint;
Audio recording and mixing using Audacity;
Video editing using Movie Maker; and
Creating eLearning environments using Xerte (such as those shown below).

The website may now be found at:


Please feel free to use the site and to pass the URL on to any of your colleagues who may be interested. Please also feel free to leave a comment by clicking on the third icon on the toolbar at the bottom of the website screen or by emailing Des at d.butler@qut.edu.au.
Congratulations the Winners of the 2009 CCH-ALTA Best Conference Paper Awards, who were announced at the ALTA Annual General Meeting at the 65th Annual ALTA Conference at the University of Auckland. They are:

**Best Overall Conference Paper**

**Winner**
Geoff Warburton - University of Western Sydney
‘The Fair Work Act 2009 (Cth): A New Model?’

**Highly Commended**
Penelope Watson & Con Papas - Macquarie University
‘Leading Change in Legal Education: Towards a Framework for Sustainable Curriculum Design and Knowledge Integration’

**Best Early Career Academic Conference Paper**

**Winner**
Jeswynn Rohan Yogaratnam - Charles Darwin University
‘Still See No Evil, Speak No Evil of Guantanamo Bay & Abu Ghraib?’

**Highly Commended**
Aashish Srivastava - Monash University
‘Electronic Signatures and Acceptance Issues: An Empirical Study of Large Australian Businesses’

**Best Conference Paper Presented to the Legal Education Interest Group**

**Winner**
Anthony Hopkins - University of Canberra
‘Teaching Evidence Law Within the Framework of a Trial: Relating Theory to Practice as Students take to their feet and take responsibility for Trial Narrative’

The Winner of each award has received $500 AUD.

Submissions to the 2010 CCH – ALTA Best Conference Paper Awards are now closed and Winners will be announced at the Conference Dinner at the 66th Annual ALTA Conference at the Queensland University of Technology.

2010 ALTA Institutional Members
Thank you for your support!

- The University of Auckland – Department of Commercial Law
- The University of Auckland – Faculty of Law
- The Australian National University – ANU College of Law
- Bond University – Faculty of Law
- Charles Darwin University – School of Law
- Curtin University of Technology – School of Business Law and Taxation.
- Deakin University – School of Law
- Griffith University – Griffith Law School
- James Cook University – School of Law
- La Trobe University – School of Law
- Macquarie University – Macquarie Law School
- Manukau Institute of Technology – Manukau Business School, Accountancy & Law Division
- Monash University – Department of Business Law & Taxation
- The University of Papua New Guinea
- The University of Newcastle
- The University of New England – School of Law
- The University of New South Wales – ATAX (Australian School of Taxation)
- The University of New South Wales – School of Business Law & Taxation
- The University of Queensland – TC Beirne School of Law
- Queensland University of Technology – School of Law
- RMIT University – School of Accounting & Law
- University of South Australia – School of Commerce
- University of Southern Queensland – Department of Law
- Southern Cross University – School of Law & Justice
- The University of Sydney – Faculty of Law
- The University of Sydney – Law Extension Committee
- The University of Sydney – Faculty of Economics & Business
- University of Tasmania – Faculty of Law
- University of Technology, Sydney – Faculty of Law
- Victoria University – School of Law
- Victoria University of Wellington – Faculty of Law
- Victoria University of Wellington – School of Accountancy & Commercial Law
- The University of Western Australia – Faculty of Law
- The University of Western Sydney – School of Law
- The University of Waikato – Law School
- University of Wollongong – Faculty of Law
JALTA was established by the Australasian Law Teachers Association (ALTA) in 2008 as a double-blind refereed journal that publishes scholarly works on all aspects of law. JALTA satisfies the requirements to be regarded as peer reviewed as contained in current Higher Education Research Data Collection (HERDC) Specifications. JALTA also meets the description of a refereed journal as per current Department of Education, Employment and Workplace Relations (DEEWR) categories.

JALTA represents an important initiative which supports the research endeavours of its members, in addition to ALTA’s highly regarded Legal Education Review (LER) and the Centre for Legal Education’s Legal Education Digest (LED), which is included in ALTA membership. The journal also appropriately reflects the prestige, maturity and development of ALTA as an organisation which now represents well over 1,000 members.

Following the publication of our inaugural “bumper” issue in 2008, the response to the 2009 issue of JALTA continued to be very strong and we received 34 submissions for consideration to be published with 23 of those submissions ultimately being published. All submissions underwent a rigorous double-blind peer review before being published.

We are now busy working on the 2010 issue of JALTA following the recently held ALTA conference and papers are under the review process as I write this note. I look forward to seeing the 2010 issue which I am sure will contain the same level of high quality papers that previous issues did.

I also look forward to meeting you at a future ALTA conference and would be happy to answer any queries that you might have about publishing in JALTA.

In closing, and most importantly, I need to extend my sincere thanks to a number of people whose collective efforts have made this journal possible. First, in addition to all members of the ALTA Executive, I would like to thank my Editorial Board colleagues for their counsel and support. Second, I must thank ALTA Interest Group Convenors and all referees who assisted us with the double-blind refereeing process. I would also like to offer my thanks to WritWrite and Kaushalya Mataraaratchi for their exceptional work in proofreading, David Brennan for his efforts in typesetting, and to CCH Australia Ltd for their generous sponsorship and continued support of the journal. Lastly, I need to record a special thanks to Katherine Poludniewski who was ALTA’s Administrative Coordinator and ALTA Secretariat. Katherine was responsible for bringing the inaugural 2008 and subsequent 2009 issues of JALTA to fruition and was tireless in her work on all aspects dealing with JALTA and was supremely organised and efficient. I can safely say that without Katherine’s contributions previous issues of JALTA would simply not have been produced in such a timely and professional manner. Nathalie Poludniewski has joined the team as Katherine’s successor and has already ‘hit the ground running’ making an immediate and valuable contribution so welcome on board Nathalie!

ALTA looks forward to continuing to contribute to the legal profession through this journal.

JALTA is now available for viewing at: www.alta.edu.au/JALTA.htm.

Professor Dale Pinto
Editor-in-Chief, JALTA
At the Legal Education Review we are progressing well with Volume 20, with some excellent articles currently in the refereeing process. We are grateful to referees who give their time without reward to support our publication. We anticipate publication of Volume 20 on time in December, so ALTA members should receive their PDF copy in January.

We welcome our new administrator, Alysia Saker, and thank our outgoing administrator, Nathalie Poludniewski, who has taken over the administration role for ALTA from her sister Katherine Poludniewski, who has recently graduated.

I am honoured to be joined on the Editorial Committee by Dr Nick James (UQ), Dr Allan Chay (QUT), Professor Lee Godden (Melb), Dr Wendy Larcombe (Melb), Ms Sonya Willis (USyd), Assoc Professor Donna Buckingham (Otago), Ms Anne Hewitt (Adel), and Ms Penelope Watson (Macq). We welcome Professor Patrick Keyzer from Bond University to the Editorial Committee, and farewell Dr Terry Hutchinson who, after years of service on the Review, has resigned in order to focus on the new Australian Legal Research Series (ALRS) hosted by AustLII. Her contribution to the Review has been enormous and she will be sorely missed.

In addition to the Editorial Committee, which runs the journal, we benefit greatly from input and advice (and referee input) from our Editorial Advisory Board, which currently includes the following members, in alphabetical order: Professor Michael Adams (UWS), Emeritus Professor David Barker AM (UTS), Professor Larissa Behrendt (UTS), Professor Michael Coper (ANU), Mr Nigel Duncan (City University, London), Professor John Farrar (Waikato), Professor Richard Johnstone (Griffith), Professor Sally Kift (QUT), The Honourable Michael Kirby AC CMG, Visiting Associate Professor Marlene Le Brun (ANU), Professor Erica McWilliam (QUT), Professor Carl Monk (International Association of Law Schools), The Hon Justice Marcia Neave (Monash), Dr W. Wesley Pue (University of British Columbia), Associate Professor Simon Rice OAM (ANU), Professor Elizabeth Sheehy (Ottawa), Professor William Twining (University College, London), and Professor David Weisbrot AM (ALRC).

While we continue to enjoy a very strong reputation internationally, thanks to our subscription agents, we are deeply concerned about the Australian journal rankings. We are now in our 20th year of operation, and prior to the recent ranking process in Australia, we enjoyed an A* ranking in the Education List. The re-ranking under the ERA process placed us as a C in the Law list (part of the overall Humanities and Creative Arts, HCA list). We believe that an error has been made but we have no way of knowing, for example, whether our journal was confused with another publication with a similar title (Legal Education Digest). Despite our efforts with the ARC, we have not been provided with any detailed criteria used to determine rankings, and have been simply told that the rankings will not be adjusted until the next ranking period, which is years away. We are surprised at the lack of transparency, procedural fairness, and accountability in the process – we use criterion-referenced assessment for our law students, so why not use a similar instrument for assessing journal rankings, given what is at stake?

If we look at the three main publications on legal education worldwide, the order of ranking should be Legal Education Review as A*, Law Teacher (UK) as A, and Journal of Legal Education (US) as a B or C. Instead, Journal of Legal Education has been given a B, whilst the two leading publications have been given a C ranking. Would it not be ironic if a process aimed at research quality had the exact opposite effect – a self fulfilling prophecy in which the higher ranked journals will earn their ranking due to the influx of articles from authors seeking A or A* publications, with lower ranked journals unable to attract excellent articles.

We are indeed fortunate that our reputation is such that we have been able to maintain the quality of articles for our current volume, and we trust that Australian law academics will continue to not be deterred from publishing in the Review because of a ranking error. Another irony would be a leading international legal education publication produced out of Australia with only international authors. Not to mention the impact on legal education research and scholarship in Australia. We seek your support in raising the ranking of the Review with anyone you feel could influence an equitable result.

If you have any questions about the Review please visit our website www.ler.edu.au or contact our administrator at admin@ler.edu.au. Submissions for Volume 20 are now closed, and submissions for Volume 21 are open until 30 April 2011.

Regards,

Dr Michelle Sanson
Editor-in-Chief
In Australia the future of legal education has again been placed in the forefront with the release of the Federal Attorney General’s proposals for the development of a National Legal Profession. The recommendations will necessarily impinge on the current admission arrangements whereby admission of current law graduates into the legal profession is under the control of the relevant Chief Justices of the States and Territories. It remains to be seen whether the implementation of the current proposals results in a more universal form of admission procedure.

Professional legal education is also an aspect of the Digest’s remit so it was with interest that this editor read in the New Zealand Law Society’s publication for members – Law Talk – May 2010 Edition – that the New Zealand Law Society Board had agreed to develop and introduce a competency assurance scheme, which will include some form of mandatory continuing legal education. Of interest to legal educators is that the New Zealand Scheme has followed that introduced into other legal jurisdictions whereby it recognises both structured CLE activities and unstructured or self-study activities. The latter, which includes such activities as reading, viewing (e.g. webcasts, DVDs, videotapes), listening (CDs, audio tapes, podcasts) and participating in informal discussion or training, will be welcomed by those legal educators seeking a more flexible and inclusive approach to continuing professional legal education.

This flexible approach to legal education is also incorporated into the book reviewed within this edition. Teaching Law: A Framework for Instructional Mastery is atypical in that it has been especially published for law academics with the object of developing a more focused approach to law teaching.

It will also be of interest to our readers that of the fourteen articles digested in this edition five come under the heading of Skills. This would suggest the increasing emphasis on legal analysis, research and writing in the development of lawyering skills.

Interestingly, whilst the first article is digested under the heading of Clinical Legal Education, it too is also concerned that law students are not adequately prepared for legal practice – the skills dimension. In this first article by Sandefur and Selbin the authors explore the new findings from After the JD (AJD), which is the title of a national, longitudinal survey involving an empirical study of the career aspects of approximately 5,000 early-career lawyers. The outcomes of the project suggest that new lawyers ranked clinical courses more highly than such elements of law school training as legal writing or upper-year lecture courses. The research also expresses the view of new lawyers that they also rated clinical training as one of the most helpful elements of the law school curriculum for assisting them in the transition to early work assignments as attorneys.

Educational Theory is the designation for Del Mar’s article which explores the possibility of studying some aspects of competition law on the basis of ‘thinking with the senses in legal playgrounds’. The author’s esoteric approach embraces an examination as to what legal education might be able to gain by taking seriously the richness of images and the ability to see. He argues that learning is part of knowledge and that such knowledge consists in the experience of insight acquired in the process of playing. This theory is further developed by examining how legal playgrounds as learning spaces might be used to teach the practice of precedent. A most thought provoking article.

Under Individual Subjects/Areas of Law Perlin deprecates what the article describes as the ‘ghettoisation’ of mental disability law within legal education, the topic being basically rejected as a subject in most traditional law school curricula. He argues that there is a sanism towards mental health law by the legal academy which reflects the prejudices of the rest of society. He strongly advocates the significance of therapeutic jurisprudence (TJ) in assisting in the assessment of the ultimate impact of case law and legislation in the way that affects mentally disabled individuals.

Interdisciplinary Aspects forms the basis for Burke, Johnson and Kemp to examine the role of business education in a flat world economy and to assess how legal courses equip business students with portable modern skills and relevant academic knowledge. The authors advocate the acceptance of the Boyer Model of Scholarship in achieving this objective whereby Boyer supported the abandonment of the traditional teaching vs. research model in favour of a much broader definition of scholarship.

Legal Education Generally is the heading for Owen’s article which investigates a number of reports which have been recently published on learning in the tertiary sector in the United Kingdom and which impinge on legal education generally. Many of the reports are concerned with funding and the development of clearer progression routes from vocational courses into higher education.

No edition of the Digest passes without at least one article on Legal Ethics and in this edition it incorporates an article by Rhode who examines the reason why it is only recently that ethics has been taken seriously by the legal community. In the view of the author it was the Watergate scandal which brought the American Bar Association to mandate accredited law schools to introduce courses focusing on ethical issues. These have also now become a required topic in an increasing number of American state bar...
In examining the importance of how future professional responsibility courses should encourage potential lawyers to match their personal values with their career priorities.

As already stated there are five articles which come under the category of Skills. The first by Christensen explores the relationship between law students’ achievement goals and their success in law school. It incorporates a research project relating to goal achievement theory and examines the correlation between students’ personal achievement goals in law school and their academic success (class rank). The research also explores the relationship between lawyering skills grade and mastery goal orientation. The outcomes of the study would suggest that the power of skills courses enhance the success of law students. In contrast Enquist’s article involves a small case study involving the working methods and composing processes of six law students. An outcome of the study was that successful students were putting in more than twice the hours of the least successful students and even 25 per cent more time than some of the moderately successful students. Johns’ article examines various aspects of critical thinking skills. Much of this is concerned with the Logic Doctor, a teaching method which is a discipline-specific and skill-specific method developed and used by the author. Miller and Charles question the traditional view that teaching critical thinking is straightforward and put forward the alternative opinion that cognitive psychology has taught that the best students are those who master the subsidiary skills of analysis. In arguing how legal analysis can be taught they illustrate their article by employing the familiar IRAC framework which incorporates Issue, Rule, Analysis and Conclusion. This concept involves the student in identifying the issue, the applicable rule, matching the facts to the law in an analysis or application and then finally reaching a conclusion. In the final article Salisbury explores the reasons why current legal writing programs are not currently equipping former law graduates to cope with the demands of the legal profession. To remedy this situation the author advocates the adoption of the legal research and writing model pioneered by JURIST. This is an online legal news and commentary service founded by Professor Bernard J. Hibbitts and hosted by the University Of Pittsburgh School Of Law.

Under Students, Tani and Vines question why so many law students and law professionals are disproportionately affected by depression. Their concern echoes those of others in the legal profession as to why many law students who commence their studies with a feeling of wellbeing become subjected to depression within six to twelve months of entering law school. One interesting aspect of their research is the significant differences in law students’ attitudes to their education as compared with students in other disciplines.

Teaching Methods & Media incorporates two articles. The first is a case study by McCall of the blended learning aspects of the University of Wollongong Professional Legal Training course. This involved the implementation of the technology offered by the University’s generic Learning Management System (LMS) which was supported by a framework for the course, an outcome of an Australian Universities Teaching Committee’s (AUTC) funded project. The other article under this heading is by Stephenson, Morse, Robertson, Castan, Yarrow and Thompson and concerns the advantages offered by the use of a Voice over Internet Protocol (VoIP) system in transmitting simultaneously an internationally comparative Indigenous rights course to students in six participating universities in a number of countries including North America, New Zealand and Australia. This videoconferencing technology is based at the host university (generally, the University of Ottawa) and embraces live classes which take place simultaneously.

In reviewing the output of all of these articles one is led to the conclusion that an enormous amount of thought and research is being devoted by law academics to their teaching programs. Surely this can only result in better outcomes for the future quality of the legal profession.

Emeritus Professor David Barker AM
Editor
The Council of Australian Law Deans has been busy considering a Consultation Paper which was released by the Australian Qualifications Framework (AQF) Council in the middle of this year. The AQF aims to provide a qualifications framework that is internationally benchmarked and promotes student mobility. However, questions are arising as to the place of Australian law degrees in the AQF scheme.

Several of the matters which are the subject of detailed consideration in the AQF consultation paper are of particular interest and concern to CALD as the peak body of the discipline of law in Australian universities. A special meeting of CALD was held on 20 August in Sydney, with a record attendance of Deans, some of whom had never or rarely been to CALD before. One matter clarified at that meeting was a reversal of the AQF proposal that there should be a change of degree abbreviation from the current and widely known LLB to B (Laws).

ALTA members will be aware of the work being done to develop Threshold Learning Outcomes (TLOs) for the LLB degree by Professors Sally Kift and Mark Israel. This work was presented by Sally Kift and discussed at the ALTA conference in Auckland in July. The learning outcomes are part of the standards required for the AQF, which determines the level of recognized Australian qualifications. Traditionally, an LLB is at ‘level 7’ (bachelors degree). However, there is a suggestion emerging that the law degree is actually a ‘level 8’ qualification, being a degree that meets the criteria for the higher level.

Another important example of unresolved issues within the AQF framework is the debate surrounding the various JD programs. A recent development in Australian legal education over the last 10 years has been the adoption of the "juris doctor", a graduate entry professional law degree leading to practice in the style of its North American variant from which it is derived. Half of all Australian law schools now offer this popular program and it is a significant pathway for non-law graduates into the profession. At present all JDs are offered to graduates only.

Where does the JD within the proposed AQF qualifications architecture? Several law schools would argue that as a graduate entry program the JD is to be placed at Level 9 similar to a Masters Degree by Coursework. Others fear that this devalues the LLB. A CALD Working Party is presently preparing a discussion paper on the LLB and JD levels.

Other matters which CALD has talked to the AQF about include the proposal that honours degrees can only be awarded after a separate fourth year of study in a special program after a three year degree. However this is a significant departure for those law schools which have invested in a ‘by merit’ approach based upon GPA across most or all of the degree. If it is intended that an extra honours year or two must be undertaken, the resource ramifications for institutions and the extended study implications for students are significant.

Professor Bill Ford
CALD Chair
No meetings of the Committee have yet been held this year.

It is anticipated that a meeting will take place in the near future to discuss the implications for legal education arising from the proposals for a National Legal Profession.

The Law Council has also been consulting widely with its Constituent Bodies’ CEOs with regard to the implications of the Learning and Teaching Academic Standards: Law and the Draft Standards Statement for the Bachelor of Laws Consultation Paper published in July 2010 by the Australian Learning & Teaching Council. This has involved the development of the evaluation of the performance of institutions and programs of study (such as the Bachelor of Laws) against a range of standards criteria. It is intended that these criteria will take into account those set out in the revised Australian Qualifications Framework Level 7 (AQF) which are to be aligned with the academic standards that discipline communities nationally agree represent the core/minimum ‘Threshold Learning Outcomes’ (TLOs’) for their graduates.

The development of the Learning and Teaching Academic Standards (LTAS) Project and the LTAS; Law, have been led by Professor Sally Kift and Professor Mark Israel, the current Discipline Scholars: Law, Australian Learning and teaching Council. They have developed, in consultation with the broad law community, a statement of six TLOs for the Bachelor of Laws. It is assumed that further information with regard to these proposals will be circulated elsewhere in this or a later edition of the ALTA Newsletter.

Emeritus Professor David Barker AM
ALTA Representative – Law Council, Legal Education Committee

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Emeritus Professor David Barker AM
ALTA Representative – Law Council, Legal Education Committee
The two most recent activities of the Academy have been a Reception on the 17th June at Admiralty House, Kirribilli, Sydney, hosted by the Governor-General, Her Excellency Quentin Bryce AC., who is a Foundation Fellow, for Academy Fellows, spouses, partners and guests. Professor Michael Adams, Immediate ALTA Past Chairperson with his wife Mellissa, and Professor Jill McKeough, Deputy Chairperson of CALD, were among the invited guests.

The other function was an Academy Roundtable Forum to discuss – *Trends in the National Legal Profession: Competing Tensions in Effective Regulation*. This took place on the 21 June in the Banco Court, Supreme Court of Queensland, Brisbane. The Panel consisted of a number of distinguished speakers – these were: The Hon. Paul de Jersey AC., Chief Justice of Queensland, Ms Louise Glanville, National Legal Profession Reform Taskforce, Mr Glenn Ferguson, President, Law Council of Australia and Dr Francesca Bartlett, Lecturer in Legal Ethics, TC Beirne School of Law, University of Queensland. The moderator of the Panel was Mr John Briton, Queensland Legal Services Commissioner. Professor Ros Mason, our current ALTA Chairperson, was in attendance.

Emeritus Professor David Barker AM
Secretary, Australian Academy of Law.
Transition from law school into the legal profession will be the focus of the newly elected ALSA Committee for 2011. Professional experience at university and graduate opportunities will be targeted to meet needs in pro bono work and rural, remote and regional centres. Over the next 12 months ALSA will work in conjunction with organisational stakeholders to affect change in educational policy on behalf of all Australian law students.

Election Priorities Document

ALSA released an Election Priorities document in August, calling on both major parties to reconsider their policy position with regard to:

1. Mental Health
2. Regional Access to Justice
3. Increased Support for Legal Pro Bono Services

These three key policies require urgent government attention. Underpinned by issues of justice; professional recruitment and retention; and the welfare and wellbeing of our students, it is in the interest of economic sustainability and community need that action is taken now. As such ALSA has asked both major parties to bring these issues to the top of their agenda and implement measures to inject more funds where they are greatly needed.

Over the next few months ALSA will be developing strategies to address these issues on an institutional front. Our aim is to realise improvements in each of these three areas across all universities within Australia.

International Comparison of Legal Curriculum

With the increase offering of international-flavoured postgraduate programs such as the Juris Doctor, ALSA recognises an opportunity for comparative research in legal education.

Over the course of the next 12 months ALSA intends to undertake a review of the different LLB equivalents in different countries with a view to assessing common substantive and practical law studies.

Subsidiary benefits of this review will be the ability to compare academic standards, graduate outcomes and determine the additional qualifications needed to practice in other countries. A significant point of interest will be common graduate outcomes pertaining to job-readiness in the global context. In collaboration with the New Zealand Law Students’ Association (NZLSA), ALSA will also shine particular light on trans-Tasman legal learning and qualifications.

Melissa Coade
Vice President Education
Australian Law Students’ Association 2010-11

The Australian Law Students’ Association (ALSA) is the peak representative body for law students in Australia. All Australian law students are members, and their interests are represented by each individual university's Law Students’ Society (LSS), who forms part of the ALSA Council.

ALSA acts as a lobbyist for Australian law student interests by writing submissions to government bodies and maintaining relationships with relevant legal bodies.

In July ALSA elected a new Executive and Committee, who lead the organisation and consult with LSSs across Australia in order to establish its policy and strategies to best represent Australian law students. For more information please visit our website at www.alsa.net.au
In praise of the IALS

Regular readers of this column will know, and irregular readers will not be surprised, that I am a strong supporter of the International Association of Law Schools (IALS). I see so many benefits in connecting our thinking and our experience in legal matters, especially in legal education, with the rest of the world. There are benefits to all of us, in Australia and elsewhere, in drawing on the wisdom of comparative experience, and the IALS is proving to be an excellent forum in which to pursue this aspiration.

This is a theme on which I have elaborated in the last two ALTA Newsletters (see http://www.alta.edu.au/pdf/newsletters/2009_alta_newsletter_edition_three.pdf and http://www.alta.edu.au/pdf/newsletters/2010_alta_newsletter_edition_one.pdf), and may now be taken as read. Let me therefore proceed immediately to an update from my last column.

Conference at the University of Milan

I had the great pleasure in May 2010 of attending the IALS General Assembly and Conference in Milan, Italy, on the subject of Labour Law and the Labour Market in the New World Economy (see http://www.ialsnet.org/meetings/labour/index.html). What, you might ask, is a nice constitutional lawyer like me doing in a place like this? Do I come here often? Well, the truth is (as the real labour lawyers know) that labour law is intimately connected with other areas of the law such as human rights law, discrimination law, migration law, constitutional law, and even international law, and is perhaps impossible to understand without making those connections, so the ambit of the conference was quite broad — as exemplified by the joint paper of myself and my young (and totally blind) ANU colleague Cameron Roles on the internationalisation of Australian labour law.

As ever, Australia was represented by a very strong contingent of our leading labour lawyers, including Joellen Riley (University of Sydney), who spoke on the teaching of labour law, and Rosemary Owens (University of Adelaide), whose paper addressed the intersection between labour law and discrimination law. Marilyn Pittard (Monash University), who had written about migration and visa issues, was unfortunately unable to attend at the last minute. All of these papers may be found at http://www.ialsnet.org/meetings/labour/papers/index.html.

My re-election to the Board

Of course, I have to admit that, in addition to my cameo appearance as a pseudo-labour lawyer, I also went to Milan in my capacity as a member of the Governing Board of the IALS, and to attend the regular Board meeting that is held in conjunction with these conferences. I am pleased to report that I was re-elected to the Board for another term — a matter less of personal satisfaction than of delight at the opportunity to be able to continue to contribute an Antipodean viewpoint. I can neither confirm nor deny that, before and after the conference, I found the experience of imbibing the Renaissance art of Venice and Florence, and the historical treasures of Rome, quite intoxicating.

From Milan to Buenos Aires — and thence to Bangalore

As foreshadowed in my last newsletter, the next IALS conference will be hosted by the University of Buenos Aires, Argentina, from 14-16 April 2011. The conference will canvas teaching, legal education, and strategic planning. I encourage all of you passionate legal educators out there to pencil in the dates, and, if you are at a law school not yet a member of the IALS, to encourage your Dean to sign up. The fee is modest and the rewards are large.

Also as previously foreshadowed, the 2012 conference will be hosted by the National Law School of India University in Bangalore, India, on the very important subject of human rights and the role of law schools.
When you go to San Francisco…

I mentioned in my last newsletter the pivotal role in the operation and success of the IALS of the Secretariat of the Association of American Law Schools (AALS). This manifests itself in many ways, but can particularly be seen now in the regular facilitation at the AALS Annual Meeting of sessions that, directly or indirectly, give a platform for the continuation of the global themes and concerns aired at the IALS conferences, especially in relation to legal education.

So it will be at the 2011 AALS Annual Meeting in San Francisco (5-8 January 2011), where there is a special IALS session on ‘core values in challenging times’, connecting with the AALS general conference theme of core educational values (see http://www.aals.org/am2011/brochure.pdf). Again, I encourage you to think seriously about going to the AALS Annual Meeting — some 3,000 American colleagues will flock to one of their favourite destinations, serendipitously one of the most accessible from Australia, to engage in four days of stimulating exchanges of ideas and networking. What better way could there be to start the New Year?

The relentless march of internationalisation

As the AALS opportunity indicates, our international connections are not of course confined to the IALS, and, indeed, a large contingent of Australian law deans travelled to Shanghai in July 2010 to participate in a meeting, sponsored by the Australian government and held at the Australian Pavilion at the Shanghai Expo, with around 40 of the Chinese law deans. No doubt CALD Chair Bill Ford will refer to this in his report; I mention it just as another strand in what I see as the seamless web of internationalisation of Australian legal education. Today the sharing of information and ideas about legal education; tomorrow the achievement of world peace.

Professor Michael Coper
Dean, ANU College of Law
Member, Governing Board IALS

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Convener Reports from 2010 Conference

CLINICAL LEGAL EDUCATION
Alternate Convener: Paul Rogers
Convener: Pamela Morgan
Number of Attendees: 3

Papers Presented;

The Parramatta Community Justice Clinic (PCJC) is an initiative supported by the University of Western Sydney (UWS), the Department of Justice and Attorney General, and the NSW legal profession, local businesses, community groups and Parramatta City Council. The PCJC provides high quality supervised legal advice (including in-court representation, if appropriate) and referral to other existing service providers including: Macquarie Legal Centre, Private law firms, Community services, Government agencies, Translation services. The Clinic provides an opportunity for “real world” experience for UWS law students while offering a free legal service to the people of Greater Western Sydney.

COMPANY LAW I
Alternate Convener: James Mayanja
Convener: Anil Hargovan
Number of Attendees: 15

Papers Presented;
First session: Monday 5 July 2010
Andrews N, Unregulated Irresponsibility: Lawyers and the Creation of 19th Century English Company Law
Berkahn M, Regulation of Insolvency Practitioners in New Zealand
Coffey J, Regulatory Persistence - What are the Implications? Fortescue and Fyffes

Harris J / Hargovan A, Statutory Business Judgment Rule in Australia: Directors’ Best Friend of Mere Window Dressing?
Second session: Tuesday 6 July 2010
Herzberg A, Through a Glass Darkly - Insights from Administrators’ Reports as to the Effectiveness of Australia’s Voluntary Administration Scheme
Keeper T, Independent Directors - An Examination in the Post Post World
Both sessions were well attended. Papers were presented on a wide range of topics touching on contemporary company law. Despite running out of time in the first session, there was a vibrant debate arising from the presentations at each session. The presenters and other participants deserve very warm congratulations for their enthusiastic participation.

COMPANY LAW II
Alternate Convener: Jason Harris
Convener: Anil Hargovan
Number of Attendees: 15

Papers Presented;
Third session: Tuesday 6 July 2010
Mayanja J, Enhancing Private Enforcement of Australia’s Corporate Continuous Disclosure Regime: Unshackling Litigation Funders Makes Eminent Sense
Nehma M, An Underused Sanction with Great Potential: The Use of Enforceable Undertakings by the New Zealand Securities Commission
Parker D and Veljanovski A, Regulators Target Advisers for Phoenix Activities
Fourth session: Wednesday 7 July 2010
Werren K, Corporate Accounting Principles and the Courts: Contested Premises in Dividend Policy

The third session was well attended and generated a lively discussion. There was considerable debate concerning comparative law issues. The fourth session took place at the end of the conference and so the attendance was smaller but the failure of one of the scheduled presenters to attend allowed for ample discussion and debate concerning Kip Werren’s paper.

ETHICS & THE LEGAL PROFESSION
Convener: Maxine Evers
Number of Attendees: 15 in total

Papers Presented;
Appleby G, Adelaide: The Solicitor-General of Australia: The function, independence and accountability of Australia’s most senior government lawyer
Evers M, UTS: Should we regulate or take responsibility? Depression in Disciplinary Cases: Findings and Treatment
James C, Newcastle: Virtuousness in Legal Practice – Legal Ethics meets Positive Education

Hosen N, Are Muslims Regarded as Second-class Citizens? A Reexamination of Legal Pluralism Vis-à-vis State
Second session: Wednesday, 7 July 2010
Hyland M /Lau K L Alex, The Australian Enforceable Undertaking and Infringement Notice: Lessons for Hong Kong
Guoqing Liu examines and compares the publicity of trusts in China and other countries. Hosen considers the debate on Shari’a in Canada, UK and Australia.
Hyland and Lau compares ASIC in Australia with that of in Hong Kong. For more information, see their abstracts.

CRIMINAL LAW
Convener: Kris Gledhill
Number of Attendees: 8 at each

Papers Presented;
First Session: Monday 5 July 2010
Brookbanks W, Claim of Right. Exploring its Boundaries as a Legal Defence
Burgess C, The Excuse of Accident; Leave it Alone!

McMahon M, Imminence and Self-Defence
Second Session: Tuesday 6 July 2010
Sarre R, Public and Private Policing: Some Legal Musings
Sayles F, Gang Legislation - A Fight for Justice?

COMPARATIVE & ASIAN LAW
Alternate Convener: Nadirsyah Hosen
Convener: Simon Butt
Number of Attendees: 5 at each

Papers Presented;
First session: Tuesday, 6 July 2010
Liu G, The Publicity of Trusts in Common Law and Civil Law Systems
Each paper had a significant link to the conference theme with a focus on diverse areas within the themes of power and regulation - the role and function of the government lawyer in terms of ethical responsibilities, the role of law schools in addressing two very current themes – cheating and anxiety and the disciplinary treatment of lawyers who have referred to depression in their conduct hearings.

Gabrielle's paper considered the fundamental role played by ethical lawyers to maintain the rule of law, in particular the role of the Commonwealth Solicitor-General as the second highest ranking lawyer behind the politically aligned Attorney-General.

Deborah's paper considered the ethical training, regulation and governance for government lawyers, in particular federal government lawyers in Canada. Deborah discussed whether the current code of professional conduct provides the best model for all legal practitioners.

Colin's paper looked at the idea of virtuousness in the legal profession within the context of law schools inspiring students to be agents of positive change within the profession rather than teaching students to “toughen up”.

Gerald's paper considered the legalities of students who cheat by purchasing custom written answers from internet websites, in particular the relationship between criminal law and students' culpability for offences committed under the Fraud Act 2006 (UK).

Maxine's paper looked at the treatment of tribunals in disciplinary cases where depression or mental illness is submitted as an explanation or part explanation for misconduct and how the range of sanctions provides some guidance to the issue generally.

Pauline Tapp and Rosemary Tobin considered the 2008 amendments to the Family Courts Act 1980 (NZ) which now permit accredited news media representatives to attend most Family Court hearings and, in certain circumstances, allows any person to publish a report of the proceedings. The paper considered a range of forces involved in the change to the law and considered judicial attitudes towards the issue of balancing family privacy and freedom of the press. The paper also produced data on a range of matters including media attendance before and after the amendments and data comparing student opinions on media presence in child related disputes and disputes about the sale of a motor vehicle. The paper also discussed a number of family law cases that have been covered by the media. In view of this coverage the paper seriously questioned whether the media is contributing positively to the democratic process in New Zealand.

Considering the time of the session (Tues, 4pm) it was well attended and stimulating
treated to an excellent paper on the role of Developing States in WTO litigation. Jodie O’Leary’s paper also took a global approach, looking at the limitations of International Criminal Law in relation to institutions. This controversial topic led to some interesting comments from the audience on the future direction of ICC in this area and indeed whether institutional liability was the correct approach. The final paper in the first session took a more domestic approach, examining the impact of the definition of refugee in the 1951 Convention on Australian refugee policy and the argument for a new approach to the definition. In the second session, a small but select group, heard papers on Private International Law and the role of International Law in New Zealand’s legal system. Geoff Fischer presented work on the working of the Rome I Convention (now the Rome I Regulation) in the field of contracts across the European Union. The final paper presented my own work on the role of International Law in New Zealand. The quality of the papers this year was to be commended and I hope it bodes well for the future of this interest group in the future.

**LABOUR LAW**

Alternate Convenor: Jennifer Nielsen
Convenor: Kristy Richardson

Number of Attendees: 10

Papers Presented;
Batty R, Auckland: The Intersection of Fiduciary and Fidelity Duties and Departing Employees
Zetler J and Greenwood V - Macq: ‘Trapped in a Warp’: Managing the Effects of Academic Workplace Changes

Two papers were presented, both of which engaged the interest group and promoted great discussion. Both papers presented spoke to very live issues in employment law.

Rob Batty’s paper critically examined the relevance of the taxonomic distinction made between the duty of fidelity and fiduciary duties in an employment context, with particular reference to an employees’ post-termination activities, in light of emerging principle in Aotearoa/ New Zealand. Julie Zetler and Verity Greenwood’s paper spoke to their current research in relation to an emerging and serious workplace concern: stress amongst casual academic staff. Their initial results, based upon empirical data, provide great cause to be concerned about the health and well being of casual academic staff, and raises a serious issue suggesting urgent intervention is required through labour law – both in terms of occupational health and safety, and industrial protection.

**LAW AND COMPUTERS**

Conveners: Alexandra Sims
Number of Attendees: 7

Papers Presented;
Rumbles W, Waikato: It’s just a Game? Law’s Reach into the Virtual Worlds
John Selby J, Macq: MelbourneIT – from Public to Private

Wayne Rumbles began by explaining that virtual worlds were no longer simply virtual with no interaction with reality - that people were making real money on line by making and selling things. And where money goes, the law soon follows. Just as with real life, some people online attempt to take other’s money or property. Wayne looked at the ways in which the law was increasingly being used to regulate actions online as online participation and the generation of wealth increased.

John Selby began by looking at the mechanics of the .com.au domain name. In the early mist of the internet age no one was too fussed about the ownership of .com.au and indeed one person was able to manage the task of allocating all .com.au addresses for a time. Once the internet age took off Melbourne Information Technologies Australia Pty Ltd (a Melbourne University company) was granted, through a convoluted process, a non-exclusive licence to process applications to register .com.au. MelbourneIT quickly amassed a very large revenue stream which was increasing month on month. John explained how the subsequent float of Melbourne IT was poorly handled and how, if it had been done better, considerably more money could have been retained by Melbourne University, rather than what happened, a simple transfer of wealth from the public to the private sector.

**LAW AND MEDICINE**

Conveners: Shih-Ning Then
Number of Attendees: 9

Papers Presented;
Trowse P, QUT: Consent to Medical Treatment – A Child’s Prerogative?  
Tsui M, QUT: Lessons from Bayer Corporation and Anor vs Union of India and Ors on the global access to medicine regime

Wilson D, Canterbury: Death Tourism and Assisted Suicide Laws

Three papers were presented at the Law and Medicine Interest Group session. The diversity of these papers reminded us that this area continues to raise perplexing legal and practical problems, and that increasingly these problems have a global dimension.

Pip Trowse presented on the legal issues surrounding whether the Supreme Court can override a Gillick competent child’s decision to refuse consent to medical treatment. She examined the Supreme Court’s ability to override a child’s refusal to consent in Australia under the parens patriae jurisdiction and argued that the Court should not exercise its discretion under this jurisdiction where the child is ‘Gillick competent’.

Mabel Tsui discussed the issue of access to generic pharmaceuticals – an issue of growing concern in many nations – in the context of recent decisions in the Indian courts. She explained the domestic background to those decisions and examined the global relevance of those decisions in the context of international state obligations under TRIPS.

Dr Debra Wilson presented on the topic of ‘death tourism’, in which a person travels to another jurisdiction to gain assistance in dying. She discussed the legal framework under which this occurred in Switzerland and went on to examine the global trend of Bills being introduced to Parliaments on the topic of assisted suicide.

Thank you to the presenters for an enjoyable and informative session.

**LAW FOR NON LAW STUDENTS**

Conveners: Patty Kamvounias
Number of Attendees: 15-20

Papers Presented;
Barratt J and John Horsley J, Open Polytechnic & Manukau : Multiple Alterities: Reflections on Teaching Law to Non-Vocational Students in a Cosmopolitan Classroom of Technology
Miles T, UNSW: Online Role Plays in the Teaching of Contract law to Undergraduate Students in Non-law Degrees
Owens A and Hoetzer I, CQ University: What are the benefits of teaching
Australian law to non-law students from non-English speaking backgrounds?

Sims A and Miller L, Auckland: Online formative feedback in company law

Tanner E, Victoria: Legal Language and the Non-Law student

The Law for Non-Law Students (LNLS) interest Group had two sessions at the conference co-hosted by the Department of Commercial Law in the Faculty of Business and Economics and the Faculty of Law at the University of Auckland in July 2010. Six papers were presented by colleagues from both Australia and New Zealand. Themes included using technology to provide formative feedback and facilitate role plays; improving assessment thought the use of exemplars; identifying characteristics of legal language that may cause difficulties for non-law research students; and reflections on teaching in a cosmopolitan classroom and to students of a non-English speaking background. I would like to thank all presenters and participants whose contributions ensured the success of the LNLS sessions. I look forward to working with you all again for the 2011 conference to be hosted by the Queensland University of Technology.

LEGAL EDUCATION

Alternate Convener: Michelle Sanson
Convener: Patricia Easteal
Number of Attendees: 6

Papers Presented;

Basser L, La Trobe: Disability Rights and the Duty to Accommodate

Bonthuys E, Witwatersrand: The (in-) Adequacies of Reasonable Accommodation for Resolving Equality Issues in Family Law

Unfortunately we had a low attendance at this session, with only six attendees. What was lacking in numbers was made up for by the quality of our speakers (as an aside it was interesting that both speakers wore purple and black clothing). First we had Lee Ann Basser from La Trobe University who discussed the disjunct between the vision of the Disability Discrimination Act 1992 (Cth) and the reality, which is that it has resulted in less opportunities for the disabled rather than more. Most disabled people want a reasonable adjustment which will enable them to engage and participate, but instead they are given the remedy of compensation. Put simply, the legislation does not do what it claims to do. Our second speaker, all the way from University of Witwatersrand in South Africa, was Elsje Bonthuys. She looked at the fascinating issue of whether reasonable accommodation must be made for religious beliefs, and if so, whether this is only exacerbating social inequality in some contexts. Recent developments in South African law have seen government officials being able to refuse to conduct same-sex marriages on grounds of conscience or religious belief, creating a slippery slope. Given the interrelated topics by the two speakers, discussion was held over until the end, and was lively and fascinating. Those who were not in attendance certainly missed out.

LEGAL EDUCATION

Alternate Convener: Judith McNamara
Convener: Rachael Field
Number of Attendees: 20 at each

Papers Presented;

First Session : Monday 5 July, 3.30-5.00pm
Chair: Judith McNamara

Armstrong S and Sanson M, UWS: Aligning Expectations in First Year Law

Galloway K and Bradshaw R, JCU: Responding to Changed Parameters of the Law Student: A Reflection on Pastoral Care in the Law School

McNamara J, Francis L and Thomas M, QUT: Strategies to Promote and Support Student Pro Bono

Second Session: Monday 5 July, 3.30-5.00pm
Chair: Sally Kift

Barker D, UTS: Learning and Teaching in the Discipline of Law - What will be the Effect of the 2009 Australian Council of Law Deans/Australian Learning & Teaching Council (CALD/ALTC) Project on the Future of Australian Legal Education?


Russell M, AUT: Reflections on Learning: Students’ Insights to their Learning in a Practical Skills Course in the Core Curriculum

Kift S, Israel M and Field R, QUT: Legal Educators in a Time of Transition – the Development of Threshold Learning

Outcomes for Law


Third Session: Tuesday 6 July, 11.00-12.30pm
Chair: Judith McNamara

Gerber P, Monash: The Teaching of Construction Law and the Practice of Construction law: Never the Twain shall meet?

Carver T, QUT: Peer Assisted Learning and Generation Y: A Case Study

Watson P, Macq: Building communities of practice through Peer Assisted Learning (PAL)

Cappa C, UQ: Personal tutors: Adding to the pressure or lightening the load?

Fourth Session: Tuesday 6 July, 2.30-3.30pm
Chair: Judith McNamara

Beatte S, Victoria: Talking Legal Literacies

Yule J, McNamara J and Thomas M, QUT: Using Technology to Improve the Mooting Experience

Butler D, QUT: Entry into Valhalla: Contextualising the Learning of Legal Ethics through the use of Second Life Machinima

Fifth Session: Tuesday 6 July, 4-5pm
Chair: Judith McNamara

Reilly A: Socio-Legal Approaches to Teaching Labour Law: An Australasian Survey

James N, UQ: Skulls Full of Mush: Reflections upon ‘Thinking like a Lawyer’ as a Threshold Concept

Juriansz J and Newlyn D, UWS: Improving Performance in Contractual Problem Solving: Does the Use of Exemplars Alter a Students’ Marks?

Miles T, UNSW: Why Lawyers and Law Teachers should Read Novels Instead of Case Reports – the Art of Storytelling

Sixth Session: Wednesday 7 July, 2.30-3.30pm
Chair: Judith McNamara

Cowley J, UNSW: Understanding More about Sessional Teaching and Teachers in Law

Jensen D and James N, UQ: Best and fairest measure? A dialogue concerning the value of final examinations in the assessment of law students

Burns F, USYD: Friends-in-law: A...
Mentoring Program with a social focus
The legal education group was well subscribed, with 6 legal interest groups sessions and 24 papers presented in total. The sessions focussed on first year experience, ALTC projects and standards, peer assisted learning, and technology and another 2 general sessions. The first session on Monday, dedicated to the national legal education agenda was well attended. Papers in that session included the 2009 CALD project, the development threshold learning outcomes for law, professional skills and the ALTC Capstone project.

Supporting students was a recurring theme in many of the legal education presentations which covered issues such as the first year experience, pastoral care and peer mentoring. John Juriansz and David Newlyn presented the perhaps unexpected findings of their trial of the use of student exemplars of assessment. Nick James encouraged the explicit teaching of ‘thinking like a lawyer’ as a threshold concept for law students. Tim Miles’ presentation on the use of storytelling in teaching law was entertaining and thought provoking.

LEGAL HISTORY
Convener: P.M. Vasudev
Number of Attendees: 10
Papers Presented;
Di Lernia C, USYD: Aggrieved shareholder claims and the Companies Act 1862 UK
Head M, UWS: Crimes Against the State: A History of Abuse
Taylor T, UNE: Changing of the Guard: Law following Civil War
The interest group sessions were generally well-attended, and the audience were engaged. There were intensive question-answer sessions at the end of the presentations. This year, the subjects covered were quite wide ranging from crimes against the state to the development of legal habits of thought and company law history.

LEGAL RESEARCH AND COMMUNICATION
Alternative Convener: Mary-Rose Russell
Convener: Natalie Cuffe
Number of Attendees: 30
Papers Presented;
Buchan J, UNSW: Publishing during Research Degree Candidature
Hutchinson T, QUT: Modelling a Framework for Producing a Quality Research Paper
All three presenters generated a lot of interest in their papers, especially Jennifer Nielsen, whose topic was obviously of great personal concern to participants. Jenny Buchan presented a very useful paper on the benefits of publishing during research degree candidature. She spoke from her experience and highlighted the benefits for her thesis-writing of critical feedback gained from publishing. Jenny demonstrated that it is possible to generate an amazing number of publications from research-work-in-progress.

Terry Hutchinson introduced an the model of an online interactive website which will provide law students with a framework for engaging in the legal research process. Aimed at students who are required to produce a substantial piece of legal writing, the website will model processes and will be of particular use to postgraduate international students.
Jennifer Nielsen’s paper explored the implications of the ERA framework and its implementation for legal researchers. She highlighted the potential of ERA’s stifling cross-disciplinary research. Of particular concern was the lack of space given to new researchers who wanted engage in critical scholarship which did not by its nature fit the confining structure of the ERA.

PROPERTY LAW
Convener: Fiona Burns
Number of Attendees: 10
Papers Presented;
First Session: Tuesday, 6 July: 11am – 12.30pm
Burns F, USYD: Aspects of Reverse Mortgages in Australia
Donellian S, UNE: Is State Vegetation Management Legislation Unjustly Enriching the Australian Government
Galloway K, JCU: ‘No Fault Ouster.’ Transition to a More Contemporary Understanding of Society?
This Interest Group Session went very well. The papers were well received. All papers generated a good degree of discussion about the discrete topics and the property law in general.
Fiona Burns’ paper dealt with the social and economic drivers for reverse mortgages in Australia and some of the legal problems that such mortgages present for lenders, borrowers and regulators.
Suzanne Donellian discussed the vexing problem of how to preserve natural habitat on private farms, yet not penalise farmers who wish to use their land for activities which may affect such habitat. The emerging difficulty is that farmers may be disproportionately carrying the burden of limited land use, whereas it ought to burden all Australians financially. The Australian government tries to meet its international obligations in regard to Australian native species of plants and trees, but appears to do little to compensate farmers, despite constitutional obligations to do so.
Kate Galloway, discussed recent cases about ouster and occupation fees in the context of co-ownership disputes involving the breakdown of de facto relationships. She argued that the recent developments are to be welcomed, although care should be taken not to overburden co-owners with occupation liabilities.
Second Session: Tuesday, 6 July: 4-5pm
Sawyer C, Wellington: Uncertainty
Toomey E, Canterbury: Nathan v Dollars & Sense Limited: Changing the Scope of Fraud by an Agent in the Torrens System
This Interest Group Session went very well. The papers were well received. All papers generated a good degree of discussion about the discrete topics and the property law in general.
Caroline Sawyer’s paper dealt with certainty of subject of matter in trusts. She argued that there is no single defining principle applicable to determine whether this crucial requirement has been satisfied. She has suggested that differences in approach may be related to the nature and scope of the various kinds of trusts in which certainty of subject matter has been raised.
Elizabeth Toomey’s paper dealt with the changing approach of the New Zealand courts to the liability of agents and registered principals of mortgages in the New Zealand Torrens System. She suggested that recent cases show that courts are more willing to ensure the liability of principals for the actions or omissions of their agents.

REVENUE LAW
Convener: Robin Woellner
Number of Attendees: 9-14 in each
and recent cases have clarified some issues, they have left others unclear and the paper explored recent cases which revealed interesting differences between the views of some Federal Court judges.

Kalmen's paper explored the some perennial issues in the constitutional aspects of tax law and recent decisions on what is a s.51(ii) "tax", and identified a number of legislative provisions in criminal, corporate and other jurisdictions (including s.197 Corporations Act) which impose obligations on company directors which might be argued to be unconstitutional.

Mark's paper - The recent Trinity case saw the NZ Supreme Court sweep away an established line of cases on the interpretation of their general anti-avoidance provision and the application of a new "parliamentary contemplation" test which – while courts have focussed on the economic substance/commercial reality in applying the test- raises a number of conceptual difficulties.

Ian's paper contrasted the Woolmington principle of the "golden thread of justice" in criminal law with provisions in the tax legislation which effectively reverse the onus of proof and require the taxpayer to definitively prove an assessment correct in the face of s177 ITAA and other provisions providing a presumption that the Commissioner’s assessment is correct.

The result is that a taxpayer is in a worse position than a person accused of a criminal offence.

Andrew’s paper - The NZ Organisational Review Committee and recent judicial comments and articles have criticised the NZ tax dispute resolution process as “cumbersome and costly”. A recent research project found that many stakeholders were unhappy with the system – not unexpectedly, since experts have access to the other client’s data, penalties remain payable, and the taxpayer will still incur substantial costs.

Ellen’s paper explored the question of the appropriate tax treatment for non-profit organisations in light of suggestions made in the 2009 Henry Tax Review Committee Review to establish a centralised National Charities Commission and to permit non-profits to apply their income tax concessions to their commercial activities and increasingly fund their own activities.

Elfride’s paper addressed the question of how a nation-state can effectively tax mobile transnational corporations which can move their operations around the world and manipulate prices through transfer pricing in a world of “late sovereignty”.

The conclusion was that effective taxing of transnationals is complex and difficult.

The Revenue Law Interest Group continues to be successful, with sessions were very successful, with 10 high-quality papers presented on a wide range of issues and interesting and animated discussion of key issues, though the time for discussion was limited by the number of papers in each session.

SOUTH PACIFIC LEGAL STUDIES
Convener: Jennifer Corrin
Number of Attendees: 9

Papers Presented:

Corrin J, UQ: Bargaining with Bainimarama: Accepting Judicial Appointment in an Unlawful Regime
Butler P, VUW: Update on Pacific matters
Paul Mae P, USP: Constitutional Reforms in Solomon Islands: Have we missed the bus?

As we had four speakers, spread over two sessions, we decided to run one session and go into the coffee break. Professor Brad Morse did a great job of chairing and keeping us all to time. The session was reasonably well attended and papers were all very interesting. There were some important questions during the discussion section and a great deal of information was exchanged.
Contact Us

If you have any questions, concerns or suggestions for our organisation, please contact us:

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